

**Neilan, Ron**

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**From:** Copley, Suzie  
**Sent:** Thursday, 10 December 2015 6:33 PM  
**To:** Keen, Elissa  
**Cc:** Greiss, Rami; Rakers, Mark; Neilan, Ron  
**Subject:** MARD confidentiality breach - [REDACTED] [DLM=For-Official-Use-Only]

Elissa

As discussed, on Thursday 3 December 2015, a confidentiality breach occurred in Merger and Authorisation Review Division when an internal email attaching materials relating to [REDACTED] [REDACTED] was inadvertently sent to the internal legal counsel at Primary Health Care. The recipient at Primary Health Care, James Willison, immediately confirmed by reply email that the email had been sent in error and that the email had been deleted.

For our internal records, please find detailed below the nature of the confidentiality breach and the steps that have since been taken:

- On 3 December, we promptly advised [REDACTED] legal representative, [REDACTED] of the confidentiality breach, and that the email prepared for ACCC internal use containing confidential information of [REDACTED] had been sent to an external party who is not a participant in the [REDACTED]. We subsequently provided an email with a summary of the confidential information disclosed, including:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- On 4 December, we obtained written confirmation from James Willison at Primary that the email and its contents were not read and were not further circulated to any other party. Primary confirmed that while the email was briefly skimmed, the attachments were not read beyond the first line and that the email had been deleted (both from inbox and deleted items).
- On 7 December, on behalf of [REDACTED] confirmed that [REDACTED] were comfortable with the steps taken by the ACCC. He noted also that [REDACTED] response was influenced by the fact that the recipient of the email was in an unrelated industry to [REDACTED].

We are also looking at ways in which we can reduce the risk of this occurring including by removing the auto-fill function for MARD staff and regular reminders to staff, in addition to other staff training relating to security.

Let me know if you have any queries or need anything further.

Kind regards

**Suzie Copley**  
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