



# Information Breach Policy

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## 1. Purpose

The Information Breach Policy outlines the mandatory requirements to manage and respond to an information breach and to mitigate future breaches.

An information breach occurs when information that an entity holds is subject to unauthorised access, use or disclosure, or is lost, damaged or destroyed. An information breach may be caused by malicious action (by an external or insider party), human error, or a failure in information handling or security systems. It can involve different types of information and give rise to a range of actual or potential harms to the individuals and WA health entities whose information is compromised.

This policy applies to all information generated, collected, accessed, used, managed, stored and disclosed by the WA health system including, but not limited to, information collected under the *Health Services Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, *Mental Health Act 2014*, *Private Hospital and Health Services Act 1927*, *Public Health Act 2016*, *Public Sector Management Act 1994* or any other written law.

This policy is a mandatory requirement under the *Information Management Policy Framework* pursuant to section 26(2)(k) of the *Health Services Act 2016*.

This policy is a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994*.

## 2. Applicability

This policy is applicable to the WA health entities.

The requirements contained within this policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or Health Service Provider. The State of Western Australia or Health Service Provider is responsible for ensuring that any obligation to comply with this policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

## 3. Policy Requirements

WA health entities are required to:

- manage information breaches in accordance with the Information Breach Response Standard
- complete the Information Breach Notification Form in all instances of an information breach or suspected information breach

- develop local policies, processes and/or procedures in place to ensure compliance with this policy
- determine the appropriate roles and responsibilities to address the circumstances of the breach.

In addition to the mandated requirements in this policy, any breach that relates to a suspected breach of discipline or code of conduct must also be reported in accordance with the [MP 0124/19 Code of Conduct Policy](#).

## 4. Compliance Monitoring

The System Manager, through the Information and Performance Governance unit, Department of Health, may carry out compliance audits to ascertain the level of compliance with this policy and to provide updates to Information Stewards, Chief Executives of Health Service Providers, the Director General and other relevant persons regarding the findings of compliance monitoring activities.

To facilitate compliance monitoring, WA health entities are required to provide any information and/or resources requested by the Department of Health as required.

## 5. Related Documents

The following documents are mandatory pursuant to this policy:

- [Information Breach Response Standard](#)
- [Information Breach Notification Form](#)

## 6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- [Information Breach Response Guide](#)
- [Information Breach Response Checklist](#)

## 7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition
Access	Refers to the right or opportunity to use or view information. An individual enacts this access when they use, view or enter the environment in which this information is held.
Contracted Health Entities	As per section 6 of the <i>Health Services Act 2016</i> , a non-government entity that provides health services under a contractor other agreement entered into with the Department CEO on behalf of the State, a Health Service Provider or the Minister.

Term	Definition
Data	The term 'data' generally refers to unprocessed numbers, facts or statistics, while the term 'information' refers to data that has been processed in such a way as to be meaningful to the person who receives it. The terms 'data' and 'information' are often used interchangeably and should be taken to mean both data and information.
Disclosure	A person discloses information if they cause the information to appear, allow the information to be seen, make the information known, reveal the information or lay the information open to view.
Information	The term 'information' generally refers to Information, records or data that has been processed in such a way as to be meaningful to the person who receives it. Information can be personal or non-personal in nature. The terms 'data' and 'information' are often used interchangeably and should be taken to mean both data and information in this document.
Information breach	An information breach refers to an incident in which personal or confidential information, or non-personal information that could be sensitive or commercial is compromised. The Information may be subject to unauthorised access, use or disclosure, or is lost, damaged or destroyed.
WA health system	The WA health system is comprised of: <ul style="list-style-type: none"> <li>(i) the Department;</li> <li>(ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and</li> </ul> contracted health entities, to the extent they provide health services to the State.
WA health entities	WA health entities include: <ul style="list-style-type: none"> <li>(i) Health Service Providers as established by an order made under section 32 (1)(b) of <i>the Health Services Act 2016</i>.</li> <li>(ii) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i>.</li> </ul>

## 8. Policy Contact

Enquiries relating to this policy may be directed to:

Title: Director, Information and Performance Governance

Directorate: Information and Performance Governance

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## 9. Document Control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0135/20	6 May 2020	6 May 2020	May 2023	Original version
MP 0135/20 v.1.1	4 August 2020	6 May 2020	May 2023	Minor amendment as detailed below.
Minor amendment to <i>Information Breach Notification Form</i> to: <ul style="list-style-type: none"><li>• Section 2 Information Classification to align with OD 0537/14 <i>Information Classification Policy</i> sensitivity and risk classifications</li><li>• Amend wording in Section 4 from 'Cause and estimated cost of the information breach (if known)' to 'Cause and estimated impact of the information breach (if known)'</li><li>• Address formatting inconsistencies</li></ul>				
MP 0135/20 v.1.2	28 April 2021	6 May 2020	May 2023	Minor amendment to related document: Information Breach Notification Form.
MP 0135/20 v.2.0	11 May 2023	11 May 2023	May 2026	Policy review and amendment as detailed below.
<ul style="list-style-type: none"><li>• Inclusion of WA health entities in the Compliance Monitoring section and removed Health Service Providers.</li><li>• Removed detailed mandated requirements to the new related document 'Information Breach Response Standard'.</li><li>• Amendments to the related document: 'Information Breach Notification Form'.</li><li>• Supporting information documents developed 'Information Breach Response Guide' and 'Information Breach Response Checklist'.</li><li>• Removed definitions that are not captured in the policy.</li></ul>				

## 10. Approval

Approval by	Nicole O'Keefe, Assistant Director General, Strategy and Governance Division, Department of Health
Approval date	5 May 2020

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