

Independent Privacy Impact Assessment on the implementation of Noted by Epilepsy New Zealand

Epilepsy New Zealand (**ENZ**) asked Simply Privacy to conduct an independent Privacy Impact Assessment (**PIA**) on the implementation of its new client management system called Noted, and any downstream privacy risks and opportunities created by the use of Noted. This is a summary of the PIA findings.

What is Noted?

Noted is a web-based client management system designed in NZ for health agencies. Noted's features are intended to enable the creation of centralised client records, allowing health workers to collaborate to share the care of people and whānau. Relevant Noted features include a unique client record solution that enables staff to enter notes into tailored forms, a document management system that allows for secure upload and storage of documents and images, and sophisticated access controls that enable safer collaboration.

What did the PIA consider?

The PIA process involved reviewing the Noted platform, the health information processed on it, and how that information was to be collected, used, stored and shared. Privacy risks and opportunities were identified and, if necessary, solutions were recommended to address them.

What was the overall assessment?

Overall, taking a risk-based approach, we found that the implementation of Noted would have a positive impact on ENZ's compliance with the Privacy Act 2020 and Health Information Privacy Code 2020 (**HIPC**) and, therefore, a positive impact for its clients, stakeholders, and the wider NZ epilepsy community.

Any privacy risks created by the use of a third-party service provider, or the storage of data overseas, had been, or could be, effectively mitigated. These risks were significantly outweighed by the benefits Noted would bring in relation to ENZ's visibility and control over its data, ENZ's ability to deliver services more effectively and efficiently, and compliance with the HIPC rules.

What were the key findings?

ENZ is permitted by the Privacy Act to use a third-party service provider such as Noted to store and process its data, and the Privacy Act protections and obligations remain in place wherever that data is stored and processed. ENZ is no less accountable when it uses Noted to store and process its data.

Noted will give ENZ greater visibility and control over its data, enabling the use of this data for lawful purposes that support ENZ's overall organisational mission.

Noted provides ENZ with the functionality to better process health information for the purposes the information was collected. While ENZ does not need client consent to use Noted to store and process data, it wants to be transparent with clients about this.

Noted provides appropriate contractual and other assurances that ensure ENZ will maintain meaningful control of the health information it stores and processes within the Noted platform.

Jurisdictional risk is well-managed by Noted, which confirmed that it would store and process ENZ data in Amazon Web Services servers located in Australia, with a disaster recovery server in Germany.

Implementation of Noted will **significantly improve** compliance with rules 5 (security), 6 and 7 (access and correction), 8 (accuracy) and 9 (retention) of the HIPC.

Implementation of Noted will have **no impact** on compliance with rules 2 (source), 4 (fairness of collection), 12 (overseas disclosures) and 13 (unique identifiers) of the HIPC.

Implementation of Noted **raised issues for consideration** under rules 1 (data minimisation), 3 (transparency), 10 (use) and 11 (disclosure) of the HIPC – all of which could be effectively managed.

We made recommendations intended to ensure that the privacy benefits of creating a centralised client database could be fully realised, and to support the ultimate objectives of ENZ's future-proofing project, by improving transparency with clients about the benefits of health information use and setting guardrails for the safe implementation of ENZ's new operating model. ENZ accepted all our recommendations.

Who is Simply Privacy?

Simply Privacy is one of NZ's leading privacy consultancies, providing privacy strategy, risk analysis, and consultancy services to public and private sector agencies in NZ and around the world. Simply Privacy's directors have previously held senior roles with the Office of the Privacy Commissioner, and senior in-house privacy roles. Simply Privacy has provided PIA and other assessment services to numerous companies and government agencies on varied projects and processes, including in the health sector. For more information about Simply Privacy, go to [simplyprivacy.co.nz](https://www.simplyprivacy.co.nz).