

The Commonwealth and State legislation aims to protect the privacy of individuals especially in respect of their health information

WHAT TO DO when you have a request for **access to**, or **correction of** information

Have a policy outlining how you will respond to a patient's request for access to, or correction of information in his or her own health records

For **access to information**, include –

- How you will **check identity of person** seeking access *eg ask to see drivers licence and note details on request form*
- How you will **check if the person has the legal authority** to gain access *eg legal guardian documents, deceased patient's legal representative*
- **When** you will have the information available by (*eg 30 days under Commonwealth legislation; 45 days under Victorian Legislation*)
- Your **fees** (*see Resources*)
- How you will deal with **denying access to records** –
 - when access would pose a serious and imminent threat to the life or health of any individual
 - providing access would have an unreasonable impact on others' privacy
 - the request is frivolous or vexatious
 - providing access would be unlawful
- When access is denied, *appoint a Nominated Health Service Provider (NHSP) (see below)*
- What records **you will provide access to**.

The Victorian legislation provides access to information recorded after 1/3/2002.

Commonwealth legislation provides access to information recorded after 21/12/2001, and in certain circumstances, to information recorded before that date (eg, if the information already held is used or disclosed after 21/12/2001, unless there is an unreasonable administrative burden)

- A **check sheet/application form** for patient requests (see Resources) outlining-
 - how the patient has requested **access** –
 - *view and inspect information*
 - *view, inspect and talk through the contents with the provider*
 - *take notes*
 - *obtain a copy (photocopy of paper notes, electronic printout from computer, a copy of an x-ray)*
 - **how much** information will be provided from the records
 - *all*
 - *some (which parts of the file to be provided)*
 - *a summary*
 - **how** the information will be **provided**
 - *paper*
 - *electronic*
 - *fax format*

For correction of information –

- Provide patients with the opportunity to correct information
- Make a note on the original file of corrections
- If there is disagreement about the correction, note the reasons for the disagreement and the correction/s requested by the patient on the original file

Role as ‘Nominated Health Service Provider’ (NHSP)

- If you deny access to health information, the reasons must be explained to the patient
- You can appoint a NHSP to review your decision
- You can also be asked to act as a NHSP by another health service provider when an individual has been refused access to health information by the other health service provider (on the grounds that granting access would pose a serious threat to their life or health)
- If requested to act as a NHSP, you have the choice of agreeing or not agreeing to take on the role
- Your role as NHSP includes deciding whether access would or would not constitute a serious threat, then either allow inspection of information or decline to allow the individual access
- You can charge a fee for carrying out these duties (*maximum to be set by regulation*)

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