



Health and Disability Commissioner  
*Te Toihau Hauora, Hauātanga*

25 January 2024

Michael A Pead  
Chief Executive  
Pharmacy Council

Tēnā koe Michael

### **Pharmacy Council - Consultation on proposed changes to the Naming Policy**

Thank you for the opportunity to provide feedback on Pharmacy Council's proposed changes to the Naming Policy.

This Office is charged with protecting and promoting the rights of consumers, as set out in the Code of Health and Disability Services Consumers' Rights.

As a general comment, this Office recognises the importance of naming providers as a lack of transparency has the potential to undermine public confidence in the health sector.

Set out below are our comments on the proposed changes and on other aspects of Pharmacy Council's Naming Policy that we consider may benefit from comment from this Office.

- **Privacy Act principles** (paragraphs 28-30, page 8): Referring to relevant Information Privacy Principles is fine. However, there is no mention of s 24(1)(a) of the Privacy Act 2020 which provides that Information Privacy Principle 11 does not limit or affect a provision in any other New Zealand enactment that authorises personal information to be made available.
- **Footnote 3** at Appendix 2 (page 15) refers to the 2008 HDC Naming Policy. We note that our Naming Policy has been reviewed several times since 2008, and most recently in June 2023.
- Appendix 2, Table 1, **Likelihood of professional harm arising from publication** (page 15): We believe that considering the level of media interest or coverage is relevant to the assessment of likelihood of professional harm arising from publication.
- Appendix 2, Table 1, **Degree of insight and cooperation with statutory process** (page 15): We expect all practitioners to display insight into the issue at hand and to cooperate with the statutory process. In our view, greater insight and greater

cooperation does not necessarily increase a pharmacist's privacy interest when making naming decisions.

- Appendix 2, Table 2, **Public safety** (page 16): We believe that a pharmacist's wilful disregard for public safety should be an additional consideration.
- Appendix 2, Table 2, **Number of notifications** (page 16): The meaning of "high frequency" is not defined. Specifying the number of notifications with a time period would be helpful. For instance, three notifications within a five year period.
- Appendix 2, Table 3, **Risk of harm** (page 17): We believe that considering the pharmacist's registration and / or practising status is relevant to the assessment of their risk of harm. For instance, a pharmacist that is no longer registered or practising in New Zealand does not present a real risk of harm.
- Appendix 2, Table 3: **General public interest considerations against naming** (page 17): We believe that assessing the consumer's or patient's privacy interest is important. If there is a risk that by naming the pharmacist and providing other details is likely to identify the patient, then naming the pharmacist is against the public interest.

Please see attached our current Naming Policy (June 2023).

Thank you again for the opportunity comment. Please do not hesitate to get in touch if we can be of any further assistance.

Nāku iti noa, nā



Jane King  
**Associate Commissioner Legal**