



Information Access Services

Requirements to process access application under the -

Information Privacy Act

The [Information Privacy Act 2009 \(Qld\)](#) (IP Act) provides for individuals to access their own information in the event that it is not appropriate to do so as an Administrative Access Application.

The most common applications received by GCHHS under the IP Act are:-

1. Requests for medical records in relation to children; and
2. Requests for mental health records.

Valid Application

A valid application must:

- Be made on the approved form, or in writing, provided all necessary information which would otherwise make an application valid is included (*see below*)
- Give sufficient information to enable an officer to identify the document(s) (for example, full name, date of birth, details of the records they require)
- Provide a postal address
- Include original certified copy of evidence of identity of the applicant, being the person the information relates to.
- Include evidence of identity and authorisation of an agent (eg lawyer or parent) if made on behalf of another person

Time Frame for Compliance

- Within 25 business days, or longer if provided for under the IP Act.

Access Charges

- Generally, applications under the IP Act do not attract any fees or charges provided the information is sent on disc.
- If applicable, Access Charges are payable in accordance with the [Information Privacy Regulation 2009 \(Qld\)](#)

Acknowledgment Letter

Within 5 working days of receiving an application, whether compliant or not, the responsible officer is to send out an acknowledgment letter.

- If compliant, an acknowledgement letter can be sent by normal post confirming the details of the requested information and due date.

- If non-compliant, an acknowledgement letter should be sent by registered post to the applicant outlining the information required in order to make their application compliant and the timeframe within which they must comply.

Healthcare Decision

After collating the records identified as being within scope, the responsible officer must review the records that relate to mental health to consider whether the information contained in the record could potentially be prejudicial to the physical or mental health or wellbeing of the applicant. If so, a Section 50(5)(b) Memo is to be prepared and sent to the appointed Health Care Decision Maker.

The responsible officer is required to confirm the decision of the Health Care Decision Maker in the decision letter sent to the applicant. If there are concerns regarding the decision made by the Health Care Decision Maker, the responsible officer may consult with the Health Care Decision Maker to clarify the basis upon which a decision has been made to either grant direct access, indirect access or no access to the medical records. If a decision is made to grant indirect access or no access, effort should be made to specifically identify the information that is of concern so that where possible, the applicant may still be provided with direct access to some of the information requested.