



Law Council
OF AUSTRALIA

Office of the President

24 September 2018

Senator Lucy Gichuhi
Chair
Senate Standing Legislation Committee on Community Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: community.affairs.sen@aph.gov.au

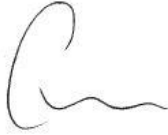
Dear Senator Gichui

My Health Records Amendment (Strengthening Privacy) Bill 2018

1. The Law Council welcomes the opportunity to provide a submission to the Senate Standing Legislation Committee on Community Affairs' (**the Legislation Committee**) Inquiry into the My Health Records Amendment (Strengthening Privacy) Bill 2018 (**the Bill**).
2. The Law Council is grateful for the assistance of the Privacy Law Committee of the Business Law Section, the Family Law Section, the Law Institute of Victoria and the Law Society of New South Wales in the preparation of this submission.
3. The Law Council supports the introduction of the Bill, and considers that the provisions of the Bill which make two amendments to the *My Health Records Act 2012* (Cth) appropriately achieve the objectives of:
 - removing the ability of the My Health Record System Operator to disclose health information in My Health Records to law enforcement agencies and government agencies without an order by a judicial officer or the healthcare recipient's consent; and
 - requiring the System Operator to permanently delete health information stored in the National Repositories Service for a person if they have cancelled their registration with the My Health Record system.
4. The Law Council has recently provided a submission to the Senate Community Affairs References Committee's Inquiry into the My Health Record System. The Law Council notes that the Senate Community Affairs Committees have agreed to share relevant evidence in the My Health Record system Inquiry and the Inquiry into the Bill, and that only matters related to provisions of the Bill will be considered in the Legislation Committee Inquiry.
5. The Law Council refers the Committee to the recommendations submitted to the Senate Community Affairs References Committee.

6. Please contact Dr Natasha Molt, Director of Policy, Policy Division (02 6246 3754 or Natasha.molt@lawcouncil.asn.au), in the first instance should you require further information or clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Morry Bailes', with a stylized, cursive script.

Morry Bailes
President