 <p><b>BAY OF PLENTY DISTRICT HEALTH BOARD HAUORA A TOI</b></p> <p><b>HEALTH RECORDS PROTOCOL</b></p>	<p><b>HEALTH RECORD - ACCESS TO PERSONAL HEALTH INFORMATION</b></p>	<p><b>Policy 2.5.2 Protocol 3</b></p>
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## STANDARD

Persons will have access to their own personal health information that is held by Bay of Plenty District Health Board (BOPDHB) within 20 working days of the request, when the request meets the criteria.

Third party requests (requests by other people or organisations) may also be actioned where the request meets legislative requirements and the requirements of this policy.

## OBJECTIVE

To detail procedures for access to personal health information in a health record by staff, patients and others.

## STANDARDS TO BE MET


### 1. Requesting Of Information – General Requirements

- 1.1 Requests regarding access to a health record are to be referred to the Health Records Department at Tauranga or Whakatane Hospital, including Maternity Record requests.
- 1.2 Requests for a Mental Health & Addiction Services (MH&AS) record are to be referred to the MH&AS.
- 1.3 Persons making the request must be properly authorised to obtain information, either through patient authorisation or legislation.
- 1.4 Requests should be dealt with promptly (within less than 20 working days from original request), whenever possible meeting the time requirements of the person making the request.
- 1.5 Requests for large amounts of information can have the timing extended. The individual making the request must be kept informed of the reasons for, and the period of, the extension of time.

### 2. Refusing To Give Information

- 2.1 Information can be refused:
  - a) When disclosure would involve the unwarranted disclosure of the affairs of another individual or of a deceased individual.
  - b) Where a child is under 16 years and disclosure would be contrary to their interests.
  - c) Where disclosure would breach legal professional privilege.
  - d) Where information is not readily retrievable.
  - e) When disclosure of the information would be likely to prejudice the physical or mental health of the individual (this must be backed by factual information in consultation with the doctor, Medical Advisor and Privacy Officer).
  - f) When request is frivolous or information requested is trivial.
  - g) When a partner abuse record is requested by anybody other than the client, or a staff member who is working directly with the client.
- 2.2 The decision to withhold information will be made by the Privacy Officer in consultation with the clinician.
- 2.3 BOPDHB must tell the patient why the information is not being released and advise they have the right of appeal to the Privacy Commissioner.

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<p>Protocol Steward: Regional Manager, Clinical Support Services</p>	<p>Authorised by: Director of Nursing</p>	

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### 3. Personal Requests

All personal requests for access to a health record must comply with the following:

- 3.1 Complete Personal Information Request (8264) and provide proof of identification
- 3.2 Requests from current inpatients to view health records require the Personal Information Request form to be completed.

**OR**

- 3.3 Supply a signed letter stating full name and date of birth and provide proof of identification.

### 4. Third Party Requests


All requests by a third party for access to, or information from, a health record must comply with the following:

- 4.1 Provide written authorisation from the patient or person legally entitled to access the information, with proof of identity.
- 4.2 Requests from other Health Agencies requesting information from a health record to be confirmed by fax or letter.
- 4.3 Requests for information from the health record of a minor requires the consent of the parent or guardian.
- 4.4 Requests from parents unable to prove guardianship should be dealt with in conjunction with the Privacy Officer and / or the Paediatric Service.
- 4.5 Police requests should be made under Section 12 of the Official Information Act 1982.
- 4.6 Requests from Social Service agencies should be dealt with in conjunction with the Privacy Officer, and / or in the case of a minor, the Paediatric Service.
- 4.7 Requests for information on patients without testamentary capacity can only be given to their representative or person named by their representative.
- 4.8 Requests for information from health records of a deceased person should be made by the Executor or Administrator of the deceased estate or state that permission has been given from the Executor or Administrator.
- 4.9 Insurance Company requests for information must supply patient authorisation.
- 4.10 ACC requests for information – ACC form signed by the patient contains authorisation for release of information on that event.
- 4.11 Information can be used for audit, risk management or quality assurance purposes.
- 4.12 Requests received from other DHBs for hard copy records will be declined so to reduce the risk of health records being mislaid. When such requests are received, we will advise that we will be not releasing the hard copy health record, but will supply a copy of either the full health record, or the relevant sections.

### 5. Charging For Costs Associated With Supplying A Copy Of A Health RECORD

- 5.1 Patients or their representatives are entitled to receive a copy of their health record at no charge. Should a further copy be requested within a 12 month period of having received a copy, they will be charged at the set BOPDHB per page copying rate.
- 5.2 All costs associated with supplying copies of patients' health records for a third party will be charged to the requestor.

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## PROCEDURE

### 1. Confirm records held by BOPDHB for patient

- 1.1 Verify record is on file
- 1.2 Obtain record for viewing

### 2. Inspection of Health Record

- 2.1 Staff member at all times to remain with person viewing record. For a general health record this can be an administrative staff member. For a mental health record this should be a clinical staff member
- 2.2 Doctor to be advised of inpatient request to view health record
- 2.3 Person viewing health record to be advised that appointment can be made to have clinical staff member explain the documentation to them
- 2.4 No comment or opinion to be offered by administration staff
- 2.5 Person viewing health record to be advised that no part of the original documentation from the health record can be removed by them
- 2.6 Person viewing health record to be advised that they can request all or part of the health record to be photocopied with charges as per 5. above

### 3. Photocopying of Health Records (all or part of the health record documentation)

- 3.1 Confirm which part of the record is to be photocopied
- 3.2 Ensure photocopies are legible
- 3.3 All photocopied pages should be stamped with the appropriate stamp (held in Health Records Department / wards / departments and Chief Operating Officer's Office (COOs):
  - a) For Patients - confidential authorised patient copy
  - b) For Others - this copy of an original document has been properly released from health authority care to a person entitled to have it under the provisions of the Health Information Privacy Code, The Privacy Act and / or The Official Information Act

### 4. Electronic Health Record

Where an electronic health record exists, a print-out of the requested part of the record will be done.

### 5. Faxing of Patient Information

- 5.1 confirm the fax number
- 5.2 information must not be left unattended on fax machine


### 6. Emailing of Patient Information

Where a patient requests that their copy health record be emailed to them, prior to the sending of the record the patient will sign a waiver acknowledging they have requested to receive the copy record via email, and accepting any risks attached to the transmitting of the information in this format.

## ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board policy 2.5.2 Health Records Management
- Bay of Plenty District Health Board policy 2.5.2 Protocol 1 Health Record - Standards
- Bay of Plenty District Health Board policy 2.5.2 Protocol 2 Health Record - Content and Structure
- Bay of Plenty District Health Board policy 2.5.2 Protocol 4 Health Record - Transportation by BOPDHB Staff

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- Bay of Plenty District Health Board policy 2.5.2 Protocol 5 Health Record - Retention and Destruction of Inactive Health Information
- Bay of Plenty District Health Board policy 2.5.2 Protocol 7 Health Record - Inpatient Care Pathways
- Bay of Plenty District Health Board policy 2.5.2 protocol 8 Health Record - Abbreviations List
- Bay of Plenty District Health Board policy 2.5.1 Health Information Privacy
- Bay of Plenty District Health Board Personal Information Request (8264) – *viewable only. Order through Design & Print Centre*

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