

Third party requests for access to personal health information

Policy

Requests for third party access to personal patient health information are initiated through receipt of correspondence from a solicitor or government agency or by the patient completing a *Request for Personal Health Information* form. Where a patient request form or signed authorisation is not obtained the practice is not legally obliged to release information.

Where our practice holds reports or other health information from another organisation, such as a medical specialist, we are required to provide access to this information in the same manner as for the records we create. We are also required to provide access to records which have been transferred to us from another health service provider.

General practice has a fundamental role in ensuring the privacy of personal patient health information. Our practice has access to and uses the RACGP's *Privacy and managing health information in general practice* handbook which aligns with current best practice and includes commentary on the *Privacy Act 1988*. It provides guidance to our practice on the management of health information in a general practice setting and includes examples of compliance with the various Health Records Acts and the *Australian Privacy Principles* (APPs), which regulate the handling of personal information by both Australian government agencies and businesses.

Requests for access to patient health records and associated financial details may be received from various third parties including:

- Subpoena/court order/coroner/search warrant
- Relatives/friends/carers
- External practitioners and healthcare institutions
- Police/solicitors
- Health insurance companies/workers compensation/social welfare agencies
- Employers
- Government agencies
- Accounts/debt collection
- Students (medical and nursing)
- Research/quality assurance programs
- Media outlets
- International parties, and
- Disease registers.

We only transfer or release patient information to a third party once the consent to share information has been signed and, in specific cases, informed consent has been sought from the patient.

Our practice team can describe the procedures for timely, authorised and secure transfer of patient personal health information in relation to valid requests.

Procedure

The practice team can describe how we correctly identify our patients using three (3) patient identifiers in accordance with **Section 7.6 – Patient identification** to ascertain we have selected the correct patient record before entering or actioning anything from that record.

Patient consent for the transfer of health information to other providers or agencies is obtained at the patient's first visit and is retained on file in anticipation of when this may be required.

As a rule, no patient information is to be released to a third party unless the request is made in writing and provides evidence of a signed authority to release the requested information, to either the patient directly or to the third party.

Written requests for the transfer of health information are noted in the patient's health record. Any request received is forwarded to the patient's usual general practitioner for action. The requested record is to be reviewed by the general practitioner prior to release to a third party to ascertain if the information being requested is suitable for release.

To meet the costs associated with reviewing and preparing personal patient health information to be released to a third party, our practice charges an administrative fee. A list of the fees associated with the types of information being requested can be asked from one of our staff members at the front desk.

The security of any health information requested is maintained when transferring requested records. Electronic data transmission of personal patient health information from our practice is in a secure format.

Subpoena, court order, coroner search warrant

Where a request for patient information is being sought by subpoena, court order, or coroner search warrant, we note the date of the pending court case and the date the request was received in the patient's health record. Depending on whether a physical or electronic copy of the record is required, we follow the procedures as described above.

On occasions, a member of the practice team is required to accompany the patient's health record to court or, alternatively, a secure courier service may be adequate.

Relatives/friends

A patient may authorise another person to be given access to their health information if they have the legal right and a signed authority (refer to **Section 6.5 – Request for access to personal health information**).

If a situation arises where a carer is seeking access to a patient's health information, we contact our medical defence organisation for advice before such access is granted.

Significant court orders relating to custody and guardianship are recorded as an alert on the health records of children where appropriate to ensure no information is released to an unauthorised party.

External practitioners and healthcare institutions

Any requests received from general practitioners or other healthcare institutions, external to our practice, are directed to the patient's usual general practitioner, or to the admin email. Reception team will then sort each document into each doctor's inbox in Best Practice.

Police/solicitors

All members of the practice team have been made aware of the requirement for police and solicitors to obtain case-specific signed patient consent (or subpoena, court order or search warrant) before any information relating to that patient is released. Any such requests received are directed to the patient's usual general practitioner. **Health insurance companies/workers compensation/social welfare agencies**

Depending on the specific circumstances, information may need to be provided and any such requests received are referred to the patient's usual general practitioner.

Employers

If the patient has signed consent to release information for a pre-employment questionnaire or similar report, this request is referred to the patient's usual general practitioner.

Government agencies – Medicare/Department of Veterans Affairs

Depending on the specific circumstances, information may need to be provided and any such requests received are referred to the patient's usual general practitioner with a recommendation to discuss any issues with their medical defence organisation.

State registers of births, deaths and marriages

Death certificates are to be issued by the patient's usual general practitioner.

Accounts/debt collection

The practice must maintain privacy of a patient's financial accounts.

Accounts must not contain any clinical information. Invoices and statements are reviewed prior to forwarding to third parties, such as insurance companies or debt collection agencies.

Outstanding account queries or disputes are directed to the practice manager or the admin staff who is in charged of that particular patient.

Students (nursing)

Our practice participates in nursing student education. We acknowledge that some patients may not wish to have their personal health information accessed for educational purposes; therefore, the practice always advises patients of impending student involvement in practice activities and seeks to obtain patient consent accordingly. We display a sign on the reception desk, in the waiting room, on the consultation room exterior door and inside the consultation room on the wall.

Research and continuous quality improvement activities

Where our practice seeks to participate in human research activities and/or continuous quality improvement activities, patient confidentiality and privacy will be maintained. Only the information of patients who have provided their explicit consent for the practice to use their information for these activities in this manner will be used. A copy of the patient consent to any specific data collection for research or continuous quality improvement purposes is retained in their record.

All requests to participate in research are to be approved by the practice manager before commencing. Also refer to **Section 7.11 – Resource projects**.

Media

No member of the practice team is permitted to release information to media outlets unless it has been authorised, and all enquiries are to be directed to Practice Owner.

International

Where patients request and consent to have their information transferred overseas, this can be performed; however, where the request for transfer of information is received by international subpoena, our practice is under no obligation to comply.

Disease registers

This practice submits patient data to various diseases registers to assist with preventative health management (e.g. cervical, breast and bowel screening, etc.).

Consent is required and obtained from the patient to 'opt in' to have their information shared with these registers. This consent is obtained when the patient first attends the practice, and patients are reminded through signage in the waiting room and by information contained in the practice information sheet of the opportunity to revisit their previous consent/non-consent to this data sharing at any time.