



Information Sheet

INFORMATION SHEET - *Right to Information Act 2009*

What if an agency decides I can only access my records through a healthcare professional?

The *Right to Information Act 2009* (Qld) (**RTI Act**) allow agencies to refuse access to healthcare information if giving access to it might be prejudicial to the physical or mental health or wellbeing of the applicant. This is called a *healthcare decision*.

In some circumstances an agency may give you two decisions on one access application: a healthcare decision, dealing with the healthcare information, and a decision dealing with other information within the scope of the application. This information sheet only addresses the healthcare decision.

What is healthcare information?

Healthcare information is information provided by a doctor, psychiatrist, psychologist, social worker, registered nurse or other healthcare professional who has been involved in caring for you in a way related to your physical or mental wellbeing.

Why has the agency refused to give me direct access to my healthcare information?

The agency has refused to give you direct access to your healthcare information directly because it believes that doing so might be harmful to your physical or mental health or wellbeing. However, the agency has decided that you may be able to access the healthcare information through a healthcare professional, such as your doctor.

The agency's decision notice will explain why they formed this view.

Who can make the decision to refuse me direct access to my healthcare information?

The decision to refuse direct access to healthcare information can only be made by the principal officer of the agency (ie, the most senior person, such as the Chief Executive Officer or a department's Director-General) or by an appropriately qualified healthcare professional who was appointed by the principal officer.

Why does the decision notice say I can access the document through a healthcare professional that I nominate?

The RTI Act allows the agency to refuse you direct access to the healthcare information and give you access through your nominated healthcare professional.



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This means you need to choose a healthcare professional that you want the agency to give your healthcare information to and provide their details to the agency.

How do I nominate a healthcare professional?

There is no set process for nominating a healthcare professional. It would be best to discuss this directly with the agency and find out what they require. For example, whether they need you to nominate someone in writing or whether you can simply advise who would you like to nominate and their contact details over the phone.

Who should I nominate as my healthcare professional?

It is up to you to decide who to nominate. However, the person you choose must be approved by the agency's principal officer before they will be given your healthcare information. While the principal officer will generally approve your nominated healthcare professional, there may be situations when they decide they are not suitable. To avoid this, it may be a good idea to nominate a healthcare professional you are currently seeing, or one you feel comfortable with, and who is familiar with your history (for example, your current General Practitioner or psychologist).

You may also consider whether you want to nominate a specialist in the field to which the healthcare information relates, for example, if it is psychiatric information then it may help to nominate a psychiatrist.

Will the healthcare professional give me copies of my healthcare information?

Once you have nominated a healthcare professional, and they have been approved, the agency will give them your healthcare information. From that point it is up to the healthcare professional to decide whether to give you access to the healthcare information and *how* to give that access. For example, the healthcare professional may decide to give you access to all, or only part of, the healthcare information by giving you copies of all or only some documents or instead by only discussing the information with you.

They may decide that it is not appropriate to give you access to any of the healthcare information. The healthcare professional will decide whether and how to give you access based on what is most appropriate for your specific circumstances.



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Do I have review rights?

The RTI Act allows you to seek a review of the agency's decision to refuse you direct access to your healthcare information and give you access through a nominated healthcare professional.

The Act does not give you the right to apply for a review if the agency refuses to approve your nominated healthcare professional, or of any decisions the healthcare professional makes about giving or refusing to give you access to your healthcare information.

Your decision notice will outline your review rights in detail and explain how to exercise them. If it is not clear, you should contact the agency decision maker to seek clarification.

For additional information and assistance please refer to the OIC's guidelines, or contact the Enquiries Service on 07 3234 7373 or email enquiries@oic.qld.gov.au.

This information sheet is introductory only, and deals with issues in a general way. It is not legal advice. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

If you have any comments or suggestions on the content of this document, please submit them to enquiries@oic.qld.gov.au.

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Changes to legislation after the update date are not included in this document