

Do I have a right of access to health information about me?

information held in the public sector

Yes. This right exists under State and Commonwealth Freedom of Information (FOI) legislation. You seek access by making a request to the FOI Officer at the organisation which holds your information.

information held in the private sector

Yes. You have a choice:

- From 1 July 2002 the *Health Records Act 2001* (Vic) (HRA) gives you a right of access to personal health information held about you in Victoria.
- From 21 December 2001 the Commonwealth *Privacy Act 1988* gives you a right of access to personal health information held about you in Australia.
- The organisation's privacy policy should set out the steps you need to take to obtain access.

When should I expect to hear from the holder of the information?

As soon as practicable, but no later than 45 days from the date they received your request.

What if I'm making the request on behalf of someone else?

If you are the authorised representative of a person (or the legal representative of a deceased person) you can make a request, in writing, provided you have evidence of your authority to seek the information.

Access options under the HRA

Health information collected by the organisation

AFTER 1 July 2002.

The organisation must give you access in any one or more of the following ways:

- inspecting the information;
- providing a copy; or
- viewing the information and, if the holder is a health service provider, having its content explained.

It's your choice.

Health information collected by the organisation

BEFORE 1 July 2002.

The **organisation has a choice**. It can allow you to inspect the information, provide a copy or allow you to view it and explain its content to you. At a minimum it must provide you with an accurate summary.

Can access to the health information be refused?

Holders of health information **can** and in some circumstances **must** refuse access to health information. These situations are listed in Health Privacy Principle 6.1 of the HRA. If an organisation denies you access, it must provide reasons for doing so.

Will I be charged a fee?

There is no requirement for organisations holding health information to charge for access.

If the organisation decides to charge a fee it cannot be more than the maximum amount specified in the Health Records Regulations 2002 (see HSC website: www.health.vic.gov.au/hsc).

What if I haven't been given proper or complete access to my health information?

Your first step is to contact the organisation and try to resolve the issue with them. If you find this difficult or are still unhappy then you can complain to the Health Services Commissioner (HSC), Victoria's health ombudsman.

The Office of the HSC is an independent, impartial statutory authority established to provide an accessible complaint mechanism for users of health services to resolve:

- problems they may have with health service providers;
- problems with accessing their health information; and/or
- problems with the way their health information has been managed by an organisation.

'health privacy – it's my business'



Who else protects privacy?

The office of the **Victorian Privacy Commissioner** regulates the way Victorian Government agencies and local councils collect and handle personal information other than health information.

Ph: 1300 666 444

www.privacy.vic.gov.au

The **Federal Privacy Commissioner** regulates the way Federal Government agencies such as Centrelink and the Tax Office and most of the private sector including private health service providers collect and handle personal and health information.

Ph: 1300 363 992

www.privacy.gov.au

Information

Office of the Health Services Commissioner

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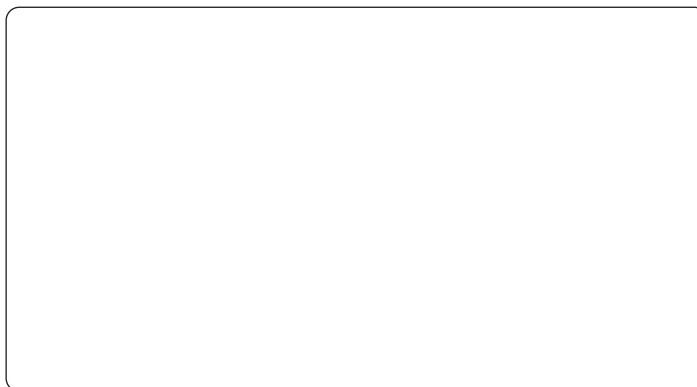
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Health Records Act Right of Access

