



**Administrator**  
National Health  
Funding Pool

# Data Governance Policy

November 2018

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## Definitions, acronyms and abbreviations

Term	Description
Administrator	Administrator of the National Health Funding Pool
Agreement	National Health Reform Agreement
COAG	Council of Australian Governments
DoH	Commonwealth Department of Health
Funding Body	National Health Funding Body
Funding Body CEO	The Chief Executive Officer of the Funding Body
Funding Pool	National Health Funding Pool
LHN	Local Hospital Network
MBS	Medical Benefits Schedule
Medicare PIN	Medicare Personal Identification Number
National Health Reform law	A law of a State or Territory that gives effect to the Agreement
NHR Act	<i>National Health Reform Act 2011</i> (Cth)
Official of the Funding Body	A person who is: a) the Funding Body CEO; b) a member of the staff of the Funding Body; c) a person whose services are made available to the Funding Body under section 265 of the NHR Act; or d) a person engaged as a consultant under section 266 of the NHR Act
PBS	Pharmaceutical Benefits Scheme
Responsible Minister	The relevant Commonwealth, State or Territory Minister with portfolio responsibility for the administration of the provision of the NHR Act in which the expression occurs (or of the corresponding provision of the laws of the States)
State Pool Account	The bank accounts of a State or Territory opened under the laws of the State and Territories as State Pool Accounts for the purposes of the National Health Reform Agreement

# 1. Preface

The Data Governance Policy details the information collected, the purpose for the collection, its use, storage, disclosure and disposal, by the Administrator of the National Health Funding Pool.

The privacy, secrecy and security of all data provided by jurisdictions are of particular importance.

All data requested are either not identified, or are de-identified. As long as these data remain unidentified, they are not deemed to be 'personal information' within the meaning of the *Privacy Act 1988*. To cover the possibility that data may become identifiable, additional measures have been adopted by the National Health Funding Body to ensure that their collection and use are in accordance with the Australian Privacy Principles and with the secrecy and patient confidentiality provisions in the *National Health Reform Act 2011* and other statutory protections.

Systems and processes used for collection, storage and reporting have been designed to ensure security of information in line with the Commonwealth's Protective Security Policy Framework.

This document will be updated as necessary to ensure these arrangements reflect changes in the legislative environment and best practice data and information management.

Additional information on information collection and use is available from the website at [www.publichospitalfunding.gov.au](http://www.publichospitalfunding.gov.au).



Mr Michael Lambert  
Administrator  
National Health Funding Pool

20 November 2018

Date for Next Review

November 2020

## 2. Overview of role of Administrator/Funding Body

The Administrator of the National Health Funding Pool (the Administrator) and the National Health Funding Body (Funding Body) are established under the *National Health Reform Act 2011* (the NHR Act). The Administrator's primary function is to administer the National Health Funding Pool (Funding Pool), which involves making payments to Local Hospital Networks (LHNs) and State Pool Accounts in accordance with the National Health Reform Agreement (Agreement).

The Administrator is required to:

- Calculate and advise the Commonwealth Treasurer of the Commonwealth contribution to public hospital funding into each State Pool Account (including advice on any reconciliation of those estimated amounts based on subsequent actual service delivery) (s238 of the NHR Act).
- Monitor the payment of Commonwealth hospital funding into State Pool Accounts (s238 of the NHR Act).
- Make payments from each State Pool Account, in accordance with the directions of the State or Territory concerned (common provisions of the National Health Reform laws in each State and Territory).
- Report publicly on the payments made and services funded under the NHR Act (s240 of the NHR Act).

The Funding Body's function is to assist the Administrator in the performance of his or her functions (s252 of the NHR Act).

### 3. Information collected and purpose

Table 1 provides a summary of the information collected or produced by the Administrator and the Funding Body. The Administrator's rolling Three Year Data Plan provides further detail on the information required by the Administrator to undertake his functions. The information required is dependent on the provision of data by a number of stakeholders and the Administrator and the Funding Body will not disclose the information unless it complies with legislation.

Table 1: Summary of information collected or produced

Information	Category	Level of detail	Provided by / Derived by	Purpose of data
Hospital service activity data	De-identified <sup>1</sup>	Patient level	States and Territories	Reconciliation and data matching
Medicare PIN for hospital activity data	De-identified	Patient level	States and Territories through the Commonwealth Department of Human Services	
Medicare Benefits Schedule (MBS) claims data	De-identified	Claim level	DoH	
Pharmaceutical Benefits Scheme (PBS) claims data	De-identified	Claim level	DoH	
Matched hospital activity data with MBS claims data	De-identified	Patient level	Funding Body from linking hospital service activity and MBS claims data	
Matched hospital activity data with PBS claims data	De-identified	Patient level	Funding Body from linking hospital service activity and PBS claims data	
Monthly report data	Financial data	Service category within LHN	States and Territories and Funding Body	Publication of monthly reports
Service estimates	Hospital activity data	Service category within LHN	States and Territories	Calculation of Commonwealth contribution
Public Health Funding	Financial data	State and Territory	Commonwealth Treasury	Calculation of Commonwealth contribution
Service Agreements	Activity and financial data	LHNs	States and Territories	To compare the agreed activity levels between States and Territories and their LHNs with Commonwealth funding
Funding and payment transactions	Financial data	LHNs and third party	States and Territories and Funding Body	Reporting relevant national health reform funding and payments (Financial Statements)

<sup>1</sup> Any data that directly identifies an individual has been removed.

Information	Category	Level of detail	Provided by / Derived by	Purpose of data
Correspondence from stakeholders	To be assessed when provided	To be assessed when provided	Various	Various

## 4. Information governance principles and legislative requirements for information release and disclosure

Where permitted the Administrator and the Funding Body are committed to the transparency and open access to information. In determining if information can be released or disclosed, consideration will be given to the following principles. The principles have been mapped into a range of procedures and policies which are subject to ongoing Internal Audit and Assurance Review.

### 4.1 Principle 1 – Adherence to Sections 245, 268 and 270 of NHR Act

Section 245 provides that the Administrator is required to provide to the Responsible Minister any information requested by that Responsible Minister that relates to their jurisdiction.

Sections 268 and 270 set out circumstances in which information may be disclosed by the Administrator and the Funding Body, relevantly including where:

- a) the disclosure is for the purposes of the NHR Act (or, in the case of the Administrator, a National Health Reform law); or
- b) the disclosure is for the purposes of the performance of the functions of the Administrator and the Funding Body under the NHR Act (or, in the case of the Administrator, a National Health Reform law); or
- c) the disclosure is in the course of a person's employment or service in the capacity as the Administrator or as an official of the Funding Body.

### 4.2 Principle 2 – Consistency with role

The release or disclosure of the requested information is within the confinement of the Administrator's and Funding Body's remits and safeguards their independence.

### 4.3 Principle 3 - Compliant with Legislation

The NHR Act, the Agreement, and the National Health Reform laws of each State and Territory govern the role, functions and responsibilities of the Administrator and the Funding Body. Information released or disclosed must comply with legislative requirements.

Legislation includes but is not limited to:

- *National Health Reform Act 2011*
- National Health Reform Agreement
- *Public Governance, Performance and Accountability Act 2013*
- *Privacy Act 1988*
- *Freedom of Information Act 1982*

- *Health Services Act 1997 – New South Wales*
- *Health (Commonwealth State Funding Arrangements) Act 2012 – Victoria*
- *Hospital and Health Boards Act 2011 – Queensland*
- *National Health Funding Pool Administration (South Australia) Act 2012 – South Australia*
- *National Health Funding Pool Act 2012 – Western Australia*
- *National Health Funding Administration Act 2012 – Tasmania*
- *Health (National Health Funding Pool and Administration) Act 2013 – Australian Capital Territory*
- *National Health Funding Pool and Administration (National Uniform Legislation) Act 2012 – Northern Territory*

## 5. Release of Information

The information received or derived by the Administrator and the Funding Body is defined as ‘protected Administrator information’ and ‘protected Funding Body information’ respectively.

Section 5 of the NHR Act states the following:

- a) *protected Administrator information means information that was obtained by a person in the person’s capacity as the Administrator; and*
- b) *protected Funding Body information means information that:*
  - i) *was obtained by a person in the person’s capacity as an official of the Funding Body; and*
  - ii) *relates to the affairs of a person other than an official of the Funding Body.*

For example, information that relates to the affairs of an individual patient or a particular hospital is protected Funding Body information for the purposes of the NHR Act.

### 5.1 Release of protected Administrator Information

Under section 245 of the NHR Act, the Administrator may release protected Administrator information to the responsible Minister for a jurisdiction in the following circumstances:

Table 2: Release of protected Administrator information

<i>Responsible Minister for a jurisdiction</i>	<i>The Administrator is required to provide to the responsible Minister for a jurisdiction any information requested by that responsible Minister that relates to that jurisdiction.</i>  <i>The information is to be provided by the time requested by that responsible Minister.</i>	<i>Section 245(1) &amp; (2)</i>
<i>Responsible Ministers of all jurisdictions</i>	<i>The Administrator is required to provide to the responsible Ministers of all jurisdictions a copy of advice provided by the Administrator to the Treasurer of the Commonwealth about the basis on which the Administrator has calculated the payments to be made into State Pool Accounts by</i>	<i>Section 245(3)</i>

	<i>the Commonwealth.</i>	
<i>Responsible Minister for that jurisdiction</i>	<i>The Administrator may at any time provide any information that relates to a jurisdiction to the responsible Minister for that jurisdiction.</i>	<i>Section 245(4)</i>
<i>Information relating to another jurisdiction</i>	<i>Any information relating to a jurisdiction that is provided by the Administrator to another jurisdiction may only be publicly released by that other jurisdiction in accordance with arrangements approved by the responsible Minister for the jurisdiction to which the information relates.</i>	<i>Section 245(5)</i>

In addition, each of the following is an exception to the prohibition on the disclosure or use of protected Administrator information under section 268(1) of the NHR Act:

- a) *the disclosure or use is authorised by the NHR Act or by a National Health Reform law of a State or Territory;*
- b) *the disclosure or use is in compliance with a law of the Commonwealth or a law of a State or Territory;*
- c) *the disclosure or use is for the purposes of the NHR Act or a National Health Reform law of a State or Territory;*
- d) *the disclosure or use is for the purposes of the performance of the functions of the Administrator under the NHR Act or a National Health Reform law of a State or Territory;*
- e) *the disclosure or use is in the course of the Administrator's employment or service as the Administrator;*
- f) *the disclosure or use is in accordance with a direction given by COAG under subsection 238(3);*
- g) *the disclosure is to the Treasurer of the Commonwealth or a State or Territory, or to the responsible Minister for the Commonwealth or a State or Territory;*
- h) *the disclosure is of information that relates to the affairs of a person with consent of the person; and*
- i) *the disclosure is of information that has already been lawfully made available to the public.*

## 5.2 Release of protected Funding Body Information

Section 269 of the NHR Act provides that each of the following is an exception to the prohibition on the disclosure or use of protected Funding Body information:

- a) *the disclosure or use is authorised by Division 2 of Part 5.4 of the NHR Act; and*
- b) *the disclosure or use is in compliance with a requirement under a law of the Commonwealth or a prescribed law of a State or a Territory.*

Division 2 of Part 5.4 of the NHR Act authorises the disclosure or use of protected Funding Body information in the following circumstances:

Table 3: Disclosure of protected Funding Body information under the NHR Act

<i>Disclosure for the purposes of the NHR Act</i>	<i>An official of the Funding Body may disclose or use protected Funding Body information if:</i> <ul style="list-style-type: none"> <li>• <i>The disclosure or use is for the purposes of</i></li> </ul>	<i>Section 270</i>
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	<p><i>the NHR Act; or</i></p> <ul style="list-style-type: none"> <li>• <i>The disclosure or use is for the purposes of the performance of the functions of the Funding Body under the NHR Act; or</i></li> <li>• <i>The disclosure or use is in the course of the official's employment or service as an official of the Funding Body.</i></li> </ul>	
<i>Disclosure to the Minister</i>	<p><i>An official of the Funding Body may disclose Protected Funding Body Information to</i></p> <ul style="list-style-type: none"> <li>• <i>The Minister; or</i></li> <li>• <i>The Treasurer</i></li> </ul>	<i>Section 271</i>
<i>Disclosure to a State/Territory Health Minister</i>	<i>An official of the Funding body may disclose protected Funding Body information to a State/Territory Health Minister</i>	<i>Section 272</i>
<i>Disclosure to the Secretary etc.</i>	<p><i>An official of the Funding Body may disclose protected Funding Body information to:</i></p> <ul style="list-style-type: none"> <li>• <i>The Secretary; or</i></li> <li>• <i>The Head (however described) of the Health Department of a State or Territory</i></li> </ul>	<i>Section 273</i>
<i>Disclosure to a Royal Commission</i>	<ol style="list-style-type: none"> <li>1) <i>An official of the Funding Body may disclose protected Funding Body information to a Royal Commission.</i></li> <li>2) <i>The Funding Body CEO may, by writing, impose conditions to be complied with in relation to protected Funding Body information disclosed under subsection (1)</i></li> <li>3) <i>An instrument under subsection (2) is not a legislative instrument.</i></li> </ol>	<i>Section 274</i>
<i>Disclosure to certain agencies, bodies or persons</i>	<p><i>Scope</i></p> <ol style="list-style-type: none"> <li>1) <i>If the Administrator or the Funding Body CEO is satisfied that particular protected Funding Body information will enable or assist any of the following agencies, bodies or persons:</i> <ol style="list-style-type: none"> <li>a) <i>The Australian Commission on Safety and Quality in Health Care;</i></li> <li>c) <i>The Independent Hospital Pricing Authority;</i></li> <li>d) <i>The Administrator;</i></li> <li>e) <i>The Standing Council on Health;</i></li> <li>f) <i>The Australian Health Ministers'</i></li> </ol> </li> </ol>	<i>Section 275</i>

	<p><i>Advisory Council;</i></p> <ul style="list-style-type: none"> <li><i>g) The Australian Institute of Health and Welfare;</i></li> <li><i>h) The Australian Statistician;</i></li> <li><i>i) A State/Territory government body that has functions relating to health care;</i></li> <li><i>j) An agency, body or person specified in a legislative instrument made by the Minister with the agreement of COAG;</i></li> </ul> <p><i>to perform or exercise any of the functions or powers of the agency, body or person.</i></p> <p><i>2) COAG is to give its agreement for the purposes of paragraph (1)(j) by a written resolution of COAG passed in accordance with the procedures determined by COAG.</i></p> <p><i>Disclosure</i></p> <ul style="list-style-type: none"> <li><i>3) If an official of the Funding Body is authorised by the Administrator or the Funding Body CEO, in writing, for the purposes of this section, the official may disclose that protected Funding Body information to the agency, body or person concerned.</i></li> <li><i>4) If protected Funding Body information is disclosed under subsection (3) to an agency, body or person, the agency, body or person must not disclose or use the information for a purpose other than the purpose for which the information was given to the agency, body or person.</i></li> </ul>	
<p><i>Disclosure to Researchers</i></p>	<p><i>Scope</i></p> <ul style="list-style-type: none"> <li><i>1) This section applies if the Administrator or the Funding Body CEO is satisfied that particular protected Funding Body information will assist an agency, body or person to conduct research.</i></li> </ul> <p><i>Disclosure</i></p> <ul style="list-style-type: none"> <li><i>2) If an official of the Funding Body is authorised by the Administrator or the Funding Body CEO, in writing, for the purposes of section 276, the official may disclose that protected Funding Body information to the agency, body or person concerned.</i></li> <li><i>3) An official of the Funding Body must not disclose information under subsection (2) if</i></li> </ul>	<p><i>Section 276</i></p>

	<i>the information is likely to enable the identification of a particular patient.</i>	
<i>Disclosure with Consent</i>	<p><i>An official of the Funding Body may disclose protected Funding Body information that relates to the affairs of a person if:</i></p> <ul style="list-style-type: none"> <li><i>a) The person has consented to the disclosure; and</i></li> <li><i>b) The disclosure is in accordance with that consent.</i></li> </ul>	<i>Section 277</i>
<i>Disclosure of Publically Available Information</i>	<i>An official of the Funding Body may disclose protected Funding Body information if it is already publically available.</i>	<i>Section 278</i>

The Administrator and the Funding Body are committed to respond to information requests in a professional and timely manner. Requests for release or disclosure of protected Administrator information and protected Funding Body Information must be in writing and requested via [nhfa.administrator@nhfb.gov.au](mailto:nhfa.administrator@nhfb.gov.au).

## **6. Data security and storage arrangements**

There is commitment to the security of all data, and particularly patient level data submitted by States and Territories. The DoH's Enterprise Data Warehouse is being used as a secure facility for the submission, storage and dissemination of data to enable the Administrator's reconciliation processes including National Weighted Activity Unit calculation and determination of activity based funding eligibility.

The Administrator and the Funding Body are reliant on the assurances provided by the DoH to attest the security and storage arrangements of the data. Where appropriate, security measures and standards employed are consistent with those provided within the Protective Security Policy Framework issued by the Commonwealth Attorney-General's Department and the Australian Government Information Security Manual issued by the Defence Signals Directorate.

## **7. Data archiving and disposal**

As a data asset ages, it may become necessary to archive or dispose of it, depending on any future use requirements and its sensitivity. The Funding Body is obligated by the requirement outlined in the NHR Act and the Agreement supported by broader legislation contained in the *Archives Act 1983* and the *Public Governance, Performance and Accountability Act 2013* when archiving or disposing of information.

## **8. Privacy arrangements**

Both the Administrator and the Funding Body are entities for the purposes of the *Commonwealth Privacy Act 1988*, and are required to comply with the Australian Privacy Principles (APPs) set out in that Act. The APPs apply to personal information.