



My Health Record privacy, security and consent overview for clinical staff

Privacy and security controls

Under the My Health Records Act 2012, registered healthcare provider organisations are authorised to upload information to the My Health Record system, and view information in the system. Generally, this means that healthcare providers do not need to obtain consent prior to uploading information to a My Health Record when providing services to a healthcare consumer. However, patients can request that a particular information is not uploaded to their record, and healthcare providers must comply with such requests.

Healthcare recipients can set their own privacy controls to restrict access to their record and access controls can be changed at any time. The changes to privacy and security controls that patients can make include:

- ◆ setting a record access code to give access only to selected healthcare providers,
- ◆ controlling access to specific documents to limit who can view them, and
- ◆ giving access to a nominated representative such as a family member, close friend or carer.

Secure access

A patient's My Health Record is linked to a myGov account, which provides secure access to My Health Record. myGov is a secure Australian Government service that can only be accessed using a password, as well as an answer to a secret question or an access code.

My Health Record can be accessed from a desktop or mobile device. Security and privacy settings in the My Health Record apply, regardless of the device used.

Emergency access

In emergency situations, treating doctors can view a patient's My Health Record to quickly provide appropriate treatment regardless of the patient's privacy and security settings. However, if a patient has removed a document from their My Health Record, it will not be accessible. Any instances of emergency access will appear in the patient's Access History.

Monitoring access

All access to My Health Record is monitored and tracked by the Australian Digital Health Agency and healthcare recipients can see who has accessed their My Health Record and when. It's also a good idea to advise patients to regularly monitor who accesses their My Health Record. A patient can set up automatic notifications to be sent via email or text each time a new healthcare organisation accesses their My Health Record, including in an emergency.



For more information go to:

MyHealthRecord.gov.au | Help line 1800 723 471
(Select option 2 for healthcare providers)



Representatives

Nominated representatives

Patients may wish for others, such as a carer, family member or trusted friend to have access to their My Health Record and can appoint them as a nominated representative. All nominated representatives must act in accordance with the patients will and preferences and they can be provided with one of the following types of access:

1. General access – they can view all documents, except those that have been marked as restricted.
2. Restricted access – they can view all documents, including those that have been marked as restricted.
3. Full access – they can view all documents and make additions to their My Health Record.

Authorised representatives

An authorised representative is someone who can manage a My Health Record on someone's behalf if they cannot manage their own record. This could be for their child under 14 years, or an adult who lacks the capacity to manage their own record. Authorised representatives can make decisions about how another person's My Health Record is managed and how information in that person's My Health Record is accessed. Multiple people can be registered as authorised representatives for a single My Health Record.

By default, a parent (or guardian) is eligible to be an authorised representative for their child if they are listed on the same Medicare Card, and the child is under the age of 14. When a child turns 14, they can manage their own record and all authorised representatives are automatically removed.

Learn about My Health Record security

Many safeguards are in place to protect a patient's information including strong encryption, firewalls, secure login processes and audit logging.

People, technology and process

The Agency uses a range of technologies to protect the sensitive personal and health information held in the My Health Record system. These include:

- ◆ firewalls to block unauthorised access,
- ◆ audit logs to track access to records,
- ◆ initial and regular a-v scanning of documents uploaded to records, and
- ◆ system monitoring to detect suspicious activity.

The system is monitored by the Cyber Security Centre within the Australian Digital Health Agency. All personnel involved with the administration of the My Health Record system are required to undergo security checks.

A range of security processes limit access to the My Health Record system, servers and administration computers. External software goes through a conformance process before it is allowed to connect to the My Health Record system. This includes medical practice software or mobile applications.

Legislation

My Health Record legislation provides protection for privacy of health information stored in the system. Significant penalties apply for deliberate misuse of this information.

Do I require the patient's consent to access their My Health Record?

Any person who is authorised by a registered healthcare organisation can access and view a patient's My Health Record, if it is for the purpose of providing healthcare services, subject to any access controls set by the person. This means that, unless the patient has requested that the information not be uploaded, there is no requirement for a healthcare provider to obtain consent on each occasion prior to uploading clinical information. There is also no requirement for a patient to review clinical information prior to it being uploaded.

Clinical practice tip: Advise the patient when uploading information to their My Health Record, particularly if this information might be perceived as sensitive.

What if the patient requests that information not be uploaded to their My Health Record?

If a patient requests that particular information not be uploaded to their My Health Record, the healthcare provider must comply with the patient's request. This is a condition of the organisation's registration with My Health Record .

Clinical practice tip: Advise the patient about the potential risks of excluding information from their My Health Record and explain the benefits of ensuring all information is included. Always comply with the patient's final decision, and do not upload the information, if this is requested.

The My Health Records Act 2012 recognises that under some state and territory laws (specifically ACT, NSW and QLD), consent must be given expressly, or in a particular way, before information related to specific areas of health is disclosed. You should seek advice from the relevant areas within your state health department on how the provisions impact uploading of documents to My Health Record.

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