

1. Statement

Irabina respects an individual's privacy and allow access to information via personal viewing in a secure private area. The client/guardian may take notes of the content of their record or may be given a photocopy of the requested information.

2. Scope

This policy must be adhered to by all Irabina staff. Either the CEO, Chief Practitioner and Executive Director Clinical Services Manager will explain the contents of the record to the consumer if required. An administrative charge may be applied, at the CEOs discretion.

3. Purpose

Under legislation, all Clients/Guardians of Irabina have the right to access their personal health information (medical record). Commonwealth Privacy Amendment (Private Sector) Act 2000 and the Health Records Act 2001 (HRA) (Victoria.) The HRA gives individuals a right of access to their personal health information held by any organisation in the private sector in Victoria in accordance with Health Privacy Principle 6 (HPP 6). This principle obliges health service providers and other organisations that hold health information about a person to give them access to their health information on request, subject to certain exceptions and the payment of fees (if any).

Policy Information will only be released according to privacy laws and at Irabina's discretion. Requested records are reviewed by the CEO, Chief Practitioner and Executive Director Clinical Services Manager prior to their release and written authorisation is obtained.

Request Received

When our consumers request access to their medical record and related personal information held at this practice, each request is documented and an endeavour to assist them in granting access will be made where possible and according to the privacy legislation. Exemptions to access will be noted and each consumer or legally nominated representative will have their identification checked prior to access being granted.

Only the CEO has authority to grant access.

A consumer may make a request verbally for access to records at Irabina, via telephone or in writing e.g. fax, email or letter. No reason is required to be given. The request is referred to the Clinical Services Manager.

A Request to Access Patient Health Care Records form must be completed to ensure correct processing.

Once completed a record of the request is logged in the Access Register and the form filed scanned in the client record.

Request by another (not consumer)

An individual may authorise another person to be given access, if they have the right e.g. legal guardian, and if they have a signed authority. Under APP 6 "use or disclosure of personal information", a 'person responsible' for the consumer (including a partner, family member, care, guardian or close friend), if that consumer is incapable of giving or communicating consent, may

apply for and be given access for appropriate care and treatment or for compassionate reasons. Identity validation applies.

The Privacy Act defines a 'person responsible' as a parent of the individual, a child or sibling of the individual, who is at least 18 years old, a spouse or de facto spouse, a relative (at least 18 years old) and a member of the household, a guardian or a person exercising an enduring power of attorney granted by the individual that can be exercised for that person's health, a person who has an intimate relationship with the individual or a person nominated by the individual in case of emergency

Children

Where a young person is capable of making their own decisions regarding their privacy, they should be allowed to do so according to Federal Privacy Commissioner's Privacy Guidelines. The Clinician could discuss the child's record with their parent. Each case is dealt with subject to the individual's circumstances. A parent will not necessarily have the right to their child's information.

Acknowledge Request

Each request is acknowledged with a letter sent to the consumer, confirming the request has been received. Send the letter within 14 days or sooner as recommended by the National Privacy Commissioner. Acknowledgment will include a statement concerning charges involved in processing the request.

Fees Charged

Discuss with the consumer what information they want access to, and the likely fees, before undertaking their request for access.

The fees which an organisation can charge for providing access must not be excessive and must not apply to the mere lodgement of a request for access. Australian Privacy Principle (APP) 12 aims to prevent organisations from using excessive charges to discourage individuals from making requests for access to their medical records.

If an organisation incurs substantial costs in meeting a request for access, then the organisation could charge a reasonable fee to meet the administrative costs involved. For example, an organisation could recover some of the costs of photocopying or of the staff time involved.

Collate & Assess Information

Retrieve consumer's hardcopy medical record or arrange for Clinical Services Manager to access the computer record. Refer to the Request to Access Patient Health Care Records form to help identify what information is to be given to the consumer.

Data may be withheld under privacy legislation APP12 "Access to personal information" for the following reasons.

- Where access would pose a serious threat to the life or health of any individual
- Where the privacy of others may be affected
- If a request is frivolous or vexatious
- If information relates to existing or anticipated legal proceedings
- If access would prejudice negotiations with the individual
- If access would be unlawful
- Where denying access is required or authorised by law

See National Privacy Principles in full for comprehensive list of exclusions.

Access Denied

Reasons for denied access must be given to the consumer in writing. Note these on the Request to Access Patient Health Care Records form. In some cases refusal of access may be in part or full.

Use of Intermediary When Access Denied

If request for access is denied an intermediary may operate as facilitator to provide sufficient access to meet the needs of both the consumer and Irabina.

Provide Access

Personal health information may be accessed in the following ways:

- View and inspect information
- View, inspect and talk through contents with the Chief Practitioner
- Take notes
- Obtain a copy (can be photocopy or electronic printout from computer)
- Listen to audio tape or view video
- Information may be faxed to consumer
- Check Identity of consumer
- Ensure a visible form of ID is presented by the person seeking access. E.g. driver's licence, passport, other photo identification. Note details on request form.
- Does the person have the authority to gain access? Check age, legal guardian documents; is person authorised representative?

If the consumer is viewing the data, supervise each viewing so that consumer is not disturbed and no data goes missing.

If a copy is to be given to the consumer, ensure all pages are checked and this is noted in the request form.

If Chief Practitioner is to explain the contents to a consumer then ensure an appointment time is made.

Requests to Correct Information

A consumer may ask to have their personal health information amended if he/she considers that is not up to date, accurate and complete. (NPP 6.5/6/6)

Irabina must try to correct this information. Corrections are attached to the original health record.

Where there is a disagreement about whether the information is indeed correct, our practice attaches a statement to the original record outlining the consumer's claims.

Time Frames

Acknowledge request - within 14 days. Complete the request - within 30 days

4. Key Responsibilities

Role	Responsibility
Chief Executive Officer (CEO)	Responding to all formal requests for information and managing access to information within this Policy.
Chief Practitioner and Executive Director Clinical Services	Support activities required within this policy.

5. Definitions

Term	Meaning
Consumer	All end users (parents/guardian/carers, those with ASD and related conditions, Professionals, Schools, etc) of goods or services provided by Irabina or is directly affected by, the services

6. Related Documents

Accounts Receivable and Debtors Policy

Privacy Policy

Client Records Policy

Records Management Policy

Management of Appointments, Cancellations and Collection of Fees Policy

Request to Access Patient Health Care Records form

Access Register

Health Records Policy

Client Records Policy

7. Related legislation

Disability Act 2006 (Vic)

NDIS Act 2013

Disability Discrimination Act 1992 (Cth)

Equal Opportunities Act 2010 (Vic)

Freedom of Information Act 1982 (Vic)

Health Records Act 2001 (Vic)

Information Privacy Act 2000 (Vic)

Multicultural Victoria Act 2004 (Vic)

Ombudsman Act 1973 (Vic)

Ombudsman Act 1976 (Cth)

Privacy Act 1998 (Cth)

Public Records Act 1973 (Vic)

Sex Discrimination Act 1984 (Cth)

Victorian Civil and Administrative Tribunal Act 1998 (Vic)

Victorian Racial and Religious Tolerance Act 2001 (Vic)