



Office of the Information Commissioner  
Queensland

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## Information Sheet

*Information Privacy Act 2009*

### Accessing my medical records

This information sheet is intended to assist people who want to access their own medical records which may be held by a Queensland public hospital or other public health care facility. It does **not** apply to medical records held by a privately operated healthcare professional or facility (such as your local medical centre, dentist, or a private hospital).

#### Getting access to privately held medical records

Private healthcare professionals and facilities are covered by the Commonwealth *Privacy Act 1988*. The Office of the Australian Information Commissioner (**OAIC**) can provide information about accessing privately held medical records.

The OAIC can be contacted on 1300 363 992 or [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or information is available on their website at: [Health Information](#).

#### What is a Hospital and Health Service?

In Queensland, public health services are provided through 16 stand-alone Hospital and Health Services (HHS). Each HHS is responsible for managing requests for access to the medical records they hold.<sup>1</sup>

Each HHS is made up of numerous hospitals, clinics and other facilities. For example, the Royal Brisbane and Women's Hospital is part of the Metro North Hospital and Health Service which also includes the Prince Charles Hospital, Caboolture Hospital and the Toowong Community Health Centre (amongst others).

A list of the facilities that form part of each HHS can be found on the [Queensland Health website](#).

#### How can I seek access to my medical records?

Each HHS is an independent agency, so will have different procedures in place for access to medical records. For details, contact the HHS that holds your records or check their website. If your medical records are held by more than one HHS, you will need to make separate access requests to each one.

Many HHSs allow you to request administrative access to your medical records, for example by completing an administrative access form provided by the HHS.

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<sup>1</sup> Note that access requests can still be made to Queensland Health should they hold your medical records (or other documents) you are seeking.



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You will also need to provide evidence of your identity; some HHSs will only accept ID certified by a justice of the peace, lawyer or Commissioner for Declarations.

If you are unable to access your records through administrative access, you can make an access application to the HHS under the *Information Privacy Act 2009* (Qld) (**IP Act**) or the *Right to Information Act 2009* (Qld) (**RTI Act**).

### **How do I apply for access to my medical records under the IP Act or RTI Act?**

Both the RTI Act and the IP Act allow people to apply for documents held by Queensland government agencies. The IP Act creates a right for individuals to apply for documents containing their own personal information. The RTI Act creates a right for individuals to apply for any document.

Applications for access to your own medical records will generally be made under the IP Act. If there are documents in your medical records that do *not* contain your person information—for example hospital policies, a family member's vaccination records or medical history—and you wish to access them, your application must be made under the RTI Act.

For information about how to make your application, please refer to: [How do I apply for government documents?](#)

For information about what to expect once you make your application, please refer to: [What to expect when you apply for documents](#)

### **Will I get access to my medical records under the IP Act or RTI Act?**

Yes, in most cases you will get access to your own medical records. However, there are circumstances in which access to information can be refused. These include where information is exempt or contrary to the public interest to release. For example, if the personal information of another person was recorded in your medical record, you may be refused access to it.

For more information, please refer to the OIC Information Sheets: [What is Exempt Information](#) and [What is the public interest](#).

Access to healthcare information can also be refused where it may be prejudicial to the mental or physical wellbeing of the applicant, although in some cases, access may still be given through a healthcare professional. For more information, please refer to the OIC Information Sheet: [What if an agency decides I can only access my records through a healthcare professional?](#)

### **What if my records are older than ten years?**

Under the *Health Sector (Clinical Records) Retention and Disposal Schedule*, where it has been ten years since there was any action on your medical record, ie ten years since you were last seen by the hospital, the medical record is eligible to be destroyed. If you were a child when you were last seen by the hospital, the



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date the record becomes eligible for destruction is ten years from the date you turned eighteen.

This does not automatically mean that the record *has* been destroyed, it simply means that it is possible.

If you believe you are in this situation, before you make your application you may want to consider checking with the relevant HHS. They may be able to make enquiries or perform searches to find out if your record still exists. Be aware that these initial informal enquiries are not an application under the IP Act or RTI Act and you cannot seek a review of them.

For additional information and assistance please refer to the OIC's information sheets and guidelines, or contact the Enquiries Service on 07 3234 7373 or email [enquiries@oic.qld.gov.au](mailto: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 [feedback@oic.qld.gov.au](mailto:feedback@oic.qld.gov.au).

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