



Information Sheet

Information Privacy Act 2009

Can I amend my medical records?

The *Information Privacy Act 2009* (Qld) (**IP Act**) allows you to apply to amend documents of Queensland government agencies where they contain your personal information and you can provide evidence that it is inaccurate, incomplete, out of date or misleading.

Amendment under the IP Act cannot be used to *challenge* a medical opinion or diagnosis. Disagreeing with a medical opinion does not make it incorrect. If you disagree with an opinion or are dissatisfied with treatment you received from a medical professional, other more appropriate avenues available to you include:

- seeking a second opinion; or
- making a complaint to the health service or the Office of the Health Ombudsman.

Although inaccuracies in your medical records may have significant effects on you, eg. your ability to access a disability support pension, applications to amend medical records under the IP Act are almost always unsuccessful because:

- agencies are not permitted to destroy certain public records under the *Public Records Act 2002* (Qld); and
- an agency has the discretion to refuse to amend a document **even if** it is shown that the information is inaccurate, incomplete, out of date or misleading.

Asking the agency to add a notation to your medical record is usually a much better option than making an amendment application as it allows your concerns to be recorded and maintains the integrity of the original record.

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 feedback@oic.qld.gov.au.

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