



**Australian
Privacy
Foundation**

<http://www.privacy.org.au>

Secretary@privacy.org.au

<http://www.privacy.org.au/About/Contacts.html>

21 October 2010

Andrew P. Howard
Chief Information Officer
Department of Health
50 Lonsdale Street
Melbourne, Victoria
Australia 3000
Andrew.P.Howard@health.vic.gov.au

cc. Mark Gardiner, Chief Information Officer, Alfred Health
M.Gardiner@alfred.org.au

Dear Mr Howard

**Re: 'Apple a day for doctors' and
'TGA sets its sights on iPhone medical apps'**

Thank you for your prompt reply, and your assurance that privacy is important, and that you will table the APF's letter with VicHealth CIOs.

But would you please answer the questions we asked, which are extracted on the attached page.

The CIO at Alfred Hospital has expressly referred the matter on to you. It is unconscionable (and quite possibly a breach of the Freedom of Information Act) for you both to avoid the questions.

A substantive response would be appreciated within 14 days, as I am under instructions from my Board to escalate the matter.

Thank you for your consideration.

Yours sincerely

Roger Clarke
Chair, Australian Privacy Foundation
(02) 6288 1472

Chair@privacy.org.au

**Re: 'Apple a day for doctors' and
'TGA sets its sights on iPhone medical apps'**

Questions of 3 August 2010, repeated 8 October 2010

'Apple a day for doctors', Melbourne Age, 30 July 2010

The report claimed that 500 iPads are to be provided to graduate doctors and nurses. Health Minister Daniel Andrews was quoted as saying that: "The iPads will allow doctors and nurses to access any web-enabled application run by their hospital as they move around the hospital, as well as allowing them to tap into health information resources".

'TGA sets its sights on iPhone medical apps', Medical Observer, 5 October

The story claimed that "The days of iMedicine could be numbered, as the Federal Government turns its attention to the unregulated world of health-related iPhone applications".

1. The articles indicate that the pilot program is a clinical trial involving human participants. The National Health and Medical Research Council (NH&MRC) Statement on the Ethical Conduct of Research makes clear that research "conducted with or about people, or their data or tissue" must comply with Government regulatory policies and requirements as devolved to a Human Ethics Research Committee (HREC).
 - a. Has the study been authorised by the relevant HREC?
 - b. If so, would you please provide us with the authorisation number and/or a copy of the document.
2. APF understands that many of the staff involved are academic-clinicians and are staff of both Alfred Health and Monash University. APF further understands that Monash uses Google as its email-provider.

What consideration has been given to the proprietary nature of both the Apple and Google services and data formats, and the data security aspects of the services, in the context of inter-operable information sharing?

3. The newspaper articles do not mention any Privacy Impact Assessment (PIA). A PIA is vital, given the sensitive nature of Personal Health Records, the substantial increase in access to sensitive personal data that the scheme may entail, the proprietary nature of the technology, and the apparent involvement of at least two organisations and their outsourced service providers.
 - a. Has a PIA been conducted?
 - b. If so, would you please provide us with a copy of the PIA Report.

If not, would you please advise who is conducting it and what consultative processes have been included, with which representative and advocacy organisations.