

# Recent Changes in Privacy Laws: Implications for Practitioners



Reading time:  
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Valuable policies and guidelines produced by the RACGP in conjunction with stakeholders including MIPS to assist with your practice.

The [managing external requests for patient information guide](#) recommends which data elements should be extracted from a patient's electronic medical record when responding to an external request for their record. The guide recommended pathways for the provision of extracting and releasing a patient's medical record for these three circumstances:

- legislative requirements such as subpoena
- request from a third party, and
- the transfer of care when a patient moves to a different practice.



## Australian Privacy Principles – APP7 ‘Direct Marketing’

Under these new principles the definition of direct marketing appeared to conflict with many established primary health initiatives, general practice procedures and communications that are considered to constitute best practice (recalls, health alerts, and immunisation reminders). The RACGP sought a Public Interest Determination (PID) to exempt established primary health initiatives from direct marketing regulations under the privacy laws. The Office of the Australian Information Commissioner (OAIC) confirmed that most of the healthcare activities listed in the PID application would not be in breach of the Privacy Act and were covered under implied consent

Further guidance and resources to assist GPs to work within the Privacy Act 1988, including the APPs, when providing primary healthcare services will be developed by the OAIC and RACGP.

### [RACGP privacy resources](#)

#### [Email correspondence in general practice](#)

Responding to the growing use of email, the College developed the following resources to assist practices:

- [Guiding principles on using email in general practice](#)
- [Privacy and security matrix](#)
- [Secure communications in general practice – product list](#)

Email and other electronic means of communication can assist in the timely and efficient delivery of healthcare to benefit patients and the wider community; however members need to be cognisant that such new modalities may create new and additional risk exposures. General practice, has performed extremely well over time in relation to the privacy and confidentiality of health information. All members are reminded of the Medical Board of Australia's Good Medical Practice: A code of conduct for doctors in Australia in particular “4 Working with patients” “4.4 Confidentiality and privacy and 10 Professional behaviour” 10.5.2 – Ensuring that your medical records are held securely and are not subject to unauthorised access

If a member is unsure about their requirement to comply with a subpoena, legislative requirement, direct marketing issues or the use of email concerning a patients information, contact us on 1800 061 113.

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