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# My Health Record: Privacy and Access Controls

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My Health Record

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The My Health Record system operates under the  
*My Health Records Act 2012* and *The Privacy Act 1988*.

The Australian Privacy Commissioner is the independent  
regulator of the privacy aspects of the My Health Record system.

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My Health Record

# What authority does a provider have to view or upload

Providers who have a legitimate reason to access the system (that is to provide care to a patient) are authorised to do so subject to the patient's access controls.

## Authority to access

A provider is authorised by law to view a My Health Record without seeking permission each time, if:

1. The provider is accessing in order to provide healthcare to the patient;
2. The provider is permitted by the organisation to access the My Health Record; and
3. The patient has not restricted access to the record to that organisation

## Authority to upload

A provider is authorised by law to upload clinical documents without needing to gain consent of the patient each time.

Except where:

A patient expressly advises that a particular clinical document not be uploaded. In which case it can not be uploaded.



# Consumer control of the My Health Record

- **Individuals control who has access to their My Health Record:**



They can choose to restrict access to specific documents in their My Health Record by establishing a code (LDAC).

Any Organisation given the LDAC can access those documents



They can restrict access to their record by establishing a code (RAC) that will mean only organisations given the code can access any part of their My Health Record



They can subscribe to SMS or email alerts that report in real time when a new health provider organisations accesses their My Health Record



In an emergency, a clinician can exercise a 'break glass' facility – but instances are monitored and logged.



All instances of access to My Health Record are monitored and logged



# Role of Representatives in My Health Record

- An individual can only access another person's MHR if they are appointed as a Nominated Representative (can view or manage) by the patient or are recognised as an Authorised representative (can control) by the System Operator.
- For children, those with parental responsibility can apply to be Authorised Representatives of their children. This means that they can take control of and manage the child's MHR.
- If they are over 14 and under 18 a child can take control of their own record at which time the Authorised Representatives no longer have access (but they don't have to).
- A child can take control of their own record with a letter from a health professional or a court if they are under 14.
- When the child turns 18, the parents are automatically removed as Authorised Representatives of their child's MHR.





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# Questions

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