

Independent Hospital Pricing Authority

Information Release Policy

Version 4.1 May 2018



IHPA

Information Release Policy – Version 4.1 May 2018

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Acronyms and abbreviations

CEO	Chief Executive Officer
FOI Act	<i>Freedom of Information Act 1982</i>
ICT Controls	Third Party ICT and Data Management Controls (annexed to the Third Party Usage of IHPA Protected Data Rules)
IHPA	Independent Hospital Pricing Authority
IPS	Information Publication Scheme
NHRA	National Health Reform Agreement
PGPA Act	<i>Public Governance and Performance Accountability Act 2013</i>
the Act	<i>National Health Reform Act 2011</i>

Definitions

Aggregate data	Summary data held by IHPA or on IHPA's behalf that does not contain information which may enable the identification of an individual or an organisation. Aggregate Data is not considered Protected Data.
Aggregation	The combination of related categories, usually within a common branch of a hierarchy, to provide information at a broader level to that at which detailed observations are taken.
Data	Representation of facts, concepts or instructions ¹ .
Dataset	Any organised collection of data.
Information	Information, including datasets, which is generated, created, collected, processed, preserved, maintained or disseminated by IHPA.
Metadata	Structured description of the content, quality, condition or other characteristics of data. Metadata needs to accompany data; otherwise the data being transmitted or communicated cannot be understood ¹ .
Protected Data	Data obtained for the purpose of Section 131 of the <i>National Health Reform Act 2011</i> (Cth) and clause B3 of the National Health Reform Agreement. Includes all Unit Record Data and Protected Aggregate Data
Protected Aggregate Data	Summary data held by IHPA, or on IHPA's behalf, which contains information which may enable the identification of an individual or an organisation. The question of when Protected Aggregate Data may enable the identification of an individual or organisation must be made on a case-by-case basis by reviewing the data to determine what information or conclusions the reader may draw from that data.
Protected Pricing Authority information	As defined in Section 5 of the Act, ...information that <ul style="list-style-type: none"> (a) Was obtained by a person in the person's capacity as an official of the Pricing Authority; and (b) Relates to the affairs of a person other than an official of the Pricing Authority
Small area level data	Small area level data refers to the level at which data may be safely released without compromising privacy or confidentiality.
Unit record file	Data held by IHPA, or on IHPA's behalf, which contains any information referring to a single event associated with an individual or an organisation (such as an episode of care, a phase of care or a service event). Unit record data may enable the identification of an individual or an organisation.

¹ <http://meteor.aihw.gov.au/content/index.phtml/itemId/268284>

1. Executive Summary

1.1 Background

The National Health Reform Agreement (NHRA) and the *National Health Reform Act 2011* (the Act) require IHPA to publicly report on its activities and disclose information in certain circumstances. IHPA is also bound by other legislative requirements including the *Freedom of Information Act 1982* (FOI Act) and the Information Publication Scheme (IPS) which provide a legislative framework for disclosure of government information to the public.

Information released by IHPA falls into one of three categories:

- Protected Data:
- Protected Aggregate Data; and
- Aggregate Data.

IHPA recognises that access to high quality, nationally consistent, health information is essential for the conduct of research and analysis and to inform the development of policies for improving health outcomes for all Australians.

IHPA does not collect or store personal patient information including name, address, phone number or Medicare number.

1.2 Purpose

The purpose of the IHPA Information Release Policy (the Policy) is to outline the principles and processes adopted by IHPA in the discretionary release of information.

IHPA is committed to transparency and open access to information and will publish as much information as possible, consistent with the objectives of the FOI Act and IPS and subject to the requirements of the Act. However, IHPA's practices with regards to information release are balanced against the obligation to respect and maintain confidential, commercially valuable and personal information.

The Act authorises IHPA to disclose information to certain agencies, bodies, persons and researchers subject to certain conditions.

IHPA will release information in accordance with the Act and the Policy where there is availability of IHPA resources to collate the information.

1.3 Scope

The Policy applies to information released by IHPA consistent with public and open access principles and in response to requests for release of information under the Act and NHRA. The Policy provides guidance as to how IHPA will determine whether to release information. Protected Pricing Authority information is protected by the secrecy provisions contained in Part 4.14 of the Act.

This policy does not deal with information requests where IHPA is required by law to release that information, though it refers to the circumstances in which such disclosures might be made and relevant IHPA policies.

1.4 Objectives

The overall objective of the Policy is to ensure that IHPA is:

- using a consistent approach in releasing information;
- complying with the legislative requirements, in particular Part 4.14 of the Act; and
- assessing risks associated with the release of information on the basis of a set of principles.

1.5 Review

The Chief Executive Officer (CEO) of IHPA will review the Policy, including associated documentation, annually or as required. This review will ensure the Policy remains current to sufficiently support IHPA in managing the risks associated with information release.

The Policy was last reviewed in April 2018.

2. Types of information release

Appendix B is an indicative list of the types of information held by IHPA. This list is not exhaustive, but provides an overview as to the range of information held by IHPA which may be subject to a request for release.

A significant amount of information held by IHPA or regarding its functions is already available to the public or is regularly released either voluntarily or due to public reporting obligations.

Appendix A lists IHPA publications and publicly available information.

The release of information by IHPA is subject to other IHPA policies and processes such as the Freedom of Information Policy and the Third Party Usage of IHPA Protected Data Rules.

2.1 Release of information to different parties

2.1.1 Release of information to external parties

IHPA may voluntarily release information, other than protected Pricing Authority information, directly to external parties following a request, by publication on the IHPA website, by way of public consultations or media release. Examples of public and open information access include:

- Website content
- Advertising to invite public comment or Requests for Submissions
- Stakeholder letters and emails
- Media releases
- Responses to requests for comment from media outlets.

Only the Pricing Authority Chair or IHPA CEO is approved to comment publicly or speak on behalf of IHPA on any IHPA issues.

Section 223 of the Act states that an official of the Pricing Authority may disclose protected Pricing Authority information if it is already publicly available.

2.1.2 Release of information to conduct research

Part 4.14, Section 221 of the Act states that if the Chair of the Pricing Authority is satisfied that particular protected Pricing Authority information will assist an agency, body or person to conduct research the Chair may authorise an official of the Pricing Authority in writing to disclose that protected Pricing Authority information to the agency, body or person concerned.

Under Section 224 of the Act, the Chair of the Pricing Authority may, by writing, delegate any or all of his or her functions and powers under this Part to the Pricing Authority CEO.

The Chair of the Pricing Authority will adhere to the Principles for Information Release detailed in Chapter 3 of the Policy to determine whether information will be released to conduct research.

2.1.3 Release of information to certain bodies, agencies or persons

Clause B97 of the NHRA sets out principles under which data collected by IHPA may be shared with other NHRA agencies and other Commonwealth and state and territory government departments and agencies.

2.1.4 Legislative requirements for IHPA to release information

IHPA may be required to release information based on legislative requirements (such as the FOI Act), subpoenas or other legal discovery obligations.

IHPA will comply with any requests in accordance with all its legal obligations and the principles of information release. If IHPA receives a request of this nature, it will assess the application; notify all jurisdictions via the Jurisdictional Advisory Committee; and release the data if it is appropriate to do so.

2.2 Legislative landscape and intergovernmental agreements

The release of information by IHPA is governed by various legislative requirements, including but not limited to the Act, NHRA, FOI Act and *Public Governance Performance and Accountability Act 2013* (PGPA Act).

2.2.1 NHRA and the Act

The following is a summary of the types of information which IHPA may release pursuant to the NHRA and Act.

Table1. Types of information release

Type of information release	Provision/s (the Act and NHRA)
Disclosure to:	the Act
Committees	Section 215
Minister	Section 216
State / Territory Health Minister	Section 217
Secretary or Head of Health Department of a State or Territory	Section 218
Royal Commission	Section 219
Certain agencies, bodies or persons:	Section 220
National Health Performance Authority	
Australian Commission on Safety and Quality in Health Care	
National Health Funding Body	
the Administrator of the National Health Funding Pool	
the COAG Health Council (formerly the Standing Council on Health)	
The Australian Health Ministers' Advisory Council	
The Australian Institute of Health and Welfare	
The Australian Statistician	
A state/territory government body that has functions relating to health care	
An agency, body or person specified in a legislative instrument made by the Minister with the agreement of COAG	
to assist in performing or exercising any of the functions or powers of the agency body or person, subject to the conditions in Section 220 of the Act.	
An agency, body or person to conduct Research	Section 221
Publicly available information.	Section 223

Type of information release	Provision/s (the Act and NHRA)
<p>For further details on what can be disclosed refer to the relevant provisions in the Act.</p> <p>As outlined in Section 214 of the Act, IHPA may also disclose protected Pricing Authority information for the purposes of the Act, for purposes relating to the performance of IHPA’s functions. This would typically occur where IHPA engages a contractor or consultant to provide services in performance of IHPA’s functions.</p>	
<p>Sharing of information with:</p> <p>agencies created by the NHRA – National Health Funding Body, the Administrator of the National Health Funding Pool, National Health Performance Authority (NHPA), Australian Commission on Safety and Quality in Health Care to meet functions set out by the NHRA</p> <p>the Australian Bureau of Statistics (ABS) to meet its legislative and contractual reporting requirements</p> <p>the Australian Institute of Health and Welfare (AIHW) to meet its statutory and contractual reporting requirements</p> <p>the Commonwealth Department of Human Services to perform its role of de-identifying patient level data to allow the NHPA and the Administrator to perform their functions</p> <p>the Commonwealth Department of Health for policy analysis and planning</p> <p>the Commonwealth Department of Veterans’ Affairs for policy analysis and planning</p> <p>the Commonwealth Treasury for policy analysis and planning</p> <p>State health departments for policy analysis and planning</p> <p>State treasuries for policy analysis and planning</p> <p>For further details on what information can be shared refer to the relevant provisions in the NHRA.</p>	<p>NHRA Clauses B97, B100 and B101</p> <p>Clause B97</p>
<p>Consultation with jurisdictions, including:</p> <p>Costs of providing health care services in the future</p> <p>Draft and final assessments of cost-shifting disputes and recommendations on cross-border disputes</p> <p>Advice to Commonwealth to adjust funding in relation to cross-border recommendations</p> <p>Provision of information which identifies significant anomalies in service provision or pricing</p> <p>For further details on consultation with jurisdictions refer to the relevant provisions in the Act and NHRA.</p>	<p>the Act Sections 131, 139 and 140</p> <p>NHRA Clauses A101 and B10</p>
<p>Reporting to:</p>	

Type of information release	Provision/s (the Act and NHRA)
<p>Minister or State / Territory Health Minister Parliament</p> <p>For further details on reporting requirements refer to the relevant provisions in the Act and NHRA.</p> <p>For reporting to Parliament it is not necessary for disclosure of information which is made in the course of parliamentary proceedings to be authorised by the Act. In this instance the disclosure of information in the context of a committee hearing or as part of responding to a question on notice would be characterised as being made 'in the course of, or for purposes of or incidental to, the transacting of the business of the House' (for the purposes of Section 16 of the <i>Parliamentary Privileges Act 1987</i> (Cth)). Statutory secrecy provisions do not abrogate parliamentary powers and privileges unless the provisions express a clear intention to do so. The secrecy provisions in the Act do not express such an intention. Where IHPA is asked to answer a question from a Parliamentarian or Parliamentary Committee IHPA will seek to confer with any jurisdiction that submitted information to IHPA that will be used to answer the request.</p>	<p>the Act Sections 208, 210 and 212 NHRA Clause B7 Parliamentary Privileges Act 1987 (Cth) Section 16</p>
<p>Publications including:</p> <p>Report setting out the national efficient price for the coming year Reports and papers relating to IHPA's functions COAG policy principles Final assessment where it is determined that cost-shifting has occurred Minister or State / Territory Health Minister (as required) IHPA's Work Program</p> <p>For further details on publications refer to the relevant provisions in the Act and NHRA.</p>	<p>the Act Sections 128(c), 131(g)(k), 133(3), 139(7), 208(4) and 225(1) NHRA Clause A101</p>
<p>Committees</p> <p>For further details on what information can be released to committees refer to the relevant provisions in the Act.</p>	<p>the Act Sections 207 and 215</p>

2.2.2 FOI Act and the Information Publication Scheme (IPS)

The FOI Act and the IPS provide a legislative framework for disclosure of government information to the public. In particular, the IPS underpins a pro-disclosure culture in the Australian Public Service, where agencies initiate the release of information in addition to responding to individual requests for information. The IPS came into effect on 1 May 2011 and requires agencies covered by the FOI Act, such as IHPA, to:

- publish an agency plan that explains how the agency will comply with its IPS obligations (Sections 8(1) and 8(2)(a));
- publish specified categories of information (Section 8(2)); and
- consider proactively publishing other government information (Section 8(4)).

Agencies are encouraged to have regard to the Principles on open public sector information. The guidelines encourage agencies to publish information in addition to their requirements under the

FOI Act and note that the Act does not limit or restrict publication of information by agencies, including information that is exempt from disclosure under the FOI Act (Section 3A).

The Principles are non-binding on agencies, and apply broadly to the spectrum of Australian Government agencies and their varied information holdings. The Information Commissioner can issue guidelines under Section 93A of the FOI Act to which agencies must have regard (the IPS guidelines mentioned above are an example of this). The Principles on open public sector information are not of that kind and are intended to inform information management policy in agencies more broadly.

3. Principles for information release

IHPA is committed to transparency and open access to information. Where IHPA receives a written request for information, IHPA will consider the following principles in determining if the information will be released. In summary, all principles outlined in Table 2 must be satisfied in order for information to be released.

Table 2. Information release principles and mechanisms

Information release principles	Information release mechanism
<p>1. Fit for purpose</p>	<p>Fit for purpose refers to the closeness of correspondence between the characteristics of the information provided and its intended purpose. Poor fit means that the information is unlikely to meet the needs of those requesting the information.</p> <p>Where required, IHPA will provide appropriate caveats around information to enable users to reach an informed view about the limitations of any information provided.</p> <p>IHPA will ensure that any caveats or limitations on the data that have been identified by the data custodian (i.e. states and territories) will be provided together with the information.</p>
<p>2. Compliant with legislation</p>	<p>Information release must comply with legislation dealing with privacy, secrecy, consent, commercial in confidence and access to freedom of information. Legislation includes but is not limited to:</p> <ul style="list-style-type: none"> Public Governance and Performance Accountability Act 2013 National Health Reform Act 2011 Privacy Act 1988 Freedom of Information Act 1982 Public Service Act 1999 Archives Act 1983 Electronic transactions Act 1999 Evidence Act 1985 Crimes Act 1914 Ombudsman Act 1975 <p>Any information provided to IHPA under a confidentiality agreement will be treated as confidential and not released on a discretionary basis.</p> <p>In general terms, IHPA is obliged to:</p> <ul style="list-style-type: none"> check the accuracy of the information before it is used; ensure it is used only for the purpose for which it was collected unless provided for by law; ensure it is not disclosed unless provided for by law and meets the

Information release principles	Information release mechanism
	<p>Information Release Principles; and ensure that release of information is in accordance with legislative requirements and is done in a way that ensures privacy and protects patient confidentiality.</p> <p>Where there is no legislative requirement for release IHPA will give jurisdictions the opportunity to make submissions on how they will be affected if information is released. Jurisdictions will be advised of any data manipulation IHPA has undertaken or plans to undertake prior to release (including small cells, etc.).</p> <p>Any submissions will be carefully considered by IHPA in making a decision, and all jurisdictions will be advised of IHPA’s decision.</p>
<p>3. Complies with the requirements of the IHPA <i>Third Party Usage of IHPA Protected Data Rules</i></p>	<p>IHPA has developed the IHPA <i>Third Party Usage of IHPA Protected Data Rules</i> policy to safeguard data handling and access.</p> <p>The IHPA <i>Third Party Usage of IHPA Protected Data Rules</i> policy is consistent with requirements under the Commonwealth Government information security requirements which require IHPA to protect assets from loss and unauthorised use, misuse and disclosure and to identify information that should be treated with a higher level of protection.</p>
<p>4. Suitable quality for use</p>	<p>In assessing the suitability of information quality for use, the following will be considered:</p> <p>accuracy and reliability;</p> <p>agreed definitions, methodologies, measurement techniques and reporting formats;</p> <p>limitations of the information, including suitable caveats, are clarified and stated in plain English; and</p> <p>reports and releases are accompanied by metadata (data about data).</p>
<p>5. Suitable for release</p>	<p>Irrespective of what information is released under this Policy, information is still potentially releasable under the FOI Act.</p> <p>Whilst IHPA operates in an open and transparent manner in accordance with the relevant legislation, certain information will be withheld from release in certain circumstances, including:</p> <p>Commercial in confidence – contains information that is commercial-in-confidence or otherwise commercially sensitive;</p> <p>Patient confidentiality concerns – information that, if released, may be in breach of patient confidentiality. Section 279(2) of the Act states that IHPA “<i>must not publish or disseminate information that is likely to enable the identification of a particular patient</i>”; and</p> <p>Health care professional confidentiality concerns – information that, if released, may impact on confidential issues related to health care professionals.</p>
<p>6. Resource availability</p>	<p>Information release requests can involve a significant commitment of resources, and sometimes specialised/technical resources. Under the PGPA Act IHPA is required to use its resources in an efficient and effective manner. The PGPA Act requires that IHPA is governed in a way that promotes the proper use of public resources, the achievement of IHPA’s functions and IHPA’s financial sustainability.</p> <p>There are various tests that will be applied to guide decisions on</p>

Information release principles	Information release mechanism
	<p>whether to commit resources. These may include assessment of the following:</p> <ul style="list-style-type: none"> public benefits exceed IHPA resource costs; ability to meet the request in the timeframes stated; reasonableness of the requests on IHPA resources given other priorities; and consequences of not providing the information.

4. Information release process

IHPA is committed to managing responses to information requests in a professional, courteous and timely manner. The following section outlines the process for requesting information and the process IHPA will follow in consideration of requests and the release of information.

4.1 How to request information

Any requests for information should be provided in writing to the IHPA CEO. The following should be used as a guide for inclusion in the written request for information:

- Aims(s)
- Critical dates
- Data services sought (e.g. data extraction)
- Data variables of interest
- Data collection involved (e.g. costing data, activity data)
- Time periods of interest
- Requestor contact details.

A copy of the Research Information Request Form is at [Appendix C](#).

4.2 Consideration of requests

As outlined in Chapter 3 of the Policy, where IHPA receives a written request for information, IHPA will consider the information release principles in determining whether the information will be released. The following principles must be satisfied in order for information to be included in reports or released to external parties:

- Fit for purpose;
- Compliant with legislation;
- Advised and consulted with jurisdictions and / or third parties (if relevant);
- Compliant with the requirements of the IHPA Third Party Usage of IHPA Protected Data Rules policy and other relevant IHPA policies and processes mentioned in this policy;
- Suitable quality for use;
- Suitable for release; and
- Resource availability to fulfil the request.

4.3 De-identification of data

IHPA will amend certain fields to minimise the risk of re identification of patients, including but not limited to: replacing date of birth with age calculated from date of birth and date of admission; replacing date of separation with month of separation; and substituting postcode with the Australian Statistical Geography Standard (ASGS) region unless requestors demonstrate a

strong requirement for the inclusion of these fields. IHPA will amend additional fields where the requested dataset has a large number of variables that in combination may re-identify patients.

4.4 Small cell area

Sound statistical practice will be followed to ensure that data is not disaggregated to a level that would enable identification of groups or individuals. Where required, IHPA will undertake procedures for making data confidential prior to release, including appropriate levels of aggregation and minimum cell size.

Data in a data cell shall not be released if there is a threat to privacy and confidentiality or if the data is of doubtful quality.

It is impracticable to have a fixed rule as minimum cell size is a function of the sensitivity and quality of data. For each data set request IHPA will determine the most appropriate method to make data confidential prior to release. A range of methods may be used to assist in determining minimum cell size to ensure the lowest possible disclosure risk including²:

- cell zeroing;
- cell suppression;
- collapsing cells;
- recoding variables;
- rounding;
- data swapping; and
- controlled tabular adjustment.

IHPA will rely upon the Australian Institute of Health and Welfare (AIHW) policies with regards to minimum cell size. When consulting jurisdictions on the release of information, IHPA will advise on the work undertaken with regards to determining the minimum cell size.

For the purposes of releasing information to jurisdictions IHPA will ensure that no information is released in small cells that will directly identify any patient. It should be noted that all jurisdictions are tightly bound by their own information release policies and privacy legislation so the requirement for small cell identification does not need to be as restrictive as that required for release outside of jurisdictions.

4.5 Cost recovery

Under the PGPA Act, IHPA is required to be governed in a way that makes proper use of its resources. IHPA is a small agency, with limited capacity to undertake data analysis, publication and dissemination beyond the release of information for the purposes of meeting statutory functions. IHPA reserves the right to recover its costs incurred in processing data disclosure requests.

4.6 Research requests for information

IHPA recognises that access to high quality, nationally consistent health information is essential for the conduct of research and analysis and to inform the development of policies for improving health outcomes for all Australians. Pursuant to Section 221 of the Act, IHPA may release

² National Statistics Service fact sheets

information to researchers if the Chair of the Pricing Authority is satisfied that this will assist in the conduct of research.

As outlined in Section 221(3), the Pricing Authority Chair however is unable to disclose information which is likely to enable the identification of a particular patient. As such, it is not anticipated that research requests will require clearance by an approved human research ethics committee. Further details and advice about what constitutes research which requires ethical review is available from the National Health and Medical Research Council.

Researchers will be required to provide IHPA with the Research Information Request Form when requesting information (refer to [Appendix C](#)).

4.7 Requirements prior to information being released to conduct research

In accordance with the *Third Party Usage of IHPA Protected Data Rules* policy, all researchers who will have access to information will be required to:

- Provide a copy of a criminal record check;
- Undergo IHPA Security Training;
- Complete the Third Party ICT and Data Management Controls ([Appendix A](#) of the IHPA Policy - *Third Party Usage of IHPA Protected Data Rules*) and provide this to IHPA.
- Additionally, all researchers and individuals requesting and being approved by IHPA to have access to information will be required to sign a Deed of Confidentiality agreeing to the following caveats and limitations on use of any information provided for the purposes of research:
 - Acknowledge that IHPA takes no responsibility for the accuracy and completeness of the data, and the outcomes related to its use;
 - Agree to use the source data and any information provided by IHPA as confidential, for the approved research use only;
 - Must not, without the prior consent of IHPA, disclose any source data or information provided by IHPA to a third party (N.B. Before giving such consent, IHPA will consider advice from the data custodian);
 - May only use the information solely for the purposes of research and not for any other purpose unless otherwise approved by IHPA;
 - Agrees to make no attempt to link the data with any other data source/s;
 - Comply with the conditions of use in respect of the information provided and note that they will continue indefinitely;
 - Provide copies of any key deliverables or work products as a result of the research, prior to being made publicly available. IHPA will advise jurisdictions of any intended publication of research that has included jurisdictional data; and
 - Adhere to any other conditions which IHPA deems fit.

4.8 Assessment of risks associated with release of information to conduct research

IHPA will assess the application based on the requirements of this Policy, controls questionnaire included in the Third Party Usage of IHPA Protected Data Rules; complete a risk assessment; and make recommendations for consideration by the IHPA CEO and Pricing Authority Chair.

4.9 Release under Section 220 of the Act

Under Section 220 of the Act either the Pricing Authority Chair or an approved delegate has the power to authorise IHPA to release the information where he or she is satisfied that the requirements of Section 220 have been met. This applies to requests received from:

- the National Health Performance Authority;
- the Australian Commission on Safety and Quality in Health Care;
- the National Health Funding Body
- the Administrator of the National Health Funding Pool
- The COAG Health Council;
- the Australian Health Minister's Advisory Council;
- the Australian Institute for Health and Welfare;
- the Australian Statistician;
- a state/territory government body that has functions relating to health care; and
- an agency, body or person specified in a legislative instrument made by the Minister with the agreement of COAG.

4.10 Release under Section 221 of the Act

Under Section 221 the Pricing Authority Chair or an approved delegate has the power to authorise the disclosure of protected Pricing Authority information to certain agencies, bodies or persons to conduct research. Before the Pricing Authority Chair or approved delegate authorises the disclosure, he or she must be satisfied that the particular protected Pricing Authority information will assist an agency, body or person to conduct research.

4.11 Requests for extended access to information

Where the Pricing Authority Chair or the IHPA CEO has approved access to information, the party may only access this information over the time period indicated in their initial request. Where the party requires access to the information for a longer period than they had originally indicated, a request should be made to the IHPA CEO. The request should specify the length of the extension and why it is required.

The IHPA CEO will consult with all jurisdictions on the request for extended access to information and determine whether extended access to the information is approved. The requesting party will be notified of the outcome.

4.12 Complaint process

Should a requesting party want to raise a complaint about IHPA's decision to release information, the following process should be followed:

- Requesting party to raise the complaint in writing to the attention of the IHPA CEO;
- IHPA will acknowledge the complaint promptly;
- IHPA will investigate the complaint and aim to resolve factual issues and consider options for resolution; and
- Any systemic issues that arise as a result of the complaint or enquiry will be considered by IHPA and acted upon in a timely manner.

5. Inadvertent release of information

The following processes will be followed by IHPA if there is an inadvertent release of information by IHPA or third parties.³

5.1 Contain the breach and do a preliminary assessment

Once IHPA discovers or suspects that an information breach has occurred, the IHPA CEO will take immediate steps to limit the breach. These may include the following:

- Contain the breach, for example stopping the unauthorised practice, recovering the records, correcting weaknesses in physical or electronic security, etc.;
- Initiating a preliminary internal assessment, gather any necessary information and make initial recommendations; and
- Determine who needs to be notified immediately of the breach.

5.2 Evaluate the risks associated with the breach

To determine what other steps are immediately necessary IHPA will assess the risks associated with the breach. This will include consideration of the following factors:

- Whether personal information is involved;
- What is the context of the information;
- Establish the cause and extent of the breach;
- Assess the risk of harm that could result to individuals or organisations; and
- Identify what other harms or risks could arise.

5.3 Consider notification

In general, if a personal information security breach creates a real risk of serious harm, those affected will be notified.

5.3.1 Process of notification

Notification of those affected (including jurisdictions, where relevant) by the breach will occur as soon as reasonably possible.

The preferred method of notification is direct either by phone, letter, email or in person. Indirect notification, either by website information, posted notices or media, will generally only occur where direct notification could cause further harm, is prohibitive in cost or the contact information for affected individuals is not known.

³ Adapted based on the Guide to handling personal information security breaches (archived) General Data Protection Regulation for Australian Businesses

5.3.2 Determine what will be included in the notification

In general, the information in the notice will help to reduce or prevent the harm that could be caused by the breach. Notifications will include the following types of information:

- Incident description;
- Type of information involved;
- Response to the breach – what has been done by IHPA to control or reduce the harm, including the proposed future steps;
- Assistance offered to those affected;
- Other information sources (such as Privacy Commissioner's website and the Attorney-General's Department website);
- IHPA's contact details;
- Whether the breach has been notified to the regulator or other external contact(s); and
- How to lodge a complaint (i.e. IHPA's dispute resolution processes and contact details for Privacy Commissioner if they are not satisfied with the response by IHPA to resolve the issue).

5.3.3 Notify third parties

IHPA will notify third parties of the inadvertent information release breach if required (see Table 3 for guidance on parties which may be notified).

Table 3. Potential third parties to be notified

Third Party	Mechanism
<p>Privacy Commissioner</p>	<p>IHPA may decide to report significant personal information security breaches to the Privacy Commissioner.</p> <p>The following factors will be considered in deciding whether to report a breach to the Privacy Commissioner:</p> <ul style="list-style-type: none"> • any applicable legislation that may require notification; • the type of the personal information involved and whether there is a real risk of serious harm arising from the breach, including non-monetary losses; • whether a large number of people were affected by the breach; • whether the information was fully recovered without further disclosure; • whether the individuals affected have been notified; and • if there is a reasonable expectation that the Office of the Australian Information Commissioner may receive complaints or inquiries about the breach.
<p>Police</p>	<p>IHPA will contact the Police if theft or other crime is suspected.</p> <p>The Australian Federal Police will also be contacted if a compromise to national security is suspected.</p>

Third Party	Mechanism
Insurers or others	IHPA will contact insurers if required by contractual obligations.
Other internal or external parties not already notified	IHPA will consider the potential impact that the breach and notification to individuals may have on third parties, particularly State and Territory custodians and suppliers, and take actions accordingly.

5.4 Prevent future breaches

Following the immediate steps to mitigate the risks associated with the breach, IHPA will investigate the cause of the breach and consider whether to evaluate the policies or to develop a prevention plan.

If required, a prevention plan will suggest actions which are proportionate to the significance of the breach and whether it was a systemic breach or an isolated instance. This plan may include the following:

- a security audit of both physical and technical security;
- a review of policies and procedures including any changes to reflect the lessons learned from the investigation and ongoing monitoring (for example, security, record retention and collection policies);
- a review of employee training practices; and / or
- a review of service delivery partners.

Depending upon the mitigations, the plan may include a requirement for an audit at the end of the process to ensure that the prevention plan has been fully implemented.

Appendix A: IHPA publications and publicly available information

IHPA publications and publicly available information are outlined in Table 4.

Table 4. IHPA external publications and publicly available information

5.4.1 Publication
<ul style="list-style-type: none"> • National Efficient Price Determination • National Efficient Cost Determination • Technical Specifications of the National Pricing Model • National Weighted Activity Unit (NWAU) calculator • Pricing Framework for Australian Public Hospital Services • IHPA Work Program • IHPA Three Year Data Plan • Data Request Specifications • National Hospital Cost Data Collection (NHCDC) Public Sector Report and cost weight tables • NHCDC Private Sector Report and cost weight tables • Independent Financial Review of the NHCDC • IHPA Annual Report and Corporate Plan • Data Compliance Policy • Data Compliance Reports • Indexed List of Agency Files (Harradine report) • Contracts on Austender and published in accordance with Senate Order on Departmental and Agency Contracts (Murray Motion) • Reports on classification development and costing studies • IHPA policies, such as Impact of New Health Technology Framework

Appendix B: IHPA information held

Detailed in Table 5 is an indicative list of the types of information held by IHPA. This list is not exhaustive however provides an overview of the range of information held by the organisation which may be subject to a request for release.

The manner in which IHPA ensures effective management of information aligns with the Office of the Australian Information Commissioner or any successive agency, body or department - Principle 3: Effective information governance and Principle 4: Robust information asset management.

Table 5. Indicative list of information held by IHPA

Category	Types of information held
Personal information	<ul style="list-style-type: none"> Employee records Human resource related statistics Contractor and consultant details Activity Based Funding conference attendees
Corporate records	<ul style="list-style-type: none"> Strategic Plan Work Program Organisational structure Position descriptions Annual report Procurement records Corporate frameworks, policies, procedures and business rules Internal and external reports
External source	<ul style="list-style-type: none"> Jurisdictional activity and cost data Cross border and cost shifting disputes Quarterly compliance reporting Submissions through public consultation Advice from Commonwealth Minister of Health Council of Australian Governments (COAG) policy principles External and internal audit plan, reports and recommendations Reports and working papers of consultants
Activity based funding	<ul style="list-style-type: none"> Annual National Efficient Price (NEP) Determination Block funding criteria National classifications for health care and other

Category	Types of information held
	public hospital services Pricing framework and models Scope of Services and General List of Eligible Services
Pricing Authority, Committees and Working Groups	Terms of Reference / Charters
Media	Communication and Stakeholder Engagement Plan Media Release and response register Media Monitoring – clippings and register of relevant coverage

Appendix C: Research information request form



Overview

The Independent Hospital Pricing Authority (IHPA) recognises that access to high quality, nationally consistent, health information is essential for the conduct of research and analysis and to inform the development of policies for improving health outcomes for all Australians.

Pursuant to Section 221 of the *National Health Reform Act 2011*, IHPA may release information to assist an agency, body or person to conduct research if the Chair of the Pricing Authority is satisfied that this will assist in the conduct of research. Please note that IHPA is unable to disclose information which is likely to enable the identification of a particular patient, pursuant to Section 221(3) of the *National Health Reform Act 2011*.

If you would like to request information from IHPA, please complete the following form and address it to:

Chief Executive Officer
Independent Hospital Pricing Authority
PO Box 483
Darlinghurst NSW 1300

IHPA will assess your request and advise you if any further information is required. If you have any queries with regards to the information request process or your request, please call 02 8215 1100.

Your name (please print clearly)

Your organisation

Detail your company, agency, university, etc.

Your position

Detail your current position, student details and supervisor (if relevant).

Your email address

Your phone number

Names and positions of other people who will have access to the data within your organisation (please print clearly)

Information request description

Detail the information / dataset requirements, etc.

Time period(s) of interest

Start date:

End date:

Intended use of information

Detail the research project description including purpose, duration, potential benefits of the research, audience, etc.

Ethics clearance

Detail if your research requires ethics clearance and what clearance (if required) has been granted.

Storage, access and disposal of data

Detail where the data will be stored, for what period of time, measures put in place to ensure the security / privacy of the data, who will have access to the data, method and timing of disposal of the data etc.

Declaration by applicant

I make this information request on the basis that the details in this form are true and accurate.

I agree to the following caveats and limitations on use of any information provided to me for the purposes of research:

- Acknowledge that IHPA takes no responsibility for the accuracy and completeness of the data, and the outcomes related to its use;
- Agree to use the source data and any information provided by IHPA as confidential, for the approved Purpose only;
- Must not, without the prior consent of IHPA, disclose any Confidential Information provided by IHPA to a third party or those not approved on the consent form;
- Must not use the Confidential Information for commercial gain;
- May only use the Confidential Information solely for the purposes of research, as specified in Request Number [*insert reference*] and not for any other purpose unless otherwise approved by IHPA;
- Comply with the conditions of use in respect of the Confidential Information provided and note that they will continue indefinitely;
- Consider the IHPA Data Notes which outline the data quality issues, costing notes and other considerations when analysing the data contained in the Confidential Information;
- Agree not to make any attempt to link the data contained in the Confidential Information with any other data source/s without IHPA authorisation;
- Provide copies to IHPA of any key deliverables or work products as a result of the research, at least four (4) weeks prior to being made publicly available;
- Agree not to use, publish or disseminate any information in a way that might enable the identity of health professionals, hospitals or Local Hospital Networks to be ascertained from the Confidential Information;
- Agree to ensure that whenever the Confidential Information is transported or used on a portable device (including USBs and laptops) that the device is encrypted and password protected;
- Agree to notify IHPA of the secure disposal of the information on the specified date, unless written extension is granted by IHPA;
- Agree to notify IHPA immediately of any breaches of this Deed or the caveats and limitations on use; and
- Adhere to any other conditions which IHPA deems fit.

Signature of applicant	Date
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Independent Hospital Pricing Authority

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Sydney NSW 2000**

**Phone 02 8215 1100
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IHPA