

Freedom of Information (FOI) Request

Request to Access a Medical Record

The Victorian Freedom of Information (FOI) Act 1982 gives you the right to request access to medical records held by Austin Health. Austin Health holds records for the following:

- Austin Hospital / Royal Talbot Rehabilitation Centre / Heidelberg Repatriation Hospital
- Mental Health Services (that are a part of Austin Health)
- Fairfield Infectious Diseases Hospital (limited records)

Is access guaranteed?

Not all documents are automatically available. The FOI Act allows refusal of access to certain information or documents. These documents are often referred to as 'exempt' documents and are described in the FOI Act. Each document is assessed on its merits before a decision is made. Most FOI applications are straightforward with no restrictions to information applied.

How to apply

Applications must include an FOI Application or letter, the application fee, and appropriate evidence of authority to release the information.

FOI application or letter

Applications must be made in writing using the **FOI Application form (L15.0)** (download from www.austin.org.au/foi) or in a letter or email asking for access to the documents. Include the full name and date of birth of the patient so that the medical record can be correctly identified.

Application fee

The Application Fee is **\$30.60** and is a fixed cost and non-refundable. It must accompany your FOI application. This fee is waived if you hold a current Pension or Health Care Card and can provide a copy of both sides of this with your application.

The FOI Application form (L15.0) provides further details about payment options.

Note: Other access charges may apply in addition to the \$30.60 Application fee. You will be advised of these additional access charges in writing when a decision has been made about your request. These charges are described further in the section 'Other access charges that may apply'.



Austin Health acknowledges the Traditional Custodians of the land and pays its respects to Elders past, present and emerging.

Austin Health celebrates, values and includes people of all backgrounds, genders, sexualities, cultures, bodies and abilities.



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Evidence of authority to release the information

Request for Records Relating to You

If you are requesting access to your records, you must provide a paper or electronic copy of photo identification with your FOI application, for example, a driver's licence or passport. If you do not have current photo identification, please telephone the Freedom of Information Office on 9496 3103 to discuss.

Request for Records Relating to Another Living Person

If you are applying for medical records relating to another living person, you must provide written authorisation from the patient or evidence that you have the right to access the information, for example, Enduring Power of Attorney (Medical Treatment).

If the patient is unable to sign the request, please telephone the Freedom of Information Office on 9496 3103 to discuss your request.

Request for Records Relating to a Deceased Person

If the patient is deceased, the most senior available next of kin should sign the authorisation and provide evidence to support this, for example, a copy of the death certificate.

Access to a deceased patient's medical record by the most senior available next of kin is not guaranteed. Various factors need to be considered. To assist us in assessing your application, explain why you believe it is reasonable to release the records to you.

Request for Records Relating to a Child

If the request relates to a child, and they are not able to make this request themselves, then the parent or legal guardian may make a request on the child's behalf. Only a parent or legal guardian who has not had parental responsibility limited by a Court order may do this. If care of the child is subject to a Family Court or other court order, provide a copy of the court order with the request.

If you are not sure who can sign the authorisation, please telephone the Freedom of Information Office on 9496 3103 to discuss.

Where to send your application

Applications can be lodged in any of the following ways.

Mail: Freedom of Information Office
Austin Health
PO Box 5555 Heidelberg 3084

Email: foi@austin.org.au
Telephone: (03) 9496 3103
Fax: (03) 9458 4557

Other access charges that may apply

Once your request has been approved, you will be advised of any additional charges in your Decision Letter. These charges are **in addition** to the initial application fee of \$30.60 and will depend on how you have asked for the information to be provided to you. These final charges must be paid before the information is released.

The additional charges may be waived for pension and healthcare card holders. In this case, you may be advised of a nominal fee if you have requested paper copies of the record.



Additional charges that may apply:

- DVD \$27.45 (includes Postage and Handling)
- Electronic (OneDrive) \$15.00 (flat fee)
- Photocopy Fee \$0.20 per page (double-sided)
- Search Fee (non personal requests **only**) \$22.95 per hour
- Viewing Record \$22.95 per hour or calculated in ¼ hour blocks

What happens next

The FOI Act requires Austin Health to conduct a search for the records you requested and provide you with a formal decision in writing no later than **30 days** from receipt of a valid request. This letter can be sent to you by email, fax, or post.

While processing your application, Austin Health may be required to consult third parties to determine whether to release all, or part of a record. This consultation may require an extension of time. If so, we will contact you to discuss this.

Your review rights

If Austin Health has decided to refuse or restrict access to the documents requested, you may apply to have this decision reviewed by the Office of the Victorian Information Commissioner (OVIC). Refer to www.ovic.vic.gov.au for further information.

If you are unsatisfied with the result of OVIC's review, you will have 60 days in which to lodge an appeal with the Victorian Civil and Administrative Tribunal. Refer to www.vcat.vic.gov.au for further information.

In relation to some decisions, you may apply for conciliation through the Health Complaints Commissioner. Refer to www.hcc.vic.gov.au for further information.

More information

FOI Office Hours: Monday – Friday (8:00am – 4:00pm)
Austin Health Website: <http://www.austin.org.au/FOI>
Email: foi@austin.org.au



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