



Information Access Services

Requirements to process access application under -

Administrative Access

As a matter of policy, GCHHS supports the right of patients to see what information is held about them. Generally, access to an individual's own health record should be provided administratively, however there are some exceptions which are discussed in further detail below.

Access to health records is to be provided strictly in accordance with relevant legislative and policy confidentiality requirements.

Form and Content of Application

An application by a patient for administrative access to their health record must be in writing and forwarded to Information Access Services. Patients who are from a non-English speaking background, or who are illiterate or disabled may need assistance to complete an application.

Whilst the use of a specific application form is not mandatory, a form has been developed in order to assist the applicant in ensuring that all relevant information is provided and assist the administrative officer in processing the request. Relevant information includes:-

- the patient's full name, including any names they may have been known by previously;
- the patient's date of birth;
- the patient's present address and, if different, their address at the time of their last encounter with GCHHS;
- the date, place and nature of the encounter with GCHHS to which the requested medical records relate;
- the patient's contact details, in case clarification or more information is needed and to ensure copies of medical records may be sent to the recipient without any unintended breach of confidentiality.

Third Party Applications

Whilst a patient should be encouraged to personally apply for their own records, they may provide consent to a third party having access to their health information.

Patient's written consent is required

An application for access to a patient's record by a third party must be in writing and accompanied by an original (not a photocopy or scanned copy) authority signed and dated by the patient. The authority should also specify the information that the patient consents to being released to the third party.

To ensure that a patient's consent represents their current wishes, the authority must be no more than six months old. If the authority is outdated, the applicant should be contacted and provided an opportunity to provide more recent authority signed by the patient.

If there is any uncertainty regarding the scope of a patient's written consent, or the applicant is not an agent acting on behalf of the patient, the responsible officer should consider contacting the patient directly to verify their authority to the release of information.

Access by patient's insurer

Where a request for information relates to an insurance application or claim, it must be accompanied by a photocopy of the insurance application or claim form signed by the patient, or an original express authority addressed to GCHHS and signed by the patient within the last 6 months.

The insurer may also need to provide details of the injury or illness that is the subject of the claim, as most authorities signed by patients provide for the release of information "*relevant to the claim*".

If the insured person whose information is sought is deceased (and thus no patient consent can be obtained), the request should be referred for processing under the *Right to Information Act 2009* (Qld) ('RTI Act').

If the information is requested by an insurance company, regardless of whether an express authority is provided, access charges apply in accordance with the Queensland Health – [Fees & Charges Register](#).

Time Frame for Compliance

- within 25 business days

Evidence of Identity

Given the sensitive nature of medical records, patients are required to provide evidence of identity with their application, for example a passport, driver's licence, 18+ card or birth certificate. The original identification should be certified by a lawyer, notary public, commissioner of declarations or a justice of the peace. The original (not a photocopy or scanned copy) of the certified document must be provided along with the application, otherwise it may be rejected.

Alternatively, patients are invited to attend at Reception at either the Gold Coast University Hospital or Robina Hospital to complete and/or submit an Administrative Access application and have their identification certified by hospital reception staff.

Access Charges

- Nil – unless the applicant is an insurer or requests hard copies of the records (see - Queensland Health – [Fees & Charges Register](#))

Exceptions to Administrative Access

Children's Health Records

Under current Queensland law, there is no legal basis under which another person, including a parent, may consent to the disclosure of a child's health information (for the purpose of this section, a child is defined as any individual under the age of 18 years).

Children can apply for access to their own health records, or provide consent to access being granted to a third party, provided they have attained a sufficient age and level of maturity to understand the nature of the application and consent. However, without such consent, the disclosure of a child's health information may constitute a breach of the strict duty of confidentiality imposed on all GCHHS employees.

In circumstances where a parent wishes to apply for access to medical records regarding their child, and the child is not of a sufficient age or level of maturity to understand the request and

provide informed consent, the parent must make an application under the *Information Privacy Act 2009* (Qld) ('IP Act').

Mental Health Records

In some cases, granting a patient full access to their health record could potentially be prejudicial to their physical or mental health or wellbeing. Of particular concern is the impact on a patient's condition, treatment and wellbeing generally if they were to have access to their mental health records.

Any request for the release of mental health records should be referred to the responsible officer for RTI Act and IP Act applications to determine whether the request can proceed as an Administrative Access application, or whether the request should be transferred to be an RTI Act or IP Act application.

Deceased Persons' Medical Records

The strict duty of confidentiality imposed by the Hospital and Health Boards Act 2011 (Qld) applies regardless of whether the patient is living or deceased. As such, unless the release of information is permitted by law, a deceased patient's records cannot be released pursuant to the Administrative Access policy, as patient consent cannot be obtained. Unless the applicant is able to request the information under another mechanism, a request for a deceased person's medical records must be processed under the RTI Act.

If an application is limited to a request for a copy of the Certificate of Death, more commonly referred to as a "death certificate", then the applicant should be referred to the Queensland Registry of Births, Deaths and Marriages.

Medical Reports

GCHHS employees are under no obligations to prepare a report that requires the creation of a new document. The Executives of GCHHS have determined that resources are best utilised in providing treatment to patients, as opposed to drafting medical reports or completing detailed questionnaires. The applicant has the option to apply for copies of medical records and then provide those records to their General Practitioner or a practitioner in private practice who may be prepared to complete the requested report or form.

An exception applies to requests for the completion of Compulsory Third Party Medical Certificates under the *Motor Accident Insurance Act 1994* (Qld) and requests for statements from the Coroner under the *Coroners Act 2003* or the Queensland Police Service pursuant to the Memorandum of Understanding between GCHHS and the Queensland Police Service.

*Decisions to release are at the discretion of the responsible officer in accordance with the mandatory requirements, however, **if in doubt – don't send it out.** Refer it to a more senior decision maker for advice.*