

# MUST I REPORT THIS PRIVACY BREACH?

Here's a handy flowchart to help you assess each situation and make an informed decision about reporting the privacy breach.\*

## 1. Has there been a data breach?

Consider whether the incident has caused:

- unauthorised access to personal information
- unauthorised disclosure of personal information
- loss of personal information likely to result in unauthorised access or disclosure

### Case scenario

You come into work to discover you cannot access any medical records and the computer displays a ransom notice demanding payment in bitcoin for access to the records.

Yes

No

▶ No need to notify

## 2. Is it likely to result in serious harm?

Consider factors such as:

- how sensitive the information is
- whose information it is
- number of people affected
- potential recipients of the data
- whether the data is encrypted, anonymised or otherwise protected

### Case scenario

Hackers have the medical records containing highly sensitive information.

Yes

No

▶ No need to notify

## 3. Can you prevent the likelihood of serious harm?

Look into things such as:

- whether the information on a stolen laptop can be remotely locked or deleted
- whether the recipient can be trusted to return the information unopened

### Case scenario

Seek IT advice to help make a decision, i.e. have the hackers accessed or uploaded the records for others to access, or have they locked them down without accessing the information contained in the records?

No

Yes

▶ No need to notify


## Action 1: Notify the OAIC

Notification to the Commissioner can be made using the OAIC's Notifiable Data Breach Form.

## Action 2: Notify individuals (3 options)

- Option 1:** Notify all individuals whose information was breached.
- Option 2:** Notify only those individuals at risk of serious harm.
- Option 3:** Publish a notification.

Refer to more information about how to do this on the OAIC website: [oaic.gov.au](http://oaic.gov.au)

For advice 

Call 1800 011 255 or email [advice@mdanational.com.au](mailto:advice@mdanational.com.au)