



Australian Government

Department of Health

Secretary

Professor Glyn Davis AC
Vice-Chancellor
The University of Melbourne
9th Floor, Raymond Priestley Building
MELBOURNE VICTORIA 3010

Glyn,
Dear Professor Davis

I refer to an email sent to the Department of Health and the Office of the Australian Information Commissioner (OAIC) on 28 August 2018 from Dr Vanessa Teague, a senior lecturer in the School of Computing and Information Systems, Melbourne School of Engineering (MSE) in relation to the MBS-PBS 10% sample dataset (MBS/PBS dataset).

By way of background the department released into the public domain a dataset in August 2016 containing a de-identified 10% sample of people who made a claim for the payment of Medicare Benefits since 1984 or for the payment of Pharmaceutical Benefits since 2003. The department's intention in publishing the MBS/PBS dataset in 2016 was to provide health researchers with data to help them improve the healthcare of individuals.

Your staff raised issues concerning the possible re-identification of individual health providers from the dataset with the department in early September 2016 and as a precaution the data set was promptly removed from the public domain on 8 September 2016. Since then Dr Teague has had contact from time to time with our Minister and the department regarding whether individual patients could be identified from the dataset.

In Dr Teague's most recent email, she claims to have identified a further two individuals in the MBS/PBS dataset. Dr Teague states in her email one of those individuals is a friend who is aware of Dr Teague's assertion and the other individual is a television journalist Dr Teague has not contacted.

Dr Teague's email goes on to advise she intends to notify the journalist within 30 days of the date of the email (26 September 2018) if the department does not notify

this individual first. The email also suggests the department should notify all individuals included in the MBS/PBS dataset.

The department has carefully considered the content of the email and has liaised with the OAIC in relation to the issues raised by Dr Teague. The department has also advised the OAIC of the department's proposed approach.

There are significant legal barriers preventing the department from taking steps to verify the assertion that the particular journalist in question has been re-identified and then to notify this individual. There are also similarly, practical and legal barriers for the department in attempting to re-identify individuals in the MBS/PBS dataset (approximately 2.5 million individuals) through the matching of data and to then notify these individuals. In our view, the legal barriers exist for a reason - to protect the way in which Commonwealth agencies handle personal information.

As discussed above, when the concerns about possible re-identification were first raised in 2016, the department as a precautionary measure promptly took the dataset down from the public domain. The department also self-notified the incident to the OAIC.

Since 2016, the department has taken important steps to protect the way in which an individual's health data is handled. The department will now only release unit record data to trusted researchers on a case by case basis where there is a clear public purpose and following a comprehensive risk assessment.

The OAIC conducted a lengthy and detailed investigation and issued its findings on 23 March 2018. In conjunction with the OAIC's findings, on 21 March 2018 the department gave an enforceable undertaking under the *Privacy Act 1988* to the Australian Information Commissioner in relation to the future release of sensitive unit record datasets.

Our expectation was that the University would cease its work on attempting to re-identify individuals from the dataset when the MBS/PBS dataset was removed from the public domain in 2016.

We also have concerns Dr Teague sent her email, including details, about an individual she believes to have re-identified in the MBS/PBS dataset to general email addresses at both Health and the OAIC.

It has also been brought to the department's attention that Dr Teague is proposing to present a paper at the Government Data Conference (GovData 2018) in Canberra in October this year. While the department is not aware of the precise contents of Dr Teague's paper, we are concerned by any potential that it may disclose the methodology used for re-identification and the individuals who Dr Teague and her colleagues assert have been re-identified in the MBS/PBS dataset. Of particular concern in this respect, is the last dot point of the advertised summary of Dr Teague's address which apparently will focus on 'how to increase the ease of re-identification process'.

Given this incident has been subject to OAIC investigation, the department has changed its processes and the dataset is no longer in the public domain the department is strongly of the view there is no public interest served by staff in the MSE continuing to attempt to re-identify patients included in the MBS/PBS dataset or further publicising the methodology and processes associated with it.

The department is serious about protecting the privacy of individuals and will continue to ensure it has robust procedures in place to do this.

We trust the University also continues to place great importance in respecting the privacy of the individuals included in the MBS/PBS dataset and request the University cease the work currently being done to attempt to re-identify individuals and destroy all copies of the dataset. We also request the researchers not publish the names of individuals the researchers assert have been re-identified, the de-anonymisation methodology or other information that would potentially assist in the ease of re-identification.

We take this opportunity to draw your attention to the Privacy Amendment (Re-Identification Offence) Bill 2016, which the Government introduced in the Senate on 12 October 2016 (the Bill). The Bill amends the *Privacy Act 1988* to include provisions which prohibit conduct related to the re-identification of de-identified personal information published or released by Commonwealth entities. Whilst the new provisions will not apply to State or Territory authorities, they will apply to acts done by individuals acting outside of their duties of employment or contract for service (s 16CA(2)).

The University may also wish to consider whether any notifications to individuals who Dr Teague asserts have been re-identified from the MBS/PBS dataset and disclosure of information about any individuals who may be named in Dr Teague's GovData 2018 conference paper would be consistent with the University's obligations under the *Privacy and Data Protection Act 2014* (Vic), given the terms of s118 of that Act.

Please contact me if you wish to discuss further. Alternatively Caroline Edwards is the relevant Deputy Secretary and can be contacted on 02 6289 1235 or at Caroline.Edwards@health.gov.au.

Yours sincerely



Glenys Beauchamp

14 September 2018

cc Angeline Falk, Australian Information Commissioner
Professor Mark Cassidy, Dean, Melbourne School of Engineering
Dr Vanessa Teague, Senior Lecturer, Melbourne School of Engineering
Dr Chris Culnane, Lecturer, School of Computing and Information Systems
Associate Professor Ben Rubinstein, Senior Lecturer, School of Computing and Information Systems