

# Reporting privacy breaches to the department

## Fact sheet for funded organisations

Timed to coincide with the introduction of the Client Incident Management System, a new form will be launched to help funded organisations notify the Department of Health and Human Services about privacy breaches. This fact sheet provides information about the changes.

## Background

Funded organisations have access to personal, health and sensitive information about clients, which is often provided on the basis of trust. It is critical that agencies protect the privacy of this information.

Under service agreement clause 17.3(i), funded organisations must immediately notify the department when becoming aware of a breach or possible breach of the organisation's obligations under the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*. This applies to breaches by the organisation (or any person acting on the organisation's behalf) of information that it is funded by the department to manage. The purpose of notifying the department is to ensure timely and effective management of privacy incidents, and to learn from incidents to improve how client information is handled.

Funded organisations currently report privacy breaches as category one critical incident reports, under the *Critical client incident management instruction technical update 2014*. These incident reporting approaches are to be withdrawn with the introduction of the client incident management system (CIMS).

At the same time that CIMS replaces critical client incident reporting, a new privacy incident report form will become available to enable funded organisations to continue notifying the department about privacy breaches. The form will also help to address the Commissioner for Privacy and Data Protection's recommendation that the department strengthen its privacy incident data management.

## The new form

Funded organisations will be able to notify the department about privacy breaches through a web based form. Possible privacy breaches should continue to be reported, as well as confirmed breaches. A printable version will also be available if staff need to handwrite information and then enter details into the web form later.

The form requires the agency to enter details about the privacy breach, clients involved, immediate risks, and how the breach is being managed and contained. In addition to the current critical incident report form, the new form will include fields on information security and practices.

Once the report is submitted, the nominated funded organisation contact will receive a confirmation email and a reference number. The report will be directed to the funded organisation's contract manager within the department (i.e. local engagement officer or program and service advisor), who will work with the funded organisation on managing the breach as required. This mirrors the existing approach.

Privacy incidents must be reported within one business day. A privacy breach that impacts a client may need to be reported as a client incident under CIMS as well as through a privacy incident report.

The new privacy incident report form and CIMS incident report form are different forms. They will be available from the same site.

No logon will be required to submit a privacy incident report form. The privacy incident report form will be a one-way information exchange, for the purpose of notifying the department about privacy incidents and actions taken to address immediate risks and issues. A key difference with CIMS is that funded organisations will not have a login to view information about their privacy incidents.

## Next steps

The privacy incident report form for funded organisations will be finalised shortly. Further information on how to access the form will be available once it is finalised.

## Further assistance

A guide will be available to help funded organisation staff complete the web form. The web form will also have inbuilt prompts to assist users complete each field.

For more information, contact the department's Privacy Team on 9096 0888 or email [privacy@dhhs.vic.gov.au](mailto:privacy@dhhs.vic.gov.au)

To receive this publication in an accessible format email [privacy@dhhs.vic.gov.au](mailto:privacy@dhhs.vic.gov.au)

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