PROTOCOLS AND PROCEDURES

Clause B98 of the National Health Reform Agreement

To govern the Commonwealth Department of Health release of non-identifiable Medicare Benefits Schedule (MBS), Pharmaceutical Benefits Scheme (PBS) and Aged Care Data to Australian States and Territories
## Protocols and Procedures as Required Under Clause B98 of the National Health Reform Agreement

<table>
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<tr>
<th>Version Control Table</th>
<th>Date Approved</th>
<th>Approved By</th>
<th>Brief Description</th>
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</table>
| Version 1.00          | 14/05/2015   | The National Health Information and Performance Principal Committee. (NHIPPC) | amendments:  
Glossary – the definition of third party was added to the glossary.  
2.1 the word “first” was removed to acknowledge that these protocols and procedures would be ongoing.  
4.1.2 was amended as this was incorrectly related to 4.2  
4.1.4 was removed as this was no longer required following CHC agreement to release a national data set.  
9.2 was amended to acknowledge that where a drop box is used for delivery, the data will be deleted from the drop box 35 days after it was uploaded. |
| Version 1.01          | 4/08/2016    | NHIPPC      | amendments:  
Point of contact e-mail amended to datapolicy@health.gov.au  
Clause 3: deleted to reflect that aged care data is now included in these protocols and procedures.  
Clauses 3.2 and 8.4 Amended to identify the aged care data source, (National Aged Care Data Clearinghouse)  
Clause 9.1 amended to note that jurisdictions can provide comments or advice on Commonwealth data at any time.  
Clause 3.1.3: Amended to refer to a generic financial year |
|                       | 26/08/2016   | AHCMA       | No amendments |
|                       | 8/11/2016    | CHC         | Endorsed |

For further information contact the responsible officers: Joanne Gardner or George Phillips: datapolicy@health.gov.au

Commonwealth Department of Health

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### Glossary

<table>
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<th>Term</th>
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<tr>
<td>Commonwealth data</td>
<td>Medicare Benefits Schedule (MBS), Pharmaceutical Benefits Scheme (PBS) data and Aged Care data</td>
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<td>Individual</td>
<td>A person or organisation</td>
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<td>Clause B98 of the NHRA</td>
<td>To ensure that States are able to effectively fulfil their responsibilities in public hospital management and health planning, the Commonwealth will provide reasonable access to Local Hospital Network level and Medicare Local level health and ageing data about Commonwealth programs. The Standing Council on Health will agree appropriate protocols and procedures to govern the operation of this arrangement, including compliance with Commonwealth legislative obligations.</td>
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<tr>
<td>Third Party</td>
<td>An individual or organisation external to the state or territory health departments.</td>
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1. **Purpose**

1.1 Under clause B98 of the National Health Reform Agreement (NHRA), the COAG Health Council (CHC) (previously known as the Standing Council on Health) is required to agree protocols and procedures to govern the provision of Commonwealth data to states and territories.

1.2 On 12 June 2014 the CHC agreed that there should be a reciprocal exchange of non-identifiable patient level Commonwealth data based on a person’s place of residence.

1.3 The protocols and procedures set out in this document establish an agreed framework for the supply and use of Commonwealth data under clause B98 and the CHC 12 June 2015 decision.

1.4 Commonwealth data is being provided to states and territories to inform health policy and planning, and assist with the management of health services and trends to improve health outcomes for all Australians.

2. **Reciprocal Data Sharing**

2.1 This document describes the Commonwealth’s protocols and procedures relating to the delivery of Commonwealth data to states and territories.

2.2 The Commonwealth and the states and territories acknowledge the importance of creating an ongoing and reciprocal data sharing environment. This supply of Commonwealth data is a further step in an ongoing exchange of health data between the Commonwealth and states and territories.

3. **Scope of Commonwealth Data**

3.1 MBS and PBS data provided to each state or territory will be:

   3.1.1 Modified as the Commonwealth sees appropriate for the purposes of being non-identifiable and/or confidentialised so as no individual can be re-identified;

   3.1.2 At unit record level where the confidentiality provisions of clause 4 allow;

   3.1.3 Where the date of the service processing is between 1 July and 30 June inclusive for the relevant financial year of data.

3.2 Health Ministers at the 17 April 2015 CHC meeting agreed to the release of a national MBS data set and a national PBS data set.

3.3 Aggregated aged care data will be made available through the Aged Care Data Clearinghouse (http://www.aihw.gov.au/national-aged-care-data-clearinghouse/) at the Australian Institute of Health and Welfare and in the format of data cubes as defined by the governance arrangements of the Clearinghouse.

4. **Regulatory Requirements**

4.1 The States, Territories and the Commonwealth acknowledge that these protocols and procedures are not intended to create legal obligations.

4.2 Supply by the Commonwealth, and access, use, and storage of Commonwealth data by states and territories will comply with the requirements of the following legislation and agreements:

   4.2.1 *Health Insurance Act 1973* [MBS data];

   4.2.2 *National Health Act 1953* [PBS data];
1. Protocols and Procedures as Required Under Clause B98 of the National Health Reform Agreement

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4.2.3 Aged Care Act 1997;
4.2.4 Crimes Act 1914;
4.2.5 Criminal Code Act 1995 (Commonwealth);
4.2.6 Freedom of Information Act 1982;
4.2.7 Privacy Act 1988; and
4.2.8 National Health Reform Act 2011.

4.3 The States, Territories and the Commonwealth acknowledge that where there is an area of conflict between these protocols and procedures and legislation, the legislation will prevail.

5. Data Linkage

5.1 For MBS and PBS data a linkage key will be provided that allows MBS and PBS data to be linked together without identifying individuals.

6. Third Party Access to Commonwealth Data

6.1 Unit record Commonwealth data, in part or in whole, must not be published, made available publicly, or provided to a third party under any circumstances.

6.2 Information produced from Commonwealth data in the form of aggregated data will not be published, made available publicly, or provided to a third party without written approval from the Commonwealth.

7. Privacy

7.1 Where information about an individual can be extracted from the Commonwealth data through linkage, extrapolation, or any other analyses, that data itself will fall within the definition of personal information for the purposes of the Privacy Act 1988.

7.2 The states and territories will not attempt to identify any individual from the Commonwealth data.

8. Storage and Handling

8.1 The Commonwealth will provide and deliver MBS data and PBS data in separate, flat files.

8.2 Where a drop box is used to deliver data the Commonwealth will make data available to states and territories for a period of 35 days, after which the data will be deleted from the drop box.

8.3 States and territories will provide the name and address of an authorised officer to access and receive Commonwealth data, as well as the physical address of where the data will be used and/or stored.

8.4 The Commonwealth will make aged care data available through the Aged Care Data Clearinghouse facility managed by the AIHW. Access by jurisdictions will be subject to arrangements in place with the AIHW.

9. Outcomes

9.1 States and territories can provide a brief report to the Commonwealth at any time containing comments and suggestions on how the Commonwealth data may be improved, as well as how Commonwealth data were used and for what projects over the course of the previous 12 months.
10. **Limitations**

10.1 States and territories acknowledge that Commonwealth data is collected for the purposes of making administrative payments and may not necessarily be fit for any other purpose.

11. **Metadata**

11.1 The Commonwealth will make available to states and territories any approved metadata relating to the Commonwealth data.


12. **References**

The National Health Reform Agreement 2011