

PRIVACY CASE NOTES

Inappropriate disclosure of sensitive information - IPP 1, IPP 2

An organisation sought information about the Complainant from a private health care provider. The health care provider submitted the information as requested. When questioned about this by the Complainant, the health care provider claimed that he had received a 'very aggressive' and 'threatening' letter from the organisation, demanding the information. The Complainant alleged that the information had been collected unfairly, in breach of IPP 1.

The decision maker obtained a copy of the letter in question. The letter was phrased in polite wording and nothing about it could be construed to be aggressive or threatening. This aspect of the complaint was dismissed.

The Complainant also alleged that the organisation inappropriately disclosed sensitive personal information about his medical history to a private health care provider. The Complainant provided first-hand evidence of things said by the health care provider that the provider could not have known unless the provider had been given this information by the organisation.

The decision maker's role at the *prima facie* stage is not to evaluate the Complainant's credibility, but to take the evidence at face value and decide whether there is sufficient evidence to substantiate the complaint. On this test there was sufficient evidence to substantiate the complaint. The matter was referred to mediation.