

Freedom of Information procedure



Description

It is the right of the Public to make a request for information subject to the Freedom of Information Act. This document details the Freedom of Information process for Corryong Health.

Procedure Applies To

All staff responsible for processing FOI applications on behalf of Corryong Health

Purpose and Scope

To extend, as far as possible, the right of the community to access information held by Corryong Health in accordance with the Victorian Freedom of Information Act 1982, and to provide guidance in the event a request for release of information is made by a consumer or member of the public.

Definitions and Abbreviations

FOI

Freedom of Information

FOI Officers

Chief Executive Officer, Director of Clinical Services, Senior Administration Support

Procedure Standards

According to the Freedom of Information Act 1982, an individual person has the right to access information from their own medical record, either by obtaining copies or viewing the medical record.

Applications can be made in person or in writing, and are not deemed to be an 'application' unless the application fee is paid, or waived if financially disadvantaged.

Applications must be submitted on the FOI Application Form, accompanied by evidence of the person's identity (such as a driver's license), with a clear description of the documents required.

A Solicitor may apply for access on behalf of a client however must forward a recent signed consent form, signed by the client.

A third party may apply for access on behalf of a client however must forward a recent signed consent form, signed by the client.

A person can obtain information from a deceased patient's medical record if they were named either Next of Kin at the time of admission, or Executor of the Estate, or are children of a deceased patient where both parents are deceased.

The FOI Officer must be satisfied a request is being made as a conscious voluntary act, and the person making the request understands the nature and significance of making the request to obtain documents.

Processing a Request

All requests for access to patient documents and medical records must be forwarded to the FOI Officer (Health Information Management Officer) for processing.

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Documents provided to the FOI Officer should include the original request (application form or medico legal request with signed consent), and a copy of all documentation outlined in the request. Only photocopies are to be supplied, with the original remaining with the health service. Requested information will be provided to the applicant or their authorised representative within 45 days after payment of fees. Time may be suspended if the request is substantial or unreasonable.

It is mandated that a thorough and diligent search for all relevant documents be undertaken by the health service. If the documents requested cannot be found, or if the documents requested are said not to exist, the applicant must be informed of such.

Refusal of Access

The Freedom of Information Act 1982 provides several categories exemption from release.

Some of these include:

- Documents which relate to information about legal proceedings
- If the FOI Officer determines a person seeking their own medical information could be adversely affected by finding out the information contained in their medical file
- If the FOI Officer determines the documents would impact unreasonably on another person
- Information was given in confidence
- Is unlawful
- Relates to a negligence claim

Applicants will be notified of their right of appeal to an independent body if access has been denied. Applicants are entitled to seek a review of the FOI Officer's decision by the FOI Commissioner at www.foicommissioner.vic.gov.au or the Health Services Commissioner.

The role of the FOI Commissioner is to review decisions, handle complaints, monitor compliance by agencies to the prescribed professional standards and provide guidance and education to agencies on the FOI Act. Following this, the applicant may lodge an appeal with the Victorian Civil and Administrative Tribunal (VCAT) within 60 days of receipt of the review decision.

Costs

An application fee of \$30.10 (as at July 2021) applies to Freedom of Information requests, and applications will not be processed until payment of the application fee is received. **Please note fees do not apply to a subpoena.**

An applicant who has made a request in accordance with section 17 of the Act is liable to pay a charge calculated in accordance with the Schedule. An invoice for costs associated with the charges listed below.

Photocopying:	20c per page
Labour:	If over 1 hour, \$20.00 per hour thereafter
Postage:	As per Australia Post rates

An invoice for any additional charges will accompany the requested documentation, as will a receipt for any monies paid to the health service.

Note: Centrelink card holders are exempt from all fees and charges on production of a copy of their signed Centrelink card.

Compliance

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All requests will be registered on the Corryong Health Medical Records Request register and reported annually to the Freedom of Information Commissioner.

National Disability Insurance Scheme (NDIS) FOI Requests

If an NDIS client is wishing to gain access to their entire report, an FOI application must be submitted. FOI Applications are not required to be submitted if the NDIS participant is requesting reports from their clinicians (e.g. functional capacity assessment) or if the NDIA is requesting a report from the clinician and paying for this service.

Additional Information

Some information may be released without a formal Freedom of Information application. This includes an employee's personal record, requests from police regarding information pertaining to an ongoing police investigation, or patients (written consent required) seeking to transfer their medical clinic history to another clinic.

References, Legislation & Acts

- Freedom of Information Act 1982
- Information Privacy Act 2000
- Health Records Act 2001
- Freedom of Information Amendment Bill 2016
- Cobram District Health- Freedom of Information procedure

Standards

Standards:	Accreditation section
National Safety & Quality Healthcare Standards V2 https://www.safetyandquality.gov.au/standards/nsqhs-standards	1.16, 1.18
NDIS Practice Standards https://www.ndiscommission.gov.au/sites/default/files/documents/2018-07/NDIS%20Practice%20Standards.pdf	
National Aged Care Standards https://agedcare.health.gov.au/quality/aged-care-quality-standards	
Royal Australian College of General Practitioners Standards (5 th Ed) Key: C=Core Q= Quality G=General https://www.racgp.org.au/FSDEDEV/media/documents/Running%20a%20practice/Practice%20standards/5th%20edition/Standards-for-general-practice-5th-edition.pdf	C6.2, C6.3, C7.1

Key Aligned Documents

Freedom of Information Request form

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Governance

DEPARTMENT:	Agency Wide	PROCEDURE NUMBER:	Prompt Doc No: UMH0172005
PRINCIPAL RIGHTS HOLDER:	Health Information Management Officer	APPROVING COMMITTEE:	Clinical Governance Operations
DATE APPROVED:	10/09/2021	REVIEW & UPDATE BY:	20/05/2024
VERSION NUMBER:	1.2	AMENDMENT:	Document reviewed