



Australian Government

Office of the Privacy Commissioner

***Privacy Act 1988* Part VI - Temporary Public Interest
Determination No. 2009-1A**

**Collection and use of contact details of genetic relatives to
enable use or disclosure of genetic information.**

In relation to National Privacy Principles 2.1 and 10.1

Effective: 15 December 2009 to 14 December 2010 (inclusive)

Under section 80B(3) of the *Privacy Act 1988*, I, Karen Curtis, Australian Privacy Commissioner, make the following generalising determination:

No organisation providing a health service is taken to contravene section 16A of the *Privacy Act 1988* while Temporary Public Interest Determination No. 2009-1 is in force, if the organisation does an act, or engages in a practice, of the type described in Temporary Public Interest Determination No. 2009-1.

Under TPID 2009-1, a health service provider can only collect or use the contact details of a patient's genetic relatives if they are satisfied that:

- a) it is impractical to gain the consent of the genetic relative and
- b) the applicant intends to use the contact details to inform the relative of the potential consequences, to their own health, of genetic information obtained from the patient for the relative's own health and
- c) the applicant has a reasonable belief that this is necessary to lessen or prevent a serious threat to the life, health or safety of the genetic relative and
- d) where consent has not been obtained from the patient for the disclosure of their genetic information, the disclosure will be made in accordance Guidelines issued under section 95AA of the Privacy Act.

Karen Curtis
Australian Privacy Commissioner

10 December 2009

Attachment: Temporary Public Interest Determination 2009-1