



January 2017

## Privacy fact sheet 50

# Accessing and correcting your health information

Australian privacy law<sup>1</sup> gives you a general right to access and correct your health information. Please take a moment to read this fact sheet and find out when and how you can access and correct your health information.

## Can I access my health information?

Generally, a doctor or other health service provider must give you access to your health information if you request it.

You can ask for access to be provided in a particular way. Your provider should generally give you access **in the way you request** — such as giving you copies or letting you view it, or giving a copy to another provider. However, if you ask for access to your health information in a way which is unreasonable or not practical, they can give it to you in another way — such as on a disc or USB stick rather than giving you hard copies of the whole record.

If you are seeking access to your health information because you want to change to another provider, your current provider might prefer to transfer your record to the new provider rather than giving you the information directly.

## Can a provider refuse my access request?

Your provider can refuse to give you access in some situations, such as where it could threaten someone's life, health or safety (including yours) or impact on someone else's privacy. For information about other situations where access can be refused, see [Chapter 12 of our Australian Privacy Principles guidelines](#).

If your provider refuses to give you access or to give it in the way you ask, they must generally give you a written notice telling you why and how you can complain about their refusal. They also need to try to give you access in a way that meets both your and their needs if that is possible. For example, if giving you certain information would affect someone else's privacy, they could block out that part and still give you the rest of the information. Or, if it is not possible to give access directly to you because of a concern for your health or safety then it may be possible to obtain access through an agreed intermediary.

---

<sup>1</sup> Please note that state-managed public health services (such as public hospitals) may be subject to state-based privacy acts or guidelines. For more detail please see [state and territory health privacy](#).

## Can I ask for my health information to be corrected?

You can ask your provider to correct your health information. They have to take reasonable steps to correct their records to make sure they are accurate, complete, up-to-date, relevant and not misleading. If they have given incorrect information to others, you can also ask your provider to tell those other parties that it is incorrect.

## Can my provider refuse to correct my health information?

Your provider can refuse to correct your health information **if they believe it is correct**, even if you don't agree with it. Their opinion isn't inaccurate just because you disagree with it — rather, it may be accurate if it is an informed view presented as their opinion and not objective fact. For example, you may disagree with a diagnosis, but your record may need to provide a full and accurate history including past diagnoses, even if you don't agree with the diagnosis. Your provider may also be unable to correct or delete information under their professional record-keeping obligations.

If your provider refuses to correct your information, they must generally give you a written notice telling you why and how you can complain. **You can also ask them to include a short statement with your record**, stating that you think the information is incorrect.

## Process for making access and correction requests

There are no set rules about how you should make your request, but your provider may have a process for you to follow.

Your provider may need to verify your identity before giving you access to your health information. They may also ask you to make your request in writing, for example if you are asking for many corrections or if your access request is complex. Your provider should generally respond to your access or correction request within 30 days. However, sometimes they may need more time, for example if the information is archived.

They can't charge you just to make a request but **they can charge you for what it costs them to provide access**. This could include the administrative cost of staff getting the information and postage or photocopying costs. However, if they get legal advice about your request they shouldn't charge you for this.

## How can I complain?

If you are not satisfied with your provider's response to your access or correction request you can complain to us. You should talk to your provider first, and give them an adequate opportunity to deal with the complaint (usually 30 days). They cannot charge you for making a complaint, and their privacy policy must explain how you can complain to them. If you are not satisfied with their response, you can [complain to us](#).

### For further information

GPO Box 5218 Sydney NSW 2001 | P 1300 363 992 | E [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Or visit our website [www.oaic.gov.au](http://www.oaic.gov.au)

*The information provided in this resource is of a general nature. It is not a substitute for legal advice.*

