

Our reference: **CHSFOI22-23.52**



Dear 

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by Canberra Health Services (CHS) on **Thursday 23 March 2023**.

This application requested access to:

- *'All correspondence, meeting notes, invitations and agendas, briefings and media briefings between CHS and the Minister for Mental Health, Health Minister and Chief Minister in relation to the privacy breach made public on the 21<sup>st</sup> of March 2023.*
- *Correspondence between the Minister for Mental Health, CHS and the ANMF after the Minister was first briefed on the serious data breach and "requested a meeting."*

I am an Information Officer appointed by the Chief Executive Officer of Canberra Health Services (CHS) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. CHS was required to provide a decision on your access application by **Tuesday 16 May 2023**.

I have identified 17 documents holding the information within scope of your access application. These are outlined in the schedule of documents included at [Attachment A](#) to this decision letter.

#### **Decisions**

I have decided to:

- grant full access to four documents; and
- grant partial access to 13 documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

#### **Full Access**

I have decided to grant full access to seven documents at references 1-2, 4 and 15.

### Partial Access

I have decided to grant partial access to 13 documents at references 3, 5-14 and 16-17 as they are partially comprised of information that I consider to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

The document at reference 3 contain redactions in accordance with Schedule 1:

- Schedule 1, 1.4(a) prejudice the investigation of a contravention or possible contravention of the law in a particular case; and
- Schedule 1, 1.4(e) prejudice a person's fair trial or the impartial adjudication of a matter before a court or tribunal.

The information you requested is partially comprised of information that is currently a matter of investigation. The disclosure of this information would, or could reasonably be expected to prejudice the administration of the investigation, as well as prejudice the fair trial or the impartial adjudication regarding any involved parties.

### Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2, 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2, 2.1(a)(iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community; and
- Schedule 2, 2.1(a)(vi) reveal or substantiate that an agency or public official has engaged in misconduct or negligent, improper or unlawful conduct or has acted maliciously or in bad faith.

### Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*; and
- Schedule 2, 2.2 (a)(xv) prejudice the management function of an agency or the conduct of industrial relations by an agency.

Documents at references 5-14 and 16-17 have redactions to personal information such as mobile numbers and email addresses of ACT Government employees and non-ACT Government employees that has not been disclosed as this could reasonably be expected to prejudice the protection of the individual's right to privacy.

The document at references 16 is partially comprised of information that would prejudice the management function of an agency.

On balance, for the redacted information, the factors favouring disclosure were outweighed by the factors favouring non-disclosure as I have determined that the information would be expected to prejudice both involved individuals' right to privacy and the ongoing investigation, therefore I withhold the provision of the requested information.

### Charges

Processing charges are not applicable to this request.

### **Disclosure Log**

Under section 28 of the FOI Act, CHS maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

### **Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Grant Howard  
**Group Director Clinical Operations**  
Canberra Health Services


May 2023

## FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<p><i>'- All correspondence, meeting notes, invitations and agendas, briefings and media briefings between CHS and the Minister for Mental Health, Health Minister and Chief Minister in relation to the privacy breach made public on the 21<sup>st</sup> of March 2023.</i></p> <p><i>- Correspondence between the Minister for Mental Health, CHS and the ANMF after the Minister was first briefed on the serious data breach and "requested a meeting."</i></p>	<b>CHSFOI22-23.52</b>

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1	Email – RE: Issue re Privacy of Patient Records	13 February 2023	Full Release		YES
2.	2	Email – RE: Tomorrow's Minister's briefing	16 February 2023	Full Release		YES
3.	3 – 7	Ministerial Brief – Dhulwa Secure Mental Health Unit – Health Records	21 February 2023	Partial Release	Schedule 1.14(1)(a) Investigation of	YES



					contravention, Schedule 1.14(1)(e) Fair trial	
4.	8	Letter – Allegations Levelled at ANMF ACT Branch	24 February 2023	Full Release		YES
5.	9 – 10	Email – Re: Meeting request	28 February 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
6.	11 – 14	Email – RE: Talking Points	8 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
7.	15 – 17	Email – FW: MEDIA REQUEST - CHS privacy breach claims	21 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
8.	18 – 20	Email – FW: request for statement re: patient privacy breach	21 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
9.	21 – 23	Email – FW: ABC Canberra TV interview request	21 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
10.	24 – 28	Email – RE: TPS on Privacy Breach	21 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
11.	29 – 30	Email – RE: TPS on Privacy Breach	21 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
12.	31 – 33	Email – FW: Interview request for 2CC Radio Canberra	21 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
13.	34	Email – FW: Privacy breach	22 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
14.	35 – 36	Email – FW: request for statement from Mr Pepper re: staff stood down over privacy breach	23 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
15.	37 – 40	Email and attachment – Statement in Chamber this morning	23 March 2023	Full Release		YES
16.	41 – 45	Email and attachment – FW: Dot points for Ministerial Statement	23 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy, Schedule 2, 2.2(a)(xv) Management function	YES

17.	46	Email – specific info privacy training	23 March 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
<b>Total Number of Documents</b>						
<b>17</b>						

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**From:** Peffer, Dave (Health)  
**Sent:** Monday, 13 February 2023 17:28  
**To:** Ord, Jon  
**Cc:** Stevenson, Nicole (Health)  
**Subject:** RE: Issue re Privacy of Patient Records

**OFFICIAL: Sensitive - Legal Privilege**

Thanks Jon – we can handle at the end of each of our briefings. I'd suggest there'd only need to be a few people from our side be in attendance for those discussions, which we'll coordinate our side.

Thanks

Dave

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**From:** Ord, Jon <Jon.Ord@act.gov.au>  
**Sent:** Monday, 13 February 2023 4:58 PM  
**To:** Peffer, Dave (Health) <Dave.Peffer@act.gov.au>  
**Subject:** Issue re Privacy of Patient Records

**OFFICIAL: Sensitive - Legal Privilege**

Hello Dave,

Thank you for calling me last Wednesday to let us know about the above. I spoke to the Minister the same day on the contents of our call and then thank you for further briefing the Minister at the end of the regular briefing on Friday of last week.

I hope that you are all ok.

Min has asked that this item now be discussed privately at every weekly briefing in the near future, certainly whilst the facts are still being established.

Minister is keen to ensure that her Office does not add to what must be a significant administrative burden on CHS with handling this matter now and the myriad of responsibilities that CHS will have, but is obviously very keen to ensure that she is kept up to date with developments, can support CHS and can discharge her responsibilities appropriately.

As such, if it transpires that those weekly conversations are not of sufficient frequency, we can arrange additional appointments and would be led by your advice on this point. In addition, you are most welcome to call me or the Minister directly at any time.

Kind Regards,  
Jon

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**From:** Peffer, Dave (Health)  
**Sent:** Thursday, 16 February 2023 20:58  
**To:** Ord, Jon  
**Subject:** RE: Tomorrow's Minister's briefing

OFFICIAL

No problem, thanks Jon.

Dave

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**From:** Ord, Jon <Jon.Ord@act.gov.au>  
**Sent:** Thursday, 16 February 2023 8:41 PM  
**To:** Peffer, Dave (Health) <Dave.Peffer@act.gov.au>  
**Subject:** Re: Tomorrow's Minister's briefing

OFFICIAL

Thanks Dave - appreciated. I'll just switch the order. You go at 10. I'll advise Dlo's. Thanks.

See you soon,  
Jon

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**From:** Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>  
**Sent:** Thursday, February 16, 2023 7:11:53 PM  
**To:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Subject:** Tomorrow's Minister's briefing

OFFICIAL

Hi Jon

We discussed the other day providing regular verbal briefings on developments with the ANMF privacy breach before/after our usual weekly briefing, with only a smaller group on the line.

Tomorrow we're in between the ABF presentation and ACTHD meeting. Rather than asking Rebecca and all of the ACTHD officials to leave the meeting and then log back on a few minutes later, would it be easier if I gave you a call following the meeting (around lunchtime) and provided an update?

If the Minister would prefer to have folks jump off the line and then back on - that's absolutely fine too. And we can update then.

Thanks

Dave

**Canberra Health Services**

**To:** Minister for Mental Health

Tracking No.: MCHS23/117

**Date:** 21/02/2023

**From:** Dave Pepper, Chief Executive Officer

**Cc:** Rachel Stephen-Smith, Minister for Health  
Kathy Leigh, ACT Government Head of Service

**Subject:** Dhulwa Secure Mental Health Unit – Health Records

**Critical Date:** Not applicable

**Critical Reason:** Not applicable

- CEO .../.../...

**Recommendation**

That you note the information contained in this brief.

**Noted / Please Discuss**

Emma Davidson MLA ..... /...../.....

Minister's Office Feedback



**Background**

1. On 2 May 2022, the Board of Inquiry into the Legislative, Workplace Governance and Clinical Frameworks of Dhulwa Secure Mental Health Unit (the Inquiry) was initiated by the Chief Minister at the request of the Australian Nursing and Midwifery Federation (ACT) (ANMF). The Inquiry was requested as a result of a perceived increase in occupational violence events. The Inquiry was independently Chaired by Barbara Deegan and the report was finalised on 11 November 2022.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

**Issues**

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Next steps**

17. The release of patient information which is identifiable will require an open disclosure to the affected consumers' / carers.
18. The ACT Human Rights Commissioner has been advised and has provided CHS information to include for consumers in the open disclosure process.
19. The Australian Federal Police have been advised regarding the breaches of relevant legislation [REDACTED].

20. CHS will meet its obligations to the ACT Integrity Commission.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

**Financial Implications**

24. Not applicable.

**Consultation**

Internal

25. Not applicable.

Cross Directorate

26. CMTEDD.

External

30. Human Rights Commission.

31. Australian Federal Police.

█ [REDACTED]

**Work Health and Safety**

33. Consultation with staff will continue through a consultation framework which will be specific to the Dhulwa Inquiry.

**Benefits/Sensitivities**

34. This issue may undermine the confidence of the community in the safety of their consumer records.

35. The Digital Health Records provides tracked information about staff access to records. A part of the Digital Health Record training all users were refreshed on their obligations regarding Health Records.

**Communications, media and engagement implications**

36. No comment at this time.

Signatory Name: Kalena Smitham

Phone: 5124 9631

Action Officer: Jim Tosh

Phone:

Our Ref: TWM:237156

24 February 2023

Mr Dave Pepper  
Chief Executive Officer  
Canberra Health Services  
PO Box 11  
WODEN ACT 2606

By email only: Dave.Pepper@act.gov.au; CEOHealth@act.gov.au

Dear Mr Pepper

### **ALLEGATIONS LEVELLED AT ANMF ACT BRANCH**

We act for the Australian Nursing and Midwifery Federation ACT Branch (ANMF) in response to your letter dated 22 February 2023. Please forward all future correspondence on these allegations to us.

You have advised our client that you have referred the matter to the Australian Federal Police, Human Rights Commission and the Office of Australian Information Commissioner (we interpret your reference to Commonwealth Privacy Commissioner to be a reference to this body). Prior to responding to the substantive issues you have raised, including your requests for information from our client, we require copies of your referrals these bodies. Once received, our client will be in a position to respond further.

We look forward to hearing from you.

Yours faithfully  
**ELRINGTONS LAWYERS**



**Thomas Maling**  
Senior Associate  
Telephone: 02 6206 1372  
Email: [tmaling@elringtons.com.au](mailto:tmaling@elringtons.com.au)  
Reply to: **Canberra Office**

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PO Box 379, Queanbeyan NSW 2620  
122 Monaro Street, Queanbeyan NSW 2620  
t 02 6206 1300



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**From:** Peffer, Dave (Health)  
**Sent:** Tuesday, 28 February 2023 19:44  
**To:** Davidson, Emma; Matthew Daniel  
**Cc:** Ord, Jon; Bray, Mel (Health)  
**Subject:** Re: Meeting request

Good afternoon Minister

This has been an equally distressing discovery for us as well. I can assure you that we're responding to in line with the guidance provided by various regulatory bodies and moving to contain and assess the extent of breaches as fast as possible.

I can assure you we remain committed to implementing the recommendations from the inquiry into Dhulwa, and doing that together with our industrial partners.

I'll ask Mel in my team to contact your office to assist in organising a meeting.

Thanks

Dave

---

**From:** Davidson, Emma <Emma.Davidson@act.gov.au>  
**Sent:** Tuesday, February 28, 2023 2:45 pm  
**To:** Peffer, Dave (Health) <Dave.Peffer@act.gov.au>; Matthew Daniel <[REDACTED]>  
**Cc:** Ord, Jon <Jon.Ord@act.gov.au>  
**Subject:** Meeting request  
Hi Matt and Dave,

I'm sure it was quite a shock to hear about the privacy breaches by staff in your organisations that recently came to light. In every conversation I've had with both of you previously, it has been clear that patient and staff safety and care is your highest priority.

I certainly found it distressing to think of the impact on patients and their families, and on other staff who are trying to create a safe workplace with high quality care.

I'd like to meet with you both, as soon as possible, to better understand what is being done to comply with legal obligations around patient privacy and police investigations.

I'm also very concerned about the distrust this situation is likely to cause with other organisations involved in the Dhulwa board implementing the inquiry recommendations. Successfully implementing those recommendations requires all of us to be able to work well together, and those relationships require a degree of trust in our shared commitment.

Would you both be able to meet with me next week? If so, I will ask my office to talk to your offices and find a suitable time.

**Emma Davidson** | ACT Greens Member for Murrumbidgee  
Minister for Justice Health  
Minister for Mental Health  
Minister for Disability  
Minister for Veterans and Seniors  
Assistant Minister for Families and Community Services

T: 02 6205 1941 e: [davidson@act.gov.au](mailto:davidson@act.gov.au)

*The Greens acknowledge Aboriginal and Torres Strait Islander peoples' relationship with the land and water, and their rights and obligations as Traditional Custodians must be respected. As sovereignty was never ceded, the Greens recognise that to become a truly reconciled nation, we must act to empower, listen to, and support Aboriginal and Torres Strait Islander peoples, their families, and communities.*

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**From:** Stevenson, Nicole (Health)  
**Sent:** Wednesday, 8 March 2023 16:52  
**To:** Ord, Jon  
**Cc:** Jean, David (Health)  
**Subject:** RE: Talking Points

OFFICIAL

Hi Jon

I will ask Katie to update you on this question at the briefing tomorrow.

Cheers  
Nic

---

**From:** Ord, Jon <Jon.Ord@act.gov.au>  
**Sent:** Wednesday, 8 March 2023 4:40 PM  
**To:** Stevenson, Nicole (Health) <Nicole.Stevenson@act.gov.au>  
**Cc:** Jean, David (Health) <David.Jean@act.gov.au>  
**Subject:** Re: Talking Points

OFFICIAL

[REDACTED]

Jon

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**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Sent:** Tuesday, March 7, 2023 4:54:17 PM  
**To:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** RE: Talking Points

OFFICIAL

Hi Jon

Sorry for the delay in getting the info for you.

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- █ [REDACTED]
- █ [REDACTED]

---

**From:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Sent:** Tuesday, 7 March 2023 11:06 AM  
**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** RE: Talking Points

Hi Nic

How is the disclosure process going? Do we know what kind of rate that those affected will be contacted?

Jon

---

**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Sent:** Monday, 6 March 2023 4:41 PM  
**To:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>; Cook, Caitlin <[Caitlin.Cook@act.gov.au](mailto:Caitlin.Cook@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** RE: Talking Points

OFFICIAL

Appreciate the concern Jon thank you. As just discussed over the phone, we have commenced the disclosure process this afternoon.

Any questions feel free to call anytime.

Nic

---

**From:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Sent:** Monday, 6 March 2023 11:29 AM  
**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>; Cook, Caitlin <[Caitlin.Cook@act.gov.au](mailto:Caitlin.Cook@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** RE: Talking Points

thank you. Noted.

The reason for my question is that if the email and matters behind it becomes public shortly after it being sent, we may disadvantage those who are most affected, who should be supported through the disclosure process.

To be absolutely clear, my concern is not about the matter becoming public. It clearly will and there are clear public interest and transparency grounds for it to become public. My concern is that the patients and families/carers should hear about this matter first and from their care provider – not by virtue of a media story about it.

Kind Regards,

Jon

---

**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Sent:** Monday, 6 March 2023 11:16 AM  
**To:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>; Cook, Caitlin <[Caitlin.Cook@act.gov.au](mailto:Caitlin.Cook@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** RE: Talking Points

OFFICIAL

Hi Jon

There is a meeting with the HRC and clinicians this afternoon to finalise the plan for disclosure. I will update you in the morning 😊

Nic

---

**From:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Sent:** Monday, 6 March 2023 10:10 AM  
**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>; Cook, Caitlin <[Caitlin.Cook@act.gov.au](mailto:Caitlin.Cook@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** Re: Talking Points

OFFICIAL

Thank you. How does this fit with the timeline for disclosure?

Jon

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**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Sent:** Monday, March 6, 2023 10:06:40 AM  
**To:** Cook, Caitlin <[Caitlin.Cook@act.gov.au](mailto:Caitlin.Cook@act.gov.au)>; Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Cc:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** Talking Points

OFFICIAL

Hi Jon and Caitlin

Please see below talking points in relation to the matter discussed on Friday. We will be sending the email out to our staff today.

- Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.
- CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.
- Staff are made aware of their obligations with regards to patient privacy and confidentiality through induction processes and mandatory training, as well as requirements as part of their registration as health professionals.
- There are policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.



- These policies also outline steps to take in instances where a breach may have been made and how to report this.
- We are unable to provide any specific information on this matter as it is the subject of an external investigation.

Any questions, please let me know.

Cheers  
Nic

**Nicole Stevenson** | Director  
Office of the Chief Executive Officer | Canberra Health Services | ACT Government  
T: 02 5124 4702 | M: [REDACTED] | E: [nicole.stevenson@act.gov.au](mailto:nicole.stevenson@act.gov.au)  
Building 28, Level 2, Canberra Hospital, Yamba Drive Garran ACT 2606

**RELIABLE | PROGRESSIVE | RESPECTFUL | KIND**

*CHS has flexible work practices, and I may be working at unusual times. If you receive my emails out of standard work hours, please know that I have no expectation that you will respond at that time.*

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**From:** Canberra Health Services Media  
**Sent:** Tuesday, 21 March 2023 09:23  
**To:** Morgan, Mat  
**Subject:** FW: MEDIA REQUEST - CHS privacy breach claims

OFFICIAL

FYI

**Gareth Williams | Director, Media**  
**Canberra Health Services | ACT Government**  
Phone: [REDACTED] | Email: [gareth.williams@act.gov.au](mailto:gareth.williams@act.gov.au)  
Building 23, Level 2, Canberra Hospital, Garran ACT 2605 | [www.health.act.gov.au](http://www.health.act.gov.au)  
**RELIABLE | PROGRESSIVE | RESPECTFUL | KIND**



acknowledge the Aboriginal and Torres Strait Islander peoples as the traditional custodians of the lands and waters of Australia, and the Ngunnawal and Ngambri people as the traditional custodians of the land in the ACT and surrounding NSW. I value the continuing contribution of their culture to this region and pay my respects to Elders past, present and emerging.

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**From:** Canberra Health Services Media <CHSmedia@act.gov.au>  
**Sent:** Tuesday, 21 March 2023 9:23 AM  
**To:** [REDACTED]  
**Cc:** Canberra Health Services Media <CHSmedia@act.gov.au>; Jean, David (Health) <David.Jean@act.gov.au>  
**Subject:** RE: MEDIA REQUEST - CHS privacy breach claims

OFFICIAL

Hi [REDACTED]

Please see below a message that was sent to all CHS staff from CHS CEO, Dave Peffer:

### A disappointing update

I wanted to quickly update you on something that's happened, which isn't good.

Before getting into the details (or what can be shared), I wanted to touch on values. One of our values in CHS is 'reliability'. This value is about doing what we say we're going to do - building trust with our patients, their families and loved ones. When we act and behave consistently, and follow through, we build trust. If we behave in a way that's inconsistent with what our patients expect, that trust can be damaged.

In recent weeks we've discovered a serious breach in the privacy of patient health records within one of our teams, extending back some time. Records have been sent by a small number of team members to multiple people within one of our industrial partners. Records that should never have been shared outside the organisation, without the express consent of our patients.

Trust was on the line, and we've let these patients down.

Just to be clear, I'm not talking about a long email chain with a patient's URN inadvertently buried in 20 pages of text. An accidental breach.

What I'm talking about here is whole clinical records, in some cases scanned from hard copy, and deliberately emailed to individuals outside the organisation. Breaching the privacy of 13 consumers. Over a period of years.

Often our patients are at their most vulnerable when in our care. The confidence our patients have to share their most private health information with us, helps us to treat and care for them. All of that relies on trust.

Breaches like these don't just have potential implications for the ongoing employment of those involved, it's unlawful conduct that carries heavy criminal penalties. Our obligations when responding to incidents like this include mandatory referrals to AHPRA, the Police, and other local and national regulators. We're complying with relevant instructions, and earlier today commenced open disclosure with affected patients and their families.

This isn't a situation we want anyone to find themselves in.

Team, I know that respecting patient privacy is in our DNA at CHS. We're trained in it, many practitioners sign annual declarations when renewing registration on it, and our systems are designed to preserve it. We know what's on the line when we get it wrong. Breaches like this remind all of us what can be at stake.

We'll have some rebuilding to do following disclosure, both within the team and with our patients. And if you want to refresh any of your understanding on patient privacy, there's plenty of content on our Healthhub, including a simple e-learning module and our CHS Policy on Consumer Privacy.

END

CHS Media

---

From: [REDACTED]  
Sent: Tuesday, 21 March 2023 8:38 AM  
To: Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
Subject: MEDIA REQUEST - CHS privacy breach claims

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Hi CHS Media Team,

We were just hoping to get some more information on the CHS privacy breach claims, as detailed in the story in the Canberra Times this morning.

Will anyone be commenting on this one today? Or is it possible to get a statement on the issue?

Our best email is [news@canberra.com.au](mailto:news@canberra.com.au) and our phone number is 6123 419

Thanks so much!

[REDACTED]

55 Bellenden Street, Crace, ACT 2911  
@hit1047canberra @mixcanberra @iHeartRadioAU



MIX106.3 and HIT104.7 acknowledges the traditional owners of the land from which we broadcast – the Ngunnawal People. It is upon their ancestral lands that we are based and we recognise and pay respect to their elders, past, present and emerging.

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-----

---

**From:** Canberra Health Services Media  
**Sent:** Tuesday, 21 March 2023 09:30  
**To:** Morgan, Mat  
**Subject:** FW: request for statement re: patient privacy breach

OFFICIAL

FYI

**Gareth Williams | Director, Media**  
**Canberra Health Services | ACT Government**  
Phone: [REDACTED] | Email: [gareth.williams@act.gov.au](mailto:gareth.williams@act.gov.au)  
Building 23, Level 2, Canberra Hospital, Garran ACT 2605 | [www.health.act.gov.au](http://www.health.act.gov.au)  
**RELIABLE | PROGRESSIVE | RESPECTFUL | KIND**



acknowledge the Aboriginal and Torres Strait Islander peoples as the traditional custodians of the lands and waters of Australia, and the Ngunnawal and Ngambri people as the traditional custodians of the land in the ACT and surrounding NSW. I value the continuing contribution of their culture to this region and pay my respects to Elders past, present and emerging.

---

**From:** Canberra Health Services Media <CHSmedia@act.gov.au>  
**Sent:** Tuesday, 21 March 2023 9:29 AM  
**To:** [REDACTED]  
**Cc:** Canberra Health Services Media <CHSmedia@act.gov.au>; Jean, David (Health) <David.Jean@act.gov.au>  
**Subject:** RE: request for statement re: patient privacy breach

OFFICIAL

Hi Claire

Please see below the message that was sent to all CHS staff from CHS CEO, Dave Pepper:

### **A disappointing update**

I wanted to quickly update you on something that's happened, which isn't good.

Before getting into the details (or what can be shared), I wanted to touch on values. One of our values in CHS is 'reliability'. This value is about doing what we say we're going to do - building trust with our patients, their families and loved ones. When we act and behave consistently, and follow through, we build trust. If we behave in a way that's inconsistent with what our patients expect, that trust can be damaged.

In recent weeks we've discovered a serious breach in the privacy of patient health records within one of our teams, extending back some time. Records have been sent by a small number of team members to multiple people within one of our industrial partners. Records that should never have been shared outside the organisation, without the express consent of our patients.

Trust was on the line, and we've let these patients down.

Just to be clear, I'm not talking about a long email chain with a patient's URN inadvertently buried in 20 pages of text. An accidental breach.

What I'm talking about here is whole clinical records, in some cases scanned from hard copy, and deliberately emailed to individuals outside the organisation. Breaching the privacy of 13 consumers. Over a period of years.

Often our patients are at their most vulnerable when in our care. The confidence our patients have to share their



most private health information with us, helps us to treat and care for them. All of that relies on trust.

Breaches like these don't just have potential implications for the ongoing employment of those involved, it's unlawful conduct that carries heavy criminal penalties. Our obligations when responding to incidents like this include mandatory referrals to AHPRA, the Police, and other local and national regulators. We're complying with relevant instructions, and earlier today commenced open disclosure with affected patients and their families.

This isn't a situation we want anyone to find themselves in.

Team, I know that respecting patient privacy is in our DNA at CHS. We're trained in it, many practitioners sign annual declarations when renewing registration on it, and our systems are designed to preserve it. We know what's on the line when we get it wrong. Breaches like this remind all of us what can be at stake.

We'll have some rebuilding to do following disclosure, both within the team and with our patients. And if you want to refresh any of your understanding on patient privacy, there's plenty of content on our Healthhub, including a simple e-learning module and our CHS Policy on Consumer Privacy.

END

Regarding your follow up questions, we are unable to elaborate further due to the fact that this matter is the subject of an external investigation. Unfortunately the below is all we can add.

**Attributable to Canberra Health Services spokesperson:**

"Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly. We take any potential breach very seriously.

We are unable to provide any specific information on this matter as it is the subject of an external investigation."

CHS Media

---

**From:** [REDACTED]  
**Sent:** Tuesday, 21 March 2023 9:14 AM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Subject:** request for statement re: patient privacy breach

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Good morning,

I was wondering if I could please be sent a statement regarding the patient privacy breach. I understand the breaches have been done by a small number of team members to a number of people within one company.

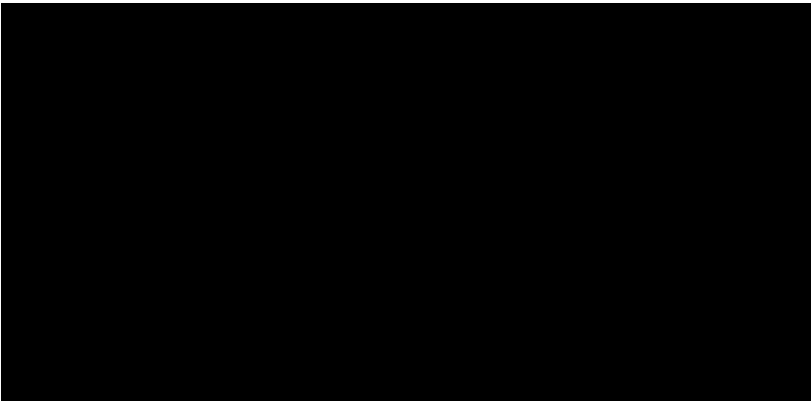
- how many breaches were there, and who is the industrial partner they were sent to?
- what is the employment status of the people who made these breaches? Given they were not accidental, are their employment statuses under review?
- have the 13 patients impacted been contacted?

If you are able to get back to me as soon as possible, I would appreciate it.

Thanks,



--



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---

**From:** Canberra Health Services Media  
**Sent:** Tuesday, 21 March 2023 10:14  
**To:** Jean, David (Health)  
**Subject:** FW: ABC Canberra TV interview request

OFFICIAL

See below

Gareth Williams | Director, Media  
Canberra Health Services | ACT Government  
Phone: [REDACTED] Email: [gareth.williams@act.gov.au](mailto:gareth.williams@act.gov.au)  
Building 23, Level 2, Canberra Hospital, Garran ACT 2605 | [www.health.act.gov.au](http://www.health.act.gov.au)  
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acknowledge the Aboriginal and Torres Strait Islander peoples as the traditional custodians of the lands and waters of Australia, and the Ngunnawal and Ngambri people as the traditional custodians of the land in the ACT and surrounding NSW. I value the continuing contribution of their culture to this region and pay my respects to Elders past, present and emerging.

---

**From:** [REDACTED]  
**Sent:** Tuesday, 21 March 2023 10:11 AM  
**To:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** ABC Canberra TV interview request

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Hi Brie and team,

Further to [REDACTED] request below, is Dave Peffer or another CHS spokesperson available for an on camera interview today?

Please let us know as soon as possible.

Many thanks,  
[REDACTED]

---

**From:** Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
**Sent:** Tuesday, 21 March 2023 6:37 AM  
**To:** [REDACTED]  
**Subject:** Re: ABC request

Hi [REDACTED]

Please see below cleared words:

We are unable to elaborate further than the below due to the fact that this matter is the subject of an external investigation. Unfortunately, the below is all we can say.

Attributable to Canberra Health Services spokesperson:

“Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly. We take any potential breach very seriously.

We are unable to provide any specific information on this matter as it is the subject of an external investigation.”

Kind regards,

Brie

From: [REDACTED]  
Sent: Tuesday, March 21, 2023 5:37 am  
To: Canberra Health Services Media <[CHSmedia@act.gov.au](mailto:CHSmedia@act.gov.au)>  
Subject: ABC request

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Hi there,

I'm looking to get confirmation of the front page story on the Canberra Times this morning.

Namely –

- Patients records were illegally shared by CHS staff
- The records were sent to multiple people including an industrial partner
- The matter has been referred to police
- 13 patients were effected
- The leak was confirmed in an all staff email written by CHS Chief Executive David Pepper

I'm also keen to get a copy of the email written by Mr Pepper if possible.

Let me know what you think.

Cheers

[REDACTED]

---

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**From:** Stevenson, Nicole (Health)  
**Sent:** Tuesday, 21 March 2023 11:52  
**To:** Jean, David (Health)  
**Subject:** RE: TPS on Privacy Breach

UNOFFICIAL

Hi Dave

Good to go, thanks

---

**From:** Jean, David (Health) <David.Jean@act.gov.au>  
**Sent:** Tuesday, 21 March 2023 11:49 AM  
**To:** Stevenson, Nicole (Health) <Nicole.Stevenson@act.gov.au>; CEOHealth <CEOHealth@act.gov.au>  
**Subject:** FW: TPS on Privacy Breach

UNOFFICIAL

Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.

CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.

I have been assured that once the privacy breaches were uncovered, CHS acted swiftly and appropriately to address this distressing incident.

CHS has assured me that staff involved have no further access to confidential information. This incident involved a small number of staff.

Preserving patient confidentiality is also a key part of team members' registration as health professionals and CHS team members work hard to ensure confidentiality of patient health records. There are training programs offered as part of the induction process which further supports them.

There are also clear policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.

We'll be able to offer the public more information once due process and the external investigation has concluded. Until then, I am unable to provide any further specifics on this matter as it is the subject of an external investigation which I have no plans to run commentary on.

**David Jean**  
Executive Branch Manager  
**Strategy and Governance (acting)**

Canberra Health Services | ACT Government  
P. (02) 512 46115 | M. [REDACTED] | E. [David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)  
Canberra Health Services media on-call phone: [REDACTED]

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---

**From:** Jean, David (Health)  
**Sent:** Tuesday, 21 March 2023 11:27 AM  
**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Subject:** RE: TPS on Privacy Breach

UNOFFICIAL

We make a great team..

MO are after it urgently...

**David Jean**  
 Executive Branch Manager  
**Strategy and Governance (acting)**

Canberra Health Services | ACT Government  
 P. (02) 512 46115 | M. [REDACTED] | E. [David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)  
 Canberra Health Services media on-call phone: [REDACTED]

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---

**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Sent:** Tuesday, 21 March 2023 11:26 AM  
**To:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>; CEOHealth <[CEOHealth@act.gov.au](mailto:CEOHealth@act.gov.au)>  
**Subject:** RE: TPS on Privacy Breach

UNOFFICIAL

Perfect! You could change the word amount to number.

I am just waiting to hear from Kalena, I have text her also.

---

**From:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Sent:** Tuesday, 21 March 2023 11:23 AM  
**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>; CEOHealth <[CEOHealth@act.gov.au](mailto:CEOHealth@act.gov.au)>  
**Subject:** RE: TPS on Privacy Breach

UNOFFICIAL

What about this:

Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.

CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.

I have been assured that once the privacy breaches were uncovered, CHS acted swiftly to ensure that all staff involved had no further access to confidential information. This incident involved a small amount of staff.

Preserving patient confidentiality is also a key part of team members' registration as health professionals and CHS team members work hard to ensure confidentiality of patient health records. There are training programs offered as part of the induction process which further supports them.

There are also clear policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.

We'll be able to offer the public more information once due process and the external investigation has concluded. Until then, I am unable to provide any further specifics on this matter as it is the subject of an external investigation which I have no plans to run commentary on.

Thanks,

**David Jean**

Executive Branch Manager

**Strategy and Governance (acting)**

Canberra Health Services | ACT Government

P. (02) 512 46115 | M. [REDACTED] | E. [David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)

Canberra Health Services media on-call phone: [REDACTED]

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---

**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>

**Sent:** Tuesday, 21 March 2023 11:18 AM

**To:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>; CEOHealth <[CEOHealth@act.gov.au](mailto:CEOHealth@act.gov.au)>

**Subject:** RE: TPS on Privacy Breach

**UNOFFICIAL**

How about.. CHS team members work hard to ensure confidentiality of patient health records. There are training programs offered as part of the induction process which further supports them. Preserving patient confidentiality is also a key part of team members' registration as health professionals.

I think we want to change the language around 'obligations'

Let me know what you think. I haven't heard back from KS yet.

---

**From:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>

**Sent:** Tuesday, 21 March 2023 11:01 AM

**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>; CEOHealth <[CEOHealth@act.gov.au](mailto:CEOHealth@act.gov.au)>

**Subject:** RE: TPS on Privacy Breach



## UNOFFICIAL

How about this (highlighted in green)?

Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.

CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.

I have been assured that once the privacy breaches were uncovered, CHS acted swiftly to ensure that all staff involved had no further access to confidential information.

CHS works with team members to ensure they are aware of obligations with regards to patient privacy and confidentiality through induction processes and training. Preserving patient confidentiality is also a key part of team members' registration as health professionals.

There are clear policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.

We'll be able to offer the public more information once due process and the external investigation has concluded. Until then, I am unable to provide any further specifics on this matter as it is the subject of an external investigation which I have no plans to run commentary on.

**David Jean**

Executive Branch Manager

**Strategy and Governance (acting)**

Canberra Health Services | ACT Government

P. (02) 512 46115 | M. [REDACTED] | E. [David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)

Canberra Health Services media on-call phone: [REDACTED]

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**From:** Jean, David (Health)

**Sent:** Tuesday, 21 March 2023 10:39 AM

**To:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>; CEOHealth <[CEOHealth@act.gov.au](mailto:CEOHealth@act.gov.au)>

**Subject:** FW: TPS on Privacy Breach

**Importance:** High

## UNOFFICIAL

Hi Nic and team, can I please get an urgent fact check/CEO clearance on this? Minister wants to put out a statement asap.

Highlighted sentence is one I need assurance on.

**David Jean**

Executive Branch Manager  
**Strategy and Governance (acting)**

Canberra Health Services | ACT Government  
 P. (02) 512 46115 | M. [REDACTED] | E. [David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)  
 Canberra Health Services media on-call phone: [REDACTED]

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---

**From:** Morgan, Mat <[Mat.Morgan@act.gov.au](mailto:Mat.Morgan@act.gov.au)>  
**Sent:** Tuesday, 21 March 2023 10:23 AM  
**To:** Jean, David (Health) <[David.Jean@act.gov.au](mailto:David.Jean@act.gov.au)>  
**Subject:** TPS on Privacy Breach

Hi David,  
 This is the statement we're planning for the minister to make today:

Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.

CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.

**I have been assured that once the privacy breaches were uncovered, CHS acted swiftly to ensure that all staff involved had no further access to confidential information.**

CHS staff are made aware of their obligations with regards to patient privacy and confidentiality through induction processes and mandatory training, as well as requirements as part of their registration as health professionals.

There are clear policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.

We'll be able to offer the public more information once due process and the external investigation has concluded. Until then, I am unable to provide any further specifics on this matter as it is the subject of an external investigation which I have no plans to run commentary on.

**Mat Morgan (he/they)**  
**Media Advisor | ACT Greens**  
**Minister Emma Davidson and Minister Rebecca Vassarotti**  
 T: [REDACTED] | E: [mat.morgan@act.gov.au](mailto:mat.morgan@act.gov.au)

*The Greens acknowledge Aboriginal and Torres Strait Islander peoples' relationship with the land and water, and their rights and obligations as Traditional Custodians must be respected. As sovereignty was never ceded, the Greens recognise that to become a truly reconciled nation, we must act to empower, listen to, and support Aboriginal and Torres Strait Islander peoples, their families and communities.*

---

**From:** Jean, David (Health)  
**Sent:** Tuesday, 21 March 2023 11:55  
**To:** Morgan, Mat  
**Subject:** RE: TPS on Privacy Breach

**UNOFFICIAL**

Suggested changes:

Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.

CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.

I have been assured that once the privacy breaches were uncovered, CHS acted swiftly and appropriately to address this distressing incident.

CHS has assured me that staff involved have no further access to confidential information. This incident involved a small number of staff.

Preserving patient confidentiality is also a key part of team members' registration as health professionals and CHS team members work hard to ensure confidentiality of patient health records. There are training programs offered as part of the induction process which further supports them.

There are also clear policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.

We'll be able to offer the public more information once due process and the external investigation has concluded. Until then, I am unable to provide any further specifics on this matter as it is the subject of an external investigation which I have no plans to run commentary on.

**David Jean**

Executive Branch Manager

**Strategy and Governance (acting)**

Canberra Health Services | ACT Government

P. (02) 512 46115 | M. [REDACTED] | E. David.Jean@act.gov.au

Canberra Health Services media on-call phone: [REDACTED]

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---

**From:** Morgan, Mat <Mat.Morgan@act.gov.au>  
**Sent:** Tuesday, 21 March 2023 10:23 AM  
**To:** Jean, David (Health) <David.Jean@act.gov.au>  
**Subject:** TPS on Privacy Breach

Hi David,

This is the statement we're planning for the minister to make today:

Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly.

CHS understands its legislative and values-based obligations in relation to patient privacy and confidentiality and treats any potential breach very seriously.

Following the distressing news of privacy breaches, I have been assured by CHS that any staff involved have no further access to confidential information.

CHS Staff are made aware of their obligations with regards to patient privacy and confidentiality through induction processes and mandatory training, as well as requirements as part of their registration as health professionals.

There are clear policies and procedures in place for the treatment of all health records, including access, storage, dissemination and destruction guidelines.

We'll be able to offer the public more information once due process and the external investigation has concluded. Until then, I am unable to provide any further specifics on this matter as it is the subject of an external investigation which I have no plans to run commentary on.

**Mat Morgan** (he/they)

**Media Advisor | ACT Greens**

**Minister Emma Davidson and Minister Rebecca Vassarotti**

T: [REDACTED] | E: [mat.morgan@act.gov.au](mailto:mat.morgan@act.gov.au)

*The Greens acknowledge Aboriginal and Torres Strait Islander peoples' relationship with the land and water, and their rights and obligations as Traditional Custodians must be respected. As sovereignty was never ceded, the Greens recognise that to become a truly reconciled nation, we must act to empower, listen to, and support Aboriginal and Torres Strait Islander peoples, their families and communities.*

**From:** Canberra Health Services Media  
**Sent:** Tuesday, 21 March 2023 12:58  
**To:** Morgan, Mat  
**Subject:** FW: Interview request for 2CC Radio Canberra

OFFICIAL

FYI

**Gareth Williams | Director, Media**  
**Canberra Health Services | ACT Government**  
Phone: [REDACTED] | Email: [gareth.williams@act.gov.au](mailto:gareth.williams@act.gov.au)  
Building 23, Level 2, Canberra Hospital, Garran ACT 2605 | [www.health.act.gov.au](http://www.health.act.gov.au)  
**RELIABLE | PROGRESSIVE | RESPECTFUL | KIND**



acknowledge the Aboriginal and Torres Strait Islander peoples as the traditional custodians of the lands and waters of Australia, and the Ngunnawal and Ngambri people as the traditional custodians of the land in the ACT and surrounding NSW. I value the continuing contribution of their culture to this region and pay my respects to Elders past, present and emerging.

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**From:** Canberra Health Services Media  
**Sent:** Tuesday, 21 March 2023 12:57 PM  
**To:** [REDACTED]  
**Cc:** Canberra Health Services Media <CHSmedia@act.gov.au>; Jean, David (Health) <David.Jean@act.gov.au>  
**Subject:** RE: Interview request for 2CC Radio Canberra

OFFICIAL

Hi [REDACTED]

I can provide you the message that Dave Peffer shared with all CHS staff about this matter. Beyond this though, we are unable to elaborate any further due to the fact that this matter is the subject of an external investigation:

#### A disappointing update

I wanted to quickly update you on something that's happened, which isn't good.

Before getting into the details (or what can be shared), I wanted to touch on values. One of our values in CHS is 'reliability'. This value is about doing what we say we're going to do - building trust with our patients, their families and loved ones. When we act and behave consistently, and follow through, we build trust. If we behave in a way that's inconsistent with what our patients expect, that trust can be damaged.

In recent weeks we've discovered a serious breach in the privacy of patient health records within one of our teams, extending back some time. Records have been sent by a small number of team members to multiple people within one of our industrial partners. Records that should never have been shared outside the organisation, without the express consent of our patients.

Trust was on the line, and we've let these patients down.

Just to be clear, I'm not talking about a long email chain with a patient's URN inadvertently buried in 20 pages of text. An accidental breach.

What I'm talking about here is whole clinical records, in some cases scanned from hard copy, and deliberately emailed to individuals outside the organisation. Breaching the privacy of 13 consumers. Over a period of years.

Often our patients are at their most vulnerable when in our care. The confidence our patients have to share their most private health information with us, helps us to treat and care for them. All of that relies on trust.

Breaches like these don't just have potential implications for the ongoing employment of those involved, it's unlawful conduct that carries heavy criminal penalties. Our obligations when responding to incidents like this include mandatory referrals to AHPRA, the Police, and other local and national regulators. We're complying with relevant instructions, and earlier today commenced open disclosure with affected patients and their families.

This isn't a situation we want anyone to find themselves in.

Team, I know that respecting patient privacy is in our DNA at CHS. We're trained in it, many practitioners sign annual declarations when renewing registration on it, and our systems are designed to preserve it. We know what's on the line when we get it wrong. Breaches like this remind all of us what can be at stake.

We'll have some rebuilding to do following disclosure, both within the team and with our patients. And if you want to refresh any of your understanding on patient privacy, there's plenty of content on our Healthhub, including a simple e-learning module and our CHS Policy on Consumer Privacy.

END

Unfortunately, the below is all we can add to this:

**Attributable to Canberra Health Services spokesperson:**

"Patient privacy and confidentiality is a key tenet of the health care system and one Canberra Health Services values greatly. We take any potential breach very seriously.

We are unable to provide any specific information on this matter as it is the subject of an external investigation."

CHS Media

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From: [REDACTED]  
 Sent: Tuesday, 21 March 2023 11:10 AM  
 To: Health Media <[HealthMedia@act.gov.au](mailto:HealthMedia@act.gov.au)>  
 Subject: Interview request for 2CC Radio Canberra

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good Morning,

My name is [REDACTED] I'm a producer at 2CC Radio Canberra. I'm writing to see if Dave Pepper is available to have a chat on our drive program this afternoon. More details are as follows:

Time: 4.05pm or 5.05pm AEDT

Presenter: [REDACTED]

Subject: Patient records shared in data privacy breach

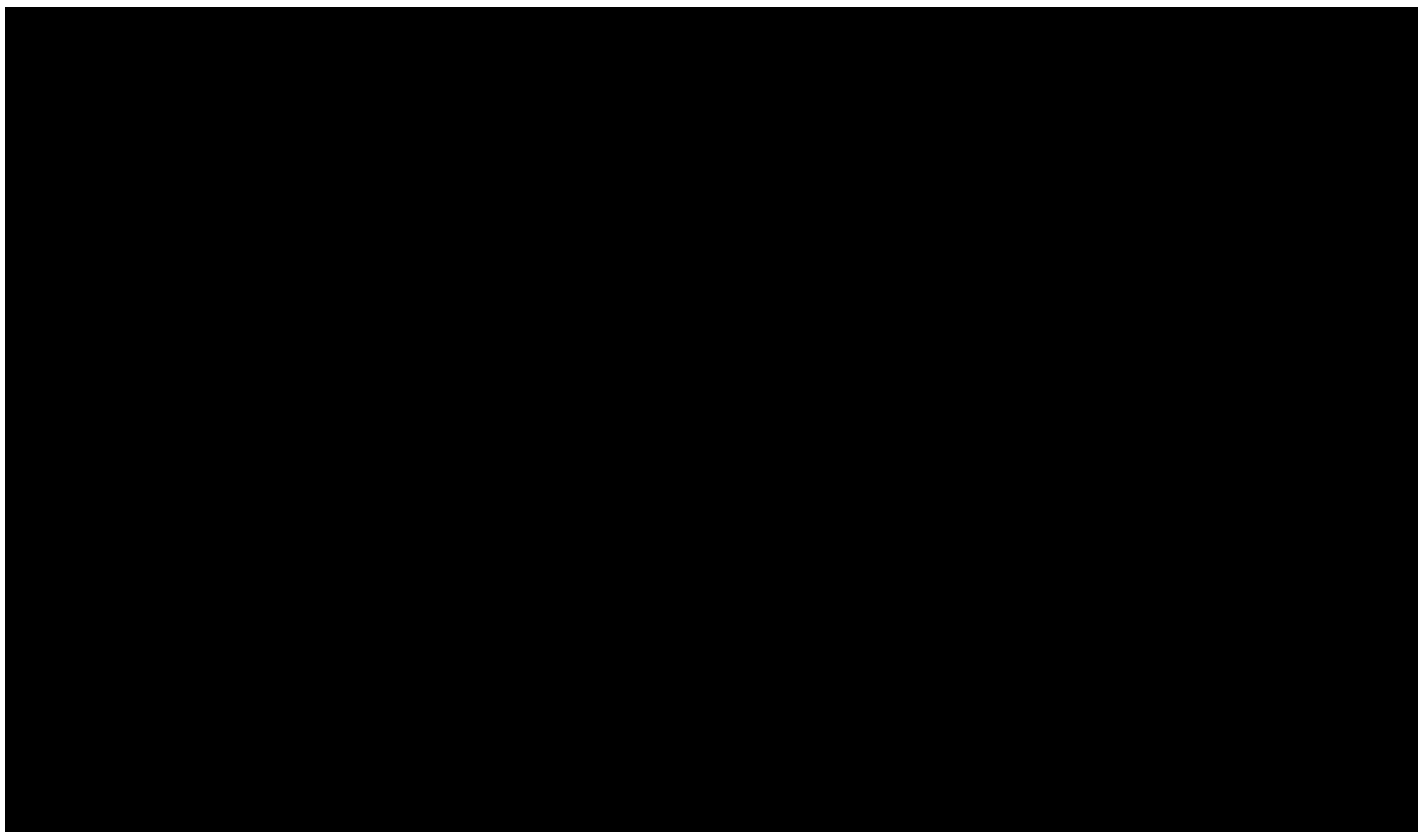
Format: 5-10 minute live phone interview

Contact: He may ring our studio number on 02 6255 1206 a few minutes early

If you could get back to me ASAP that would be great.

Cheers,

[REDACTED]





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**From:** Doyle, Tom (Health) on behalf of Canberra Health Services Media  
**Sent:** Wednesday, 22 March 2023 17:30  
**To:** Williams, Gareth (Health)  
**Subject:** FW: Privacy breach

OFFICIAL

Hey Gareth, this okay?

**Attributable to a Canberra Health Services spokesman:**

“Canberra Health Services can confirm that one staff member has been terminated and a further two staff members have been stood down pending an investigation by the Public Sector Standards Commissioner.”

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**From:** [REDACTED]  
**Sent:** Wednesday, 22 March 2023 5:07 PM  
**To:** Canberra Health Services Media <CHSmedia@act.gov.au>  
**Subject:** Privacy breach

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi,  
Can you confirm that a staff member has been sacked and two stood down over this issue, and that the matter has been referred to the Integrity Commission?  
Is there a statement from Dave Peffer?

Best,

[REDACTED]

[REDACTED]

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.



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**From:** Doyle, Tom (Health) on behalf of Canberra Health Services Media  
**Sent:** Thursday, 23 March 2023 09:30  
**To:** Pulli, Tracey (Health); Williams, Gareth (Health)  
**Subject:** FW: request for statement from Mr Pepper re: staff stood down over privacy breach

OFFICIAL

FYI

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**From:** [REDACTED]  
**Sent:** Thursday, 23 March 2023 9:25 AM  
**To:** Canberra Health Services Media <CHSmedia@act.gov.au>  
**Subject:** Re: request for statement from Mr Pepper re: staff stood down over privacy breach

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi guys,

Following up, I was wondering if I could line up a phone interview with Dave today about this issue, just to get into things a bit more. I'm assuming he had one with [REDACTED] from the Canberra Times yesterday and I know he was on ABC Radio in the afternoon, so if I'm able to have a chat I'd appreciate it. Would between 12 and 2 pm today suit?

Thanks,

[REDACTED]

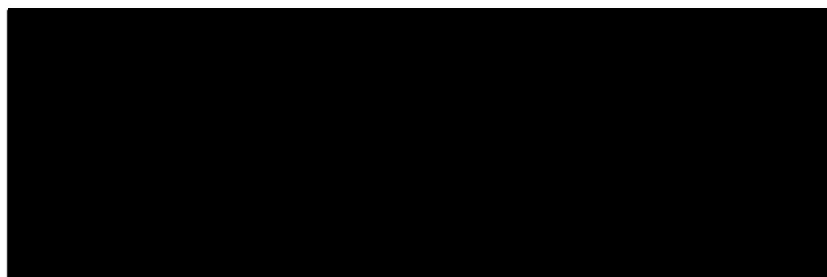
On Thu, Mar 23, 2023 at 7:08 AM [REDACTED] wrote:

Good morning media team,

I was wondering if I could please be sent the statement from Mr Pepper regarding staff stood down over the patient privacy breach. Was a release put out about this? I saw the Canberra Times and ABC had the statement already, so was just wondering if I had fallen off a list somewhere.

Thanks,

[REDACTED]



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**From:** Davidson, Emma  
**Sent:** Thursday, 23 March 2023 09:41  
**To:** Peffer, Dave (Health)  
**Subject:** Statement in Chamber this morning  
**Attachments:** Minister for Mental Health - Data Privacy Breach.docx

Hi Dave,

Thank you for getting the dot points to me so quickly yesterday.

I've added a couple of details from my own notes, and I will be reading all these into Hansard as a statement in Chamber this morning before the Ministerial Statements start. You can see what I've added in blue.

Jon is talking to Michael Cook about it, and the Chief will have a copy of the statement before I deliver it.

Emma



## Emma Davidson MLA

Minister for Disability

Minister for Justice Health

Minister for Mental Health

Minister for Veterans and Seniors

Assistant Minister for Families and Community Services

Member for Murrumbidgee

### SPEAKING NOTES RELATING TO PATIENT RECORDS BREACH

- In early February Canberra Health Services discovered a potential breach of patient privacy through the sharing of personal health information, without consent, outside the organisation.
- I was notified 8 February verbally, further details were provided in regular updates in the weeks following as more information came to light about the extent and nature of the information that had been shared.
- An audit was undertaken to determine the breadth of the breach, which uncovered significant and sustained breaches of the *Health Records (Privacy and access) Act 1997* and the *Privacy Act 1988*. This took some time, but by 27 February we had a pretty clear understanding of the number of patients and staff involved.
- The breach identified that the personal health information of 13 CHS patients had been shared with an industrial partner and other private email accounts.
- CHS immediately notified and referred the breach to relevant authorities including ACT Police, the ACT Integrity Commission, the Human Rights Commission through the ACT Health Services Commissioner, the Australian Information Commissioner and the Australian Health Practitioners Regulation Agency (AHPRA).

## Emma Davidson MLA

- In line with guidance from the Australian Information Commissioner, CHS formally advised the industrial partner, [the Australian Nursing and Midwifery Federation ACT Branch](#), of the breach as soon as its extent was determined.
- On 28 February, I emailed the CEO of CHS and the ANMF ACT Branch Secretary to express my concerns about the impact on patients and on staff who are trying to create a safe workplace with high quality care. I asked if we could make a time to meet. I particularly wanted to better understand what their organisations were doing to comply with legal obligations. I also wanted to address the distrust this privacy breach creates. Within hours, I received a reply from the CEO of CHS suggesting times that would suit for a meeting. On 1 March, I received a letter from a lawyer engaged by ANMF requesting that all future correspondence be directed to them instead of to ANMF, and declining my request for a meeting.
- The CEO of Canberra Health Services advised all health service team members of the breach through an email on 6 March 2023. This email reminded teams of the training that is available to them should they need to refresh their understanding on patient privacy. It also acknowledged the importance of complying with relevant obligations, and the trust our community and patients place in the health service when sharing sensitive personal information.
- The open disclosure process commenced on 6 March 2023 to advise the affected patients. This process is supported by very experienced CHS team members, both from the senior leadership team and clinicians. It is an intricate process and will take some time however affected patients have been notified.
- Supports are provided to the affected patients and their families and/or carers throughout the process, and in some circumstances the Public Advocate also participates in the process.
- As a result of the breach, one staff member has been terminated and two staff members have been suspended and referred to the Public Sector Standards Commissioner for independent investigation.

**Emma Davidson MLA**

- CHS continues to work closely with regulatory bodies, our patients and other staff members who may be affected.
- As the matter is being considered by external regulatory bodies, I cannot provide any further information and have been reassured that CHS will provide me with updates or other information as it comes to hand.
- As part of industry registration, nurses, doctors and allied health professionals undertake compulsory training on the handling of personal health information, which includes:
  - When they can be accessed
  - Who can access them
  - How they can be disseminated
  - How to securely store them and/or destroy them; and
  - The privacy principles that underpin these decisions.
- This training is compulsory for health professional registered with AHPRA and other recognised industry regulators such as the Health Information Management Association of Australia (HIMAA).
- All CHS team members also complete mandatory training modules as part of their induction when commencing employment with the health service.
- In mid to late 2022, in preparation for the implementation of the Digital Health Record (DHR), more than 11,000 health staff across the ACT undertook training in the DHR. Part of the training included a reminder on patient privacy and obligations when handling and accessing personal health information.
- The DHR system has in-built proactive reporting programs and additional levels of security for different types of medical records.

**ENDS**

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**From:** Stevenson, Nicole (Health)  
**Sent:** Thursday, 23 March 2023 09:46  
**To:** Bransgrove, Meagen  
**Subject:** FW: Dot points for Ministerial Statement  
**Attachments:** Minister for Mental Health - Data Privacy Breach Talking Points.docx

OFFICIAL

Morning Meg

Please see attached and below, information that was sent to Minister Davidson's office in relation to the data breach.

Any questions, please don't hesitate to give me a call.

Cheers  
Nic

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**From:** Peffer, Dave (Health) <Dave.Peffer@act.gov.au>  
**Sent:** Thursday, 23 March 2023 9:00 AM  
**To:** Stevenson, Nicole (Health) <Nicole.Stevenson@act.gov.au>; Ord, Jon <Jon.Ord@act.gov.au>  
**Cc:** CHS DLO <CHSDLO@act.gov.au>; Smith, SallyJ (Health) <SallyJ.Smith@act.gov.au>  
**Subject:** RE: Dot points for Ministerial Statement

OFFICIAL

Hi Jon

[REDACTED]

Dave

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**From:** Stevenson, Nicole (Health) <[Nicole.Stevenson@act.gov.au](mailto:Nicole.Stevenson@act.gov.au)>  
**Sent:** Wednesday, 22 March 2023 8:55 PM  
**To:** Ord, Jon <[Jon.Ord@act.gov.au](mailto:Jon.Ord@act.gov.au)>  
**Cc:** CHS DLO <[CHSDLO@act.gov.au](mailto:CHSDLO@act.gov.au)>; Smith, SallyJ (Health) <[SallyJ.Smith@act.gov.au](mailto:SallyJ.Smith@act.gov.au)>; Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>  
**Subject:** Dot points for Ministerial Statement

OFFICIAL

Hi Jon

Please find attached the points to inform a Ministerial Statement on the data breach.

Happy to chat through if you have any additional questions.

Cheers  
Nic

**Nicole Stevenson** | Director

Office of the Chief Executive Officer | Canberra Health Services | ACT Government

T: 02 5124 4702 | M: [REDACTED] | E: [nicole.stevenson@act.gov.au](mailto:nicole.stevenson@act.gov.au)

Building 28, Level 2, Canberra Hospital, Yamba Drive Garran ACT 2606

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*CHS has flexible work practices, and I may be working at unusual times. If you receive my emails out of standard work hours, please know that I have no expectation that you will respond at that time.*





## Emma Davidson MLA

Minister for Disability

Minister for Justice Health

Minister for Mental Health

Minister for Veterans and Seniors

Assistant Minister for Families and Community Services

Member for Murrumbidgee

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- CHS immediately notified and referred the breach to relevant authorities including ACT Police, the ACT Integrity Commission, the Human Rights Commission through the ACT Health Services Commissioner, the Australian Information Commissioner and the Australian Health Practitioners Regulation Agency (AHPRA).
- In line with guidance from the Australian Information Commissioner, CHS formally advised the industrial partner of the breach as soon as its extent was determined.
- The CEO of Canberra Health Services advised all health service team members of the breach through an email on 6 March 2023. This email reminded teams of

## Emma Davidson MLA

the training that is available to them should they need to refresh their understanding on patient privacy. It also acknowledged the importance of complying with relevant obligations, and the trust our community and patients place in the health service when sharing sensitive personal information.

- As part of industry registration, nurses, doctors and allied health professionals undertake compulsory training on the handling of personal health information, which includes:
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**Emma Davidson MLA**

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- As a result of the breach, one staff member has been terminated and two staff members have been suspended and referred to the Public Sector Standards Commissioner for independent investigation.
- CHS continues to work closely with regulatory bodies, our patients and other staff members who may be affected.
- As the matter is being considered by external regulatory bodies, I cannot provide any further information and have been reassured that CHS will provide me with updates or other information as it comes to hand.

**ENDS**

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**From:** Peffer, Dave (Health)  
**Sent:** Thursday, 23 March 2023 14:24  
**To:** Ord, Jon  
**Subject:** specific info privacy training

**Importance:** High

**OFFICIAL**

Jon

3 things the Min can mention –

Upon induction to our health service, every team member has mandatory training they must undertake:

1. Workplace behaviours – this covers consumer privacy and the Health Records Act 1997
2. My role in quality and safety of care – covers personal privacy and handling information
3. Healthcare Rights (Mental health specific training for MH team members) – covers privacy and confidentiality of patient records

Dave

Dave Peffer  
**CEO**

Phone: [REDACTED] | Email: [dave.peffer@act.gov.au](mailto:dave.peffer@act.gov.au)  
Building 28, Level 2, Canberra Hospital, Yamba Drive, Garran ACT 2605

