

# **Advance Medical Practice Windsor**

## **Medical Records Policy**

Date Published: September 2023

Published by: Taylor Laws

Position held at practice: Office Administrator

Reviewed by: Dr Zakir Parvez

Date Reviewed: December 2023

To be reviewed: March 2024

This policy has been created to provide patients with a clear understanding on how their medical records are maintained and protected within our practice, and how they or another healthcare provider/third party can gain access to them.

This policy has been created in line with our Privacy and Confidentiality policy as well as the Australian Privacy Principle, in particular Chapter 12 – Access to personal information.

**Reference:** <https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-guidelines/chapter-12-app-12-access-to-personal-information>

### **What does the Australian Privacy Principle (APP) Chapter 12 state?**

12.1. An APP entity that holds personal information about an individual must, on request, give that individual access to the information (APP 12.1). The grounds on which access may be refused differ for agencies and organisations.

12.2. APP 12 also sets out minimum access requirements, including the time period for responding to an access request, how access is to be given, and that a written notice, including the reasons for the refusal, must be given to the individual if access is refused.

### **Why can you be refused access to your personal information?**

1. The organisation reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety (APP 12.3(a))
2. Giving access would have an unreasonable impact on the privacy of other individuals (APP 12.3(b))
3. The request for access is frivolous or vexatious (APP 12.3(c))
4. The information relates to existing or anticipated legal proceedings between the organisation and the individual, and would not be accessible by the process of discovery in those proceedings (APP 12.3(d))
5. Giving access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations (APP 12.3(e))
6. Giving access would be unlawful (APP 12.3(f))
7. Denying access is required or authorised by or under an Australian law or a court/tribunal order (APP 12.3(g))
8. The organisation has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the organisation's functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter (APP 12.3(h))
9. Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body (APP 12.3(i))
10. Giving access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision-making process (APP 12.3(j)).

### **How is your privacy and confidentiality maintained?**

Advance Medical Practice uses a secure management software "Best Practice" to upload, maintain and keep **ALL** patient information and records.

### **Who has access to patient information and records?**

All employees (Administration Staff, Clinical Staff) of Advance Medical Practice have an individual login for the management software. Access is given to Admin staff, General Practitioners and Nursing staff, however they only require access to your record when dealing with any correspondence or treatment regarding yourself.

### **Who is responsible for transferring records?**

We have a dedicated team of 2 administration staff who are responsible for transferring and releasing medical records.

This team works across 3-4 days per week and deal with all requests and enquiries regarding a patients medical record.

These staff members are trained and educated based on the APP guidelines and the practice policy.

### **How to I request a copy of my Medical Record?**

#### Transferring your record to another Medical Practice:

If you wish for your medical record to be transferred to another healthcare provider, they are required to send a request to our practice to be actioned.

This request needs to contain the below:

1. Patient Name
2. Date of Birth
3. Address
4. Contact Number
5. Signature
6. Signing Date

It is essential we receive your signature on the request as consent for us to send your medical record.

The healthcare provider can then email the request form to our reception –

[windsor@theamp.com.au](mailto:windsor@theamp.com.au)

## Who can request my Medical Record?

### Patients under the age of 14:

If you (the patient) are under the age of 14, your parent or guardian is your authorised representative and manages your health and health record. If there are any legal orders in place or concerns, the practice **MUST** be informed and records can then be released accordingly.

### Patients aged 14 to 17:

If you are aged 14 to 17, you manage your own health and health record. This means your parent or guardian will not have access to request or view any part of your health record without your consent.

If you or your parent wishes for your medical record to be released, we require your consent.

### Patients aged 18 and over:

If you are aged 18 or over, you manage your own health and health record. This means no one other than you can request or have access to your health record.

*Disclaimer: If a patient has a carer/guardian due to personal/health concerns, we require proof of this for them to be released to the carer/guardian.*

**Reference:** <https://www.oaic.gov.au/privacy/your-privacy-rights/health-information/my-health-record/manage-your-my-health-record#my-health-record-for-people-under-18>

## Gaining access to your own medical record

As an individual, you have the right to access your personal information.

You can attend or contact the practice to request these and you will then be contacted by our records department to discuss this request further.

Once you are contacted by our medical records department, your details will be confirmed (Name, Date of Birth, Address, Contact Number and Email Address) and you will be informed of the process in receiving your record.

Due to the secure management system we use, we are **unable** to send your record in an **ELECTRONIC** form (Email, USB, etc). You will receive your records in a printed version.

You will then be sent an email which will include an invoice for payment and you will be required to respond consent and acknowledging the terms of the transfer.

You need to be aware once your records are printed and handed over, Advance Medical Practice are no longer responsible for protecting your privacy and confidentiality as they are in the ownership and property of yourself.

There is a potential risk that your privacy and confidentiality will be breached.

### Fees associated with transferring medical records

There is a fee involved with the transfer of medical records. These fees can be paid via Cash, Direct Debit or EFT.

#### For transfer to another medical practice via secure XML format:

1 file	Flat fee of \$50.00
2 or more files (persons of same family)	Flat fee of \$70.00

**Disclaimer:**

The charge may include the cost of:

- staff searching for, locating and retrieving the requested information, and deciding which health information is relevant to the request
- staff reproducing and sending the health information
- the postage or materials involved in giving access

#### For release to patient personally:

Maximum 150 pages	Flat fee of \$50.00
Pages in excess of 150 pages	\$0.20 per page

**Disclaimer:**

The charge may include the cost of:

- staff searching for, locating and retrieving the requested information, and deciding which health information is relevant to the request
- the postage or materials involved in giving access (printing, materials and administrative costs)

### How will my records be sent?

Records being sent to another Healthcare provider are sent by secure emailing in an XML format which can be directly imported into their management system.

If the practice requests the file in paper form, this will be done and the records will be sent via Express Post and a tracking number will be provided.

Records being released directly to you as a patient will be in paper form. This is due to our management system **not allowing access** from a third party as it is secure within our practice. They will then need to be collected by yourself or an authorised person on your behalf.

### Timeframe for all transfers

As per the Information and Privacy Commission (IPC), as a public sector, we have 28 calendar days to release the medical records to the requesting party.

**Reference:** <https://www.ipc.nsw.gov.au/fact-sheet-providing-access-health-information-guidance-health-care-providers#:~:text=What%20is%20a%20reasonable%20timeframe%20to%20provide%20access%3F&text=The%20public%20sector%20is%20required,of%20first%20receiving%20the%20request.>

### Policy Review Statement

This policy will reviewed every 3 months in line with the current Commonwealth Privacy Act.

**Reference:** <https://www.legislation.gov.au/Details/C2023C00130>