



Privacy Policy for Health Practitioners

SafeScript NSW is a real time prescription monitoring (RTPM) software system that collects and stores information relating to the prescription and supply of certain high-risk medicines termed 'monitored medicines'. (A list of monitored medicines is available on the [SafeScript NSW website](#) and in Appendix E to the *Poisons and Therapeutic Goods Regulation 2008*.) It aims to empower prescribers and pharmacists to improve the safe use of these medicines by improving the quality of information available at the point of care. This assists clinical decision making and supports health practitioners to work with their patients to ensure appropriate use of these medicines.

SafeScript NSW is established under the Poisons and Therapeutic Goods Regulation.

Information in SafeScript NSW is protected by the following NSW and Commonwealth privacy legislation:

- *Health Records and Information Privacy Act 2002* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Privacy Act 1988* (Cth)

The NSW Health Privacy Principles (set out in the Health Records and Information Privacy Act) and Australian Privacy Principles (set out in the Privacy Act) specify the circumstances where health practitioners can access, collect, use or disclose health information about an individual.

Health practitioners must comply with the Health Privacy Principles and (in the case of private health practitioners) the Australian Privacy Principles, as well as the Professional Codes of Conduct issued by relevant National Boards which describe legal and ethical obligations in relation to patient privacy.

The Privacy and Personal Information Protection Act protects personal information of health practitioners held in SafeScript NSW.

Collection of information

SafeScript NSW holds personal and health information of patients who are prescribed or dispensed monitored medicines in NSW and prescribing/dispensing events in relation to patients ordinarily resident in NSW. This information includes the name, date of birth, address and medicines prescribed. It also holds personal information of health practitioners who prescribe and dispense those medicines, such as their names and contact details. The information is automatically collected from prescription exchange services (PES) that allow the electronic transfer of prescriptions from medical practices to pharmacies.

When an authorised user accesses information in SafeScript NSW, the system also records details about who accessed the system (including the specific patient record) and when they accessed it.

Security of information collected

Information held in SafeScript NSW is securely housed and protected against unauthorised use, disclosure, and loss. The system complies with NSW Health and NSW Government data security policies and requirements.



Information transmitted from clinical information systems to the prescription exchange services (PES), and from these services to SafeScript NSW, is encrypted at all times and occurs through a secure, encrypted internet connection.

Security monitoring and alerting help protect against unauthorised access and potential cyber-attacks. Health practitioners are required to use multi-factor authentication (a username/password and PIN) to access the system.

Information collected in SafeScript NSW is required to be kept for a minimum of 10 years in accordance with the *State Records Act 1998* (NSW) and records must be disposed of securely in accordance with the Act.

Use or disclosure of information

The Poisons and Therapeutic Goods Regulation sets out how SafeScript NSW may be used and by whom. The Regulation provides that the Secretary (or delegate) may use the system to operate, maintain, or improve the database; and to monitor the prescribing/supplying of monitored medicines by prescribers/suppliers and on a more general, including State-wide, basis. Access to SafeScript NSW for this purpose is limited to:

- employees of the Ministry of Health who require access to information held in the system to perform their duties, such as authorising medical practitioners to prescribe Schedule 8 medicines, and monitoring and investigating unprofessional prescribing or supply of medicines
- individuals employed by the system operator who require access for the purpose of operating and maintaining the system.

Prescribers (medical practitioners, nurse practitioners and dentists) and dispensers (pharmacists) who require access to information held in the system can access SafeScript for the purpose of:

- providing treatment to an individual patient by reviewing the monitored medicines prescribed or supplied to the patient and/or
- providing advice to a prescriber or a pharmacist on the treatment of an individual patient.

Information held in SafeScript NSW may be disclosed by the Ministry of Health for purposes authorised or required by law, for example:

- to help prevent a serious and imminent threat to someone's life, health or welfare, such as in an emergency
- for the purposes of legal proceedings, e.g. pursuant to a court order or subpoena
- where there is a 'other lawful excuse' such as assisting the police in investigating a specific criminal offence, or a lawful direction by the Minister or Secretary, NSW Health in circumstances set out in Regulations under the *Health Administration Act 1982*
- to an investigative agency where it is reasonably necessary to the complaint handling or investigation functions of the agency
- to other agencies where the information relates to the safety, welfare or wellbeing of a child or young person



- to researchers for public interest research projects as approved by a Human Research Ethics Committee and where there is lawful basis to do so.

The information can also be used for the purpose of providing information to a regulatory authority (such as the Health Care Complaints Commission) where that information is reasonably required by the authority for the purpose of regulating the prescribing, supply or use of monitored medicines.

Usage of the system is audited and monitored. If inappropriate use of SafeScript NSW is detected, the matter may be referred to a Health Professional Council for investigation and disciplinary action. Referral for prosecution may also be considered.

The maximum penalty under the Poisons and Therapeutic Goods Regulation for unlawfully accessing, using or disclosing information held in SafeScript NSW is 20 penalty units (or \$2,200). Unauthorised access, use, and disclosure may also incur further penalties and other disciplinary action (for example, under the Health Records and Information Privacy Act and the *Health Practitioner Regulation National Law*).

Access to and amendment of personal information

An individual has the right to access information held about them in SafeScript NSW. A patient or their authorised representative may apply in writing to the Ministry of Health for access to their records.

A person also has the right to have their personal information amended in certain circumstances, for example if it is inaccurate. Information sourced from prescription exchange services (PES) cannot be altered in SafeScript NSW. An amendment to a record from PES must be made in the source system used by the prescriber (to issue the prescription) or the dispenser (to dispense the prescription). NSW and Commonwealth privacy laws require that prescribers and dispensers take reasonable steps to ensure that a patient's personal health information is accurate and not misleading. When a record is altered in a source system, the amendment will automatically be updated in SafeScript NSW.

Making a privacy complaint

An individual (health practitioner or patient) can make a complaint to the Privacy Officer, Ministry of Health about how their personal and/or health information has been handled in SafeScript NSW. The complaint must be made in writing.

More information

For more information about SafeScript NSW, visit the [SafeScript NSW website](https://www.safescript.health.nsw.gov.au) or email your inquiry to safescript@health.nsw.gov.au