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Secretary@privacy.org.au

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29 March 2021

Amanda Cattermole, PSM
CEO
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Dear Ms. Cattermole,

Re: MHR COVID immunisation health threat

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

I refer to an article published by News Corp Australia on March 27, 2021, indicating that My Health Record (MHR) issues meant a person could not prove she suffers from a medical condition that prioritises her for a phase 1b COVID-19 vaccine in Queensland, where many people are unable to go to their usual general practitioner for the jab. The woman's MHR record was largely empty, so she could not demonstrate to authorities that her present medical condition warranted the jab. She tried to rectify the unsatisfactory MHR record situation with the Royal Brisbane Hospital, without success. The article quoted the woman, who said the hospital advised her that "...we don't upload things to My Health Record, we can send you a consent form, which you can fill in and send back to us and we can give you your records and then you can upload them". The hospital's advice was and remains incorrect because patients cannot upload clinical information to their MHR, only a Personal Health Summary.

The APF have long questioned community confusion linked to the MHR system and this episode exacerbates our concern. Royal Brisbane Hospital representatives apparently gave the woman

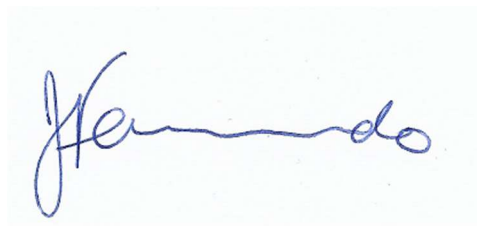
incorrect advice. Other health organisations may be similarly misinformed. People cannot manage their health care and medical needs when health authorities ostensibly provide incorrect advice.

This episode suggests that more than one chronically ill person, who relies on the MHR system to demonstrate COVID vaccine eligibility, may not receive the jab. The MHR system cannot control the amount, currency and quality of the data it holds. So the MHR is a potentially dangerous basis for people using the system to show vaccine eligibility, exposing the community to risks associated with the pandemic.

Public trust and confidence in public health measures, the exceptional and intrusive actions taken under the justification of collecting patient health data for secondary use with the MHR system and COVID-19 concerns, need to be accompanied with adequate measures in real life to prove useful. Community trust is required to progress pervasive public health implementations across Australia.

Thus we ask what plans you have formulated to combat MHR confusion in the community.⁽²⁾ I look forward to your reply, and would be happy to help with developing responses to these issues.

Yours sincerely

A handwritten signature in blue ink that reads "Juanita Fernando". The signature is written in a cursive style with a large initial 'J'.

Dr. Juanita Fernando
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ACKNOWLEDGEMENT

I acknowledge and thank the members of the APF Health Committee for their guidance herein.

REFERENCE

1. Dunlevy, J. My Health Record issues prevent patients from getting COVID vaccine. [News Corp Australia Network](#) .March 27, 2021 - 8:06AM
2. Patten, T. A healthy dose of caution : An analysis of Australia's My Health Record. [Baker McKenzie](#). 17 April, 2019. <https://www.bakermckenzie.com/en/insight/publications/2019/04/a-healthy-dose-of-caution>

Australian Privacy Foundation

Background Information

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, Committees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

The APF's Board, Committees and Reference Groups comprise professionals who bring to their work deep experience in privacy, information technology and the law.

The Board is supported by Patrons The Hon Michael Kirby AC CMG and The Hon Elizabeth Evatt AC, and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <https://privacy.org.au/publications/by-date/>
- Media <https://privacy.org.au/home/updates/>
- Current Board Members <https://privacy.org.au/about/contacts/>
- Patron and Advisory Panel <https://privacy.org.au/about/contacts/advisorypanel/>

The following pages provide outlines of some of the campaigns that the APF has conducted:

- The Australia Card (1985-87) <https://privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <https://privacy.org.au/campaigns/consumer-credit-reporting/>
- The Census (2006) <https://privacy.org.au/campaigns/census2006/>
- The Access Card (2006-07) <https://privacy.org.au/campaigns/id-cards/hsac/>
- The Media (2007-) <https://privacy.org.au/campaigns/privacy-media/>
- The MyHR (2012-) <https://privacy.org.au/campaigns/myhr/>
- The Census (2016) <https://privacy.org.au/campaigns/census2016/>