



## Release of Information Policy

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Purpose:	KWHB has an ethical and legal responsibility to protect and secure medical records to maintain client confidentiality. There are times where it is necessary to share client information with approved service providers for medical or legal reasons or at the request of the client or guardian. This policy governs the release of information process at KWHB, including client's access to their own medical records.
Related Policies and Procedure/s:	<a href="#">Confidentiality and Privacy Policy</a> <a href="#">KWHB Privacy Statement</a> <a href="#">Delegations Schedule</a> <a href="#">Open Disclosure Policy</a>
Related Form / Document:	Consent for release of medical records form Release of information for children and young people consent form
Key Word/s:	Release of information (ROI), information sharing, request for information, freedom of information, access records, request for medical records, health information, personal access
External References:	<a href="#">Information Sharing Guidelines</a> <a href="#">Australian Charter of Healthcare Rights</a> <a href="#">Australian Privacy Principles Guidelines</a> <a href="#">Office of the Australian Information Commissioner (OAIC) – Guide to health policy</a> <a href="#">Care and Protection of Children Act 2007 – Northern Territory Government</a> <a href="#">Coroners Act 1993 – Northern Territory Government</a> <a href="#">Information Act 2022 – Northern Territory Government</a> <a href="#">Mental Health and Related Services Act 1988 – Northern Territory Government</a> <a href="#">Domestic and Family Violence Act 2007 – Northern Territory Government</a>



	<a href="#">Public and Environmental Health Act 2011 – Northern Territory Government</a> <a href="#">Freedom of Information Act 1982 – Australian Government</a>
Document Modification History:	<ol style="list-style-type: none"><li>1) Created February 2011</li><li>2) Reviewed and approved PHCG October 2014</li><li>3) Reviewed and approved PHCG April 2014</li><li>4) Reviewed and combined with Access of clients to personal medical records policy December 2022</li><li>5) Approved by Board March 2023</li></ol>

## Contacts

For any guidance on release of information, contact General Manager Health Services, Senior Medical Officer, Senior Advisor Primary Health Care Services, and/or the Manager Family Services.

## Urgent requests

There may be urgent cases requiring the release of medical information where it may pose a serious threat to an individual's life, or any other acute situation involving risk to health or life.

These requests must be immediately relayed to the Health Centre Coordinator and/or the General Manager Health Services for advice and guidance.

## Background

### Client's access to own medical records

Katherine West Health Board (KWHB) clients have the right to access their own health information under Australian privacy law. KWHB lets clients know they can access their health information via the client information brochure and a notice in the health centre waiting rooms. This information is consistent with privacy and client information requirements contained in the Australian Charter of Healthcare Rights. The Charter describes the rights that clients, or someone they care for, can expect when receiving health care. These rights apply to all people in all places where health care is provided in Australia.

### Third party access to client records

KWHB has an ethical and legal responsibility to protect and secure medical records to maintain client confidentiality. There are times where it is necessary to share client information with approved service providers for safety, medical or legal reasons. One example is sharing information relating to the safety or wellbeing of a child. Due to the sensitive nature of information sharing and the impact this may have on clients and the organisation, an internal approval process is in place to ensure the information shared with approved service providers is appropriate and relevant.

## Consent



As a rule, client consent should always be sought prior to the sharing of medical information.

Where information is required by law, such as in the event of a subpoena or under Section 32 or Section 33 of the *NT Care and Protection of Children Act 2007*, information may be released without consent.

There may be events, such as where there is a serious threat to the life, health and safety of a person, where it is unreasonable or impracticable to obtain consent. Where a client is deceased or incapacitated, consent must be obtained from their next of kin or executor responsible for carrying out directions made out in the client's will

### **Grounds for refusal**

KWHB reserves the right to refuse access to information under the valid reasons as outlined in the Australian Privacy Principles guidelines (APP 12).

This includes the reasonable belief that granting access may endanger the life, health or safety of any individual or endanger public health or safety.

It is essential the correct policy is followed to ensure that due consideration is applied to each request.

### **Parents' access to children's health information**

In most cases, a parent or carer may access their child's health information through this process. There may be some instances where a young person is making health decisions independent of their parents or carers. These areas can be complex so you should always follow the correct process as outlined in this policy.

### **Principles**

1. Provision of well designed, high quality and accessible care
2. Provision of care that is relevant and supportive
3. Provision of care that is safe and is client focused
4. Provision of a safe and healthy work environment

### **Procedure**

#### **Client's access to personal medical records**

A client may require access to personal medical records for reasons such as a specialist appointment, employment or insurance purposes. In the instance that a client requests information from a KWHB remote community health centre, the request should be delegated to the Health Centre Coordinator or Senior Health Professional to administer.

1. Once confirming client identity, the KWHB health professional asks the client to fill out the Consent for Release of Medical Records form.



2. In the case of clients aged under 18 years, please use the **Release of Information Client Consent Form – Children and Young People**
3. The KWHB staff member sends the consent form and request to the generic email [phc.ops@kwhb.com.au](mailto:phc.ops@kwhb.com.au) with the subject line 'Request for Information: CLIENT NAME and CLIENT ID'.
4. A PHC Operations staff member, under the delegation of the General Manager Health Services, will review the request and add to the Release of Information Register on Sharepoint. This will commence the approval workflow.
5. An authorised KWHB staff member with delegation to release medical/clinical information as per the Delegations Schedule will approve or decline the request. Please refer to the Delegations Policy for a list of ROI delegates.
6. When approved, the authorised KWHB staff member with delegation to release medical/clinical information as per [the Delegations Schedule](#) will retrieve the information and ensure only relevant information is distributed. They will approve a summary to be distributed to the client.
7. When a request is approved, a staff member with delegation to release medical/clinical information as per [the Delegations Schedule](#) will complete an ROI clinical item. This can be found under a client's progress notes. You will find the request document in the documents section.
8. When a request is declined, this will be discussed with the client by the staff member with the authorised delegation.
9. A request will be approved or declined, and (if approved) the client will generally receive a copy of their requested records within 10 business days.
10. On some occasions it may be necessary to speak with the client about the medical information they have requested. Consider asking Aboriginal staff members and/or a client's family members to participate in discussions to ensure information is relayed in a culturally safe way.

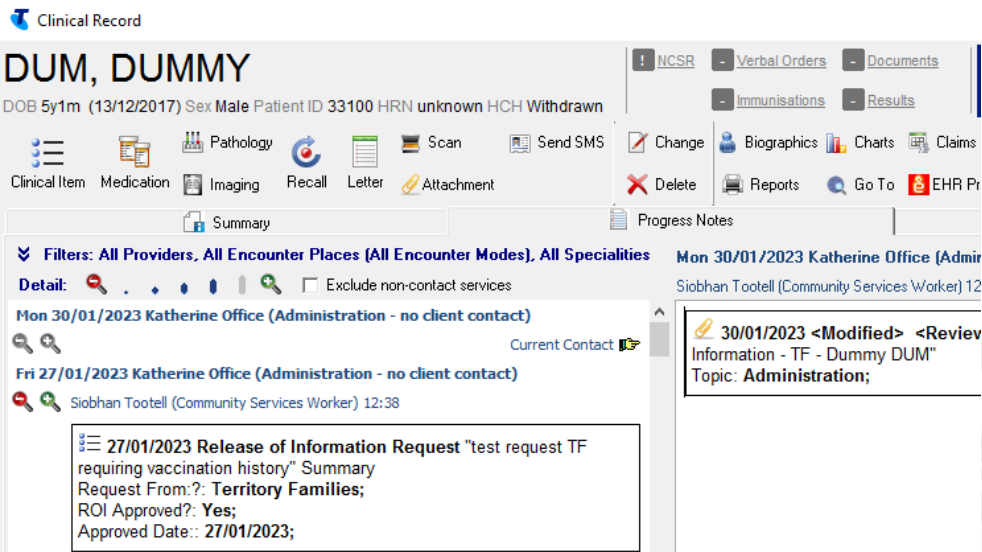
### **Releasing a client's medical records to a third party**

A third party may request access to a client's medical records for a legal or medical reason. Examples include a Territory Families case worker requiring information about a child's vaccination status or a worker's compensation insurance agency requiring an update on a client's injury.

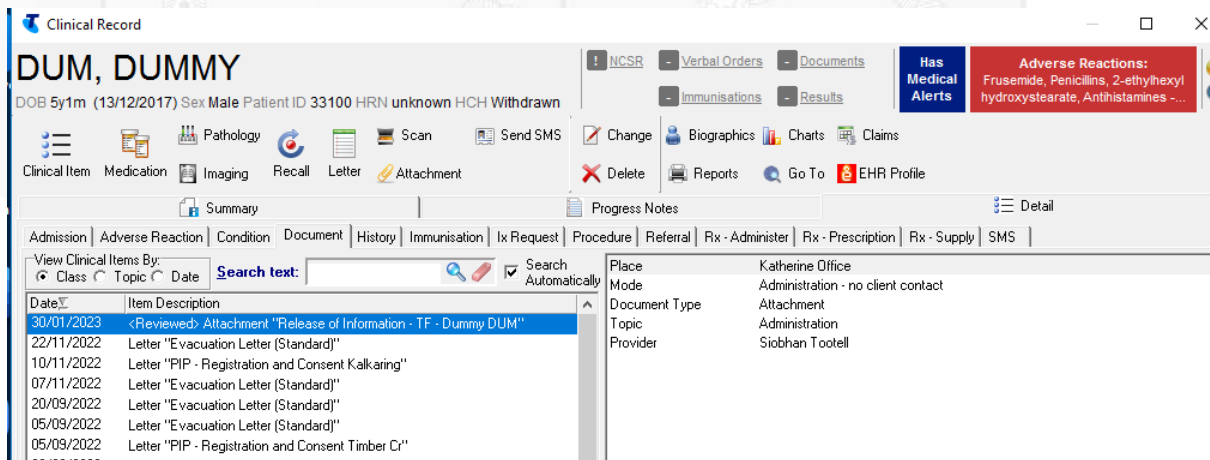
Whenever a third party requires health information about a client, we must ensure that the correct protocols have been followed and information released is relevant and appropriate to the request.



1. The KWHB health or family services professional asks the third party to send a written request to the generic email [phc.ops@kwhb.com.au](mailto:phc.ops@kwhb.com.au). Please advise your line manager when directing a third party to send a written request for release of information.
2. In the event of a legal request, such as a Section 32 or subpoena, all relevant information required will be outlined in the form. A copy of the form must be attached to the email to [phc.ops@kwhb.com.au](mailto:phc.ops@kwhb.com.au)
3. The third party must state the name of the client, the nature of the investigation, what type of information is required, the period of time over which that information is required (e.g. vaccination history for the last 6 months, 2 years etc), the format it should be released in (e.g. email copy) and the date the information is required by.
4. The request should be accompanied by written consent from the client. This is the responsibility of the requesting party.
5. A PHC Operations staff member will review the request and add to the confidential Release of Information Register on Sharepoint. This will commence the approval workflow.
6. An authorised KWHB staff member with delegation to release medical/clinical information as per the Delegations Schedule will be allocated to review the request. Please refer to the Delegations Policy for a list of ROI delegates.
7. When approved, the authorised KWHB staff member will retrieve the information and ensure only relevant information is distributed. They will approve a summary to be distributed to the third party.
8. When a request is approved or declined, a ROI clinical item is completed. If the ROI is for Territory Families, it will appear in the client's main summary. For any other ROI, you can find the item in the client's progress notes. The requesting document will be added to the client's files in the document section.



**Image 1:** An example of a Release of Information request in a dummy client's progress notes.



**Image 2:** You can find the documentation under the client's documents.

9. If the request is approved, the requesting party will receive a copy of their requested records within 20 business days.

### Follow-up requests

There may be some instances where a third party asks for the same information, even where an approval request has already been granted. For example, in the event of a new case manager for Territory Families, the incoming case manager may require access to a client's record. In these circumstances, always refer the request to your line manager.

If new information is required about an existing investigation (for example, whether a child has visited the Health Centre in the past 6 months), a new request must be emailed to the generic email [phc.ops@kwhb.com.au](mailto:phc.ops@kwhb.com.au)



# KATHERINE WEST HEALTH BOARD

Aboriginal Corporation

## Policy

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If similar information is required about a related family member (for example, a sibling or parent), a new request must be emailed to the generic email [phc.ops@kwhb.com.au](mailto:phc.ops@kwhb.com.au)

