Determining whether the S95A Guidelines apply

Private Sector Organisation

Is the proposed personal information handling for the purposes of:
- proposed research, or
- the compilation or analysis of statistics, or
- the management, funding or monitoring of a health service?

No

s95A Guidelines do not apply.

Yes

Does the proposed activity involve the collection of health information?

No

Where the proposed activity is research or the compilation or analysis of statistics, is the proposed activity relevant to public health or public safety?

No

s95A Guidelines do not apply.

Yes

Consent should be obtained, therefore s95 Guidelines do not apply.

Is the collection of health information necessary for the proposed activity?

No

S95A Guidelines do not apply. Activity is to be reviewed in accordance with the NS and applicable legislation.

Yes

Is it impractical to seek consent?

No

Is identifiable data required?

No

S95A Guidelines do not apply. Consider whether the collection is otherwise allowed under Australian Privacy Principle 6.

Yes

Consent should be obtained, therefore s95 Guidelines do not apply.

Is the use and/or disclosure of health information necessary for the proposed activity?

No

S95A Guidelines do not apply. Consider whether the collection is otherwise allowed under Australian Privacy Principle 6.

Yes

Is it impractical to seek consent?

Yes

For disclosure, the custodian of the health information must reasonably believe that the information recipient will not disclose the health information, or personal information derived from that health information.

No

s95A Guidelines do not apply to the use/disclosure of information for the management, funding or monitoring of a health service. It should be considered whether the use/disclosure is allowed under Australian Privacy Principle 6.

Is the researcher seeking to implement an ‘opt-out approach’?

No

Consent must be either obtained or waived, or an opt-out approach implemented.

Yes

Refer to National Statement paragraphs 2.3.5-2.3.8

Yes

Refer to National Statement paragraphs 2.3.9-2.3.12

This activity must comply with the s95A Guidelines

HREC approval is required

Key resources:

Consent must be obtained or waived, or an opt-out approach implemented.