Ahpra & National Boards

# External research data requests policy

October 2023

# 1. Purpose

The External research data requests policy (the policy) establishes the principles and framework for requesting, managing, and deciding on all external research data requests to the Australian Health Practitioner Regulation Agency (Ahpra).

The policy objectives are to:

- facilitate external research data requests where they align with the National Registration and Accreditation Scheme (the National Scheme) Research and evaluation framework and the National Scheme Strategy
- ensure consistent decision-making and efficient approval processes
- protect privacy in accordance with relevant statutory requirements, including the Health Practitioner Regulation National Law, as in force in each State and Territory (the National Law) and Privacy Act 1988 (Cth), and
- provide advice to external researchers and research bodies, such as universities, agencies and other organisations or individuals, on all external research data requests.

### Using this policy

This policy should be read in conjunction with the External research data requests guidelines for assistance in applying through Ahpra to access National Scheme data for research purposes.

For Ahpra staff, this policy guides Ahpra in the management and decision-making of these requests. This policy should be read in conjunction with the External research data requests procedures and other associated documents relevant to this policy.

# 2. Rationale

The National Scheme aims to contribute to world class regulatory research, which includes facilitating external research data requests, where appropriate and feasible.

# 3. Scope

This policy applies to all external researchers and research bodies who request data for research purposes. External research data requests also apply to any external researchers and research bodies that have any formal or informal agreement or understanding with Ahpra and/or the National Boards (the Boards) regarding research and the use of National Scheme data. This policy also applies to any consultants engaged by Ahpra.

The principles listed below at 8.1 also apply to Ahpra staff requesting data for research purposes.

### New South Wales and Queensland research data requests

New South Wales (NSW) and Queensland (Qld) operate as co-regulatory systems and are the data owners of their notifications (complaints) data. Separate applications for NSW and Qld data must be made to the Health Professional Councils Authority (HPCA) in NSW or the Office of the Health Ombudsman (OHO) in Qld.

In Qld, some notifications data are owned by Ahpra. Discussions with Ahpra or the Qld OHO will clarify who owns the research data being requested.

# 4. Definitions

For the purposes of this policy, the following definitions apply:

| | |
|---|---|
| **Archive material** | Data/information that was held by the former state and territory health registration boards, which existed prior to relevant profession joining the National Registration and Accreditation Scheme established by the National Law on 1 July 2010, or when the relevant regulated health profession entered the National Scheme. |
| **External researchers and research bodies** | Includes: universities, agencies and other organisations or individuals applying for external research data requests. |
| **National Scheme data** | Data/information collected while exercising functions under the National Law. National Scheme data relates both to publicly available data and protected information. |
| **Protected information** | Protected information is defined under Section 214 of the National Law. |
| **Publicly available data** | Ahpra provides publicly available data and information related to the National Scheme and its functions through different means. Publicly available National Scheme data includes:<br>• the public register<br>• data provided to the National Health Workforce Dataset the National Statistical Resource and/ or the Workforce Survey<br>• data published by Ahpra and the National Boards through their websites.<br>The Ahpra website has more information on what National Scheme data are publicly available on the What data are already available and who should I ask? web-page. |
| **Research** | The concept of research includes the creation of new knowledge and/or the use of existing knowledge in an original and creative way so as to generate novel concepts, methodologies, inventions and understandings. |
| **Research data request** | Requests for National Scheme data, which is not publicly available, for research purposes. |
| **Researcher** | An individual who contributes to the design, execution, analysis and/ or communication of research. |

## 5. Strategic alignment

Any external research data requests must be in line with the objectives of the current National Scheme Strategy and the National Scheme Research and evaluation framework. It is expected that all external researchers and research bodies read and refer to both documents before proceeding with requests.

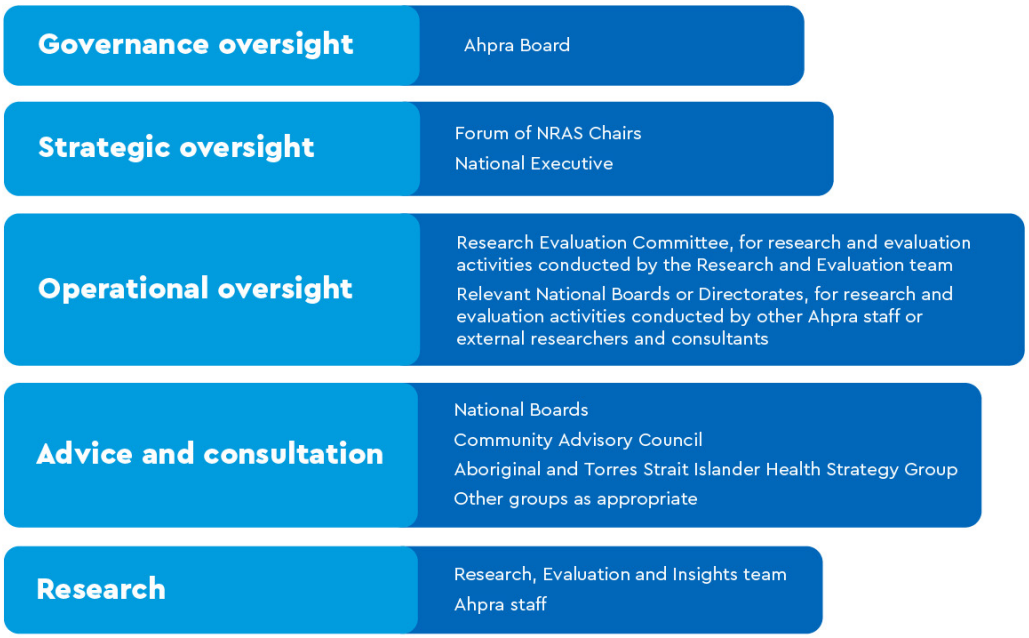
## Legislation and other governance documents

Relevant legislation, policies and codes to this policy include:

- Health Practitioner Regulation National Law Act, as enacted in each state and territory (the National Law)
- National Practitioner Regulation National Law Regulation
- Privacy Act 1988 (Cth)
- Freedom of Information Act 1982 (Cth)
- Regulatory principles for the National Scheme, and
- Ahpra's Privacy Policy
- Ahpra handles data in relation to research based on Australian ethical research guidelines, including:
- Australian Code for the Responsible Conduct of Research, National Health and Medical Research Council NHMRC (2007)
- The Australian Research Council Research Impact Principles and Framework's Glossary of terms for research impact
- Australasian Evaluation Society Guidelines for the ethical conduct of evaluations (2010)
- Ethical Considerations in Quality Assurance and Evaluation Activities, NHMRC (2014)
- National Statement on Ethical Conduct in Human Research, NHMRC (2007, updated 2018)
- Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander health Research, NHMRC (2003), and
- Statement on Consumer and Community Involvement in Health and Medical Research, NHMRC (2016).

## Governance and decision-making structure

Ahpra's research and evaluation governance is below:




### External research data request decision-making process

| | |
|---|---|
| **Final approval** | CEO or their delegate |
| **Decision** | National Executive |
| **Recommendation and request oversight** | Research Evaluation Committee |
| **Advice and consultation** | National Boards |
| **Request management** | Research, Evaluation and Insights team |

External research data requests are coordinated by the Research, Evaluation and Insights team and reviewed by the Research Evaluation Committee (REC) or equivalent. A privacy impact assessment of the external research data request is conducted for each request. REC recommendations are forwarded to the National Executive for review. The CEO or their delegate makes the final decision on approving all external research data requests.

Requests for Archived Material should be made under the Freedom of Information Act 1982 (Cth) and will be decided by an authorised Ahpra delegate in accordance with Ahpra's *Delegation, Sub-delegation and Administration Manual.*

## Review of decision

As de-identified research data is not provided under s228 of the National Law, there is no legislative provision for seeking review of external research data decisions. External researchers and research bodies may submit another data request under the Freedom of Information Act 1982 (Cth) or the Privacy Act.

# 8. External research data requests

## 8.1 Principles

The following principles guide our decision-making in processing and approving any external research data requests.

### 8.1.1 Benefit to the National Scheme

- All research data requests must align with the current National Scheme Research and evaluation framework and the National Scheme Strategy.
- The requests must have benefit to the National Scheme such as informing future developments for policy and decision-making under the National Scheme and its functions.

### 8.1.2 Importance of the National Law objectives and benefit to the public

- The National Law objectives are outlined in Section 3 of the National Law.
- All external research data requests must demonstrate how the request will help achieve any of the National Law objectives.
- An important objective of the National Law is protection of the public. All research data requests must demonstrate how the proposed research will benefit the public and the regulation of health practitioners.
- Research which is intended to solely promote the interests of a specific health profession and has no other tangible benefits to the National Scheme or its functions, is not considered to benefit the public.

### 8.1.3 Ensuring protected information

- Ahpra has additional legislated responsibilities related to the protection and sharing of National Scheme data.
- All information collected from practitioners and notifiers is protected under the National Law. Ahpra will only provide access to National Scheme data for research purposes in line with the relevant provisions of the National Law and the Privacy Act 1988 (Cth).
- All external research data requests require internal review to ensure compliance with the National Law, the Privacy Act and the National Health and Medical Research Council's (NHMRC) National Statement on Ethical Conduct in Human Research (National Statement).

### 8.1.4 Ethics approval

- Ahpra will engage with any external researcher and research body who do not have ethics approval, to discuss potential National Scheme data that could be provided to support a project being submitted to any NHMRC registered Human Research Ethics Committee (HREC).
- Approved National Scheme data requested by an external researcher and research body will only be provided once ethics approval has been received from a NHMRC registered HREC.
- If ethics approval has already been received, the external research data request must provide a copy of the written ethics approval from a NHMRC HREC in their application to Ahpra.
- If the requesting external researcher and research body has not obtained ethics approval, they must provide Ahpra with valid reasons based on the principles related to negligible or low risk research outlined in the National Statement.

### 8.1.5 Data purpose and suitability

- Only the elements of requested data relevant and essential to meet the purpose stated in an approved request will be provided to external researchers and research bodies.
- If Ahpra cannot provide the requested data in a manner suitable to meet the purpose of the request, it will consult with the relevant external researchers and research bodies to explore the suitability of an alternative dataset to fulfil the request. If a compromise cannot be reached, the request will not be approved.

### 8.1.6 Satisfactory operational capacity

- Ahpra's operational capacity is an important consideration when reviewing any request to ensure the:
  - delivery of approved requests occurs in a timely and efficient manner
  - quality of extracted data is at a standard expected by the external researchers and research bodies and Ahpra, and
  - maintenance of appropriate privacy, confidentiality and security of any National Scheme data released to external researchers and research bodies is assured.

- All processing and delivery of research data needs to be scheduled within existing operational priorities. If a request for research data is received at times of high demand (i.e. the annual reporting period from June – September), Ahpra will attempt to negotiate a suitable delivery date or a phased delivery of data with the requestor.
- If Ahpra does not have sufficient operational capacity to fulfil the request, it will consult with the external researcher and research body to explore the suitability of an alternative dataset to fulfil the request. If a compromise cannot be reached, the request will not be approved.

#### 8.1.7 Being transparent and accountable

- Ahpra will apply this policy in a fair and consistent manner.
- All requests will be recorded and stored in line with internal policy requirements.
- Any information provided is done so in good faith with every intention to provide accurate data however this cannot be guaranteed.

#### 8.1.8 Compliance with Ahpra processes

- External researchers and research bodies must comply with all Ahpra requirements and processes.
- External researchers and research bodies should refer to the External Research Data Requests Guidelines for assistance in completing the application form.

### 8.2 Responsibility of external researchers and research bodies

All external researchers and research bodies must email researchrequests@ahpra.gov.au with sufficient details of their proposed research and their external research data request. Ahpra will be in contact to further discuss their proposed research and explain the research data request process.

If an external research data request has been approved, the external researcher and research body and any relevant individuals who will be handling any National Scheme data approved for release must sign and comply with the terms and conditions outlined in Ahpra's Data Use Agreement and Confidentiality Deed.

### 8.3 Request costs

All requests are managed on a cost-recovery basis. The estimated fees chargeable to external researchers and research bodies for approved research data requests will reflect any operational capacity diverted to fulfil the request. Fees are usually non-negotiable. Fees may only be waived under exceptional circumstances.

Before advancing the request for approval, Ahpra will provide an estimate of costs to external researchers and research bodies seeking consent to continue with the request. The invoice must be paid before the data is released.

### 8.4 Time to complete review and management of external research data requests

The entire request process including review, approval and fulfilment of requests can take up to six months to complete. Due to legislative obligations and sensitivity of data, due diligence in managing external research data requests is paramount. Accordingly, it may not be possible to expedite requests in most cases.

## 9. Associated documents

- *Conflict of Interest Guidelines*, Ahpra
- *External research data access requests procedures (for internal use only), Ahpra*
- *External research data access requests guidelines (for internal and external use), Ahpra, and*
- *Research Ethics position statement, Ahpra, and*
- *Delegation, Sub-delegation and Administration Authorisation Manual (for internal use only),* Ahpra

## 10. References


Department of Health (UK) (2005), Research Governance Framework for Health and Social Care. Available at: https://www.gov.uk/government/publications/research-governance-framework-for-health-and-social-care-second-edition (accessed 4 April 2012).

Medical Council of New South Wales (2011), Draft Policy on Data Access and Use for Research.

National Health and Medical Research Council (2005), Australian Code on the Responsible Conduct of Research. Available at: https://www.nhmrc.gov.au/about-us/publications/australian-code-responsible-conduct-research-2018 (accessed 4 April 2012).

National Health and Medical Research Council (2005), National Statement on Ethical Conduct in Human Research. Available at: https://www.nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018 (accessed 4 April 2012).

National Health and Medical Research Council (2000) Guidelines under Section 95 of the Privacy Act 1988: privacy and medical research.