

My Health Record system participation

Department of Health Standard

QH-IMP-396-1:2015

1. Statement

The My Health Record system will be utilised throughout the Department of Health in accordance with the relevant My Health Record legislative requirements in the My Health Records Act 2012 and the My Health Records Rule 2016.

The Department of Health is the registered healthcare provider seed organisation.

Hospital and Health Services (HHSs) are registered healthcare provider network organisations.

2. Scope

Compliance with this standard is mandatory.

This standard applies to all employees, contractors and consultants within the Department of Health divisions.

This standard may be adopted by HHSs and re-branded as a local HHS standard or used as a base for a local HHS specific standard.

This standard will be reviewed at least annually to ensure relevance and accuracy, particularly where any new material or changed risks are identified and where changes in legislation or the structure of the organisation occur.

3. Requirements

3.1. Authority to Act

3.1.1. The Department of Health shall appoint a Responsible Officer (RO) and Organisational Maintenance Officers (OMO) to collaborate with the My Health Record System Operator (System Operator) as required by the *Healthcare Identifiers Act 2010*. The RO is the Director-General.

3.1.2. The existing appointed RO and OMO shall act on behalf of the Department of Health (seed organisation) and the HHSs (network organisations) to maintain information in the Healthcare Identifiers Service.

3.1.3. The Department of Health RO and OMO as representatives of the seed organisation are authorised to act on behalf of the network organisations in dealing with the System Operator.

3.2. Training

3.2.1. Prior to accessing the My Health Record system, Department of Health staff shall receive training in:

- how to use the My Health Record system securely, accurately and responsibly
- the legislative obligations of healthcare organisations and staff members using the My Health Record system
- the consequences of healthcare organisations and staff members breaching the legislative obligations when accessing and using the My Health Record system.

3.3. Access controls

- 3.3.1. Department of Health staff shall only access the My Health Record system when such access is required by the duties of their role. Misuse of the My Health Record system may result in civil fines and/or criminal penalties under the *My Health Record Act 2012* and/or disciplinary action under the Code of conduct for the Queensland public service for the individual responsible for the breach.
- 3.3.2. Department of Health staff shall not record, store or retain a copy of a healthcare recipient's record code or document code for the purposes of accessing the healthcare recipient's My Health Record, or a record in the healthcare recipient's My Health Record, in the future. Department of Health staff shall destroy healthcare recipient's record codes or document codes in a secure manner.
- 3.3.3. Department of Health staff shall not disclose health information in the My Health Record to other government agencies (such as law enforcement and child protection agencies).
- 3.3.4. In the event of a serious threat to the healthcare recipient's life, health or safety or a serious threat to public health or public safety, as described in Rules 7 and 8 of the My Health Records Rule 2016, all healthcare providers shall have access to a healthcare recipient's My Health Record regardless of whether the healthcare recipient has set up a record code.
- 3.3.5. All residential addresses shall be suppressed on records sent to the My Health Record system from Queensland Health enterprise systems.

3.4. Access authority

- 3.4.1. Access to the My Health Record system shall be provided to Department of Health authorised users through The Viewer application in accordance with the requirements of the Information Security Policy Framework and the Use of ICT Services Policy.
- 3.4.2. Access to The Viewer application shall be provided based on the duties of the role through the Online Provisioning System.
- 3.4.3. Access to The Viewer application shall be suspended or deactivated by the staff member's manager in accordance with the requirements of the Information Security Policy and the Use of ICT Services Policy when a staff member:
- leaves the organisation
 - changes role/position or responsibility

- has compromised security or created a security, privacy and/or confidentiality breach.

3.5. Consent

- 3.5.1. If a healthcare recipient is registered in the My Health Record system, a healthcare provider may upload information about the recipient to the My Health Record system, unless the record is one which the healthcare recipient has advised the healthcare provider not to upload. Healthcare providers can choose to apply a clinical block to restrict information from being uploaded to the healthcare recipient's My Health Record.
- 3.5.2. Where known, the decision by the healthcare recipient to withdraw consent to upload documentation to a healthcare recipient's My Health Record shall be captured and recorded in the Queensland Health patient administration system and in a primary care clinical information system, if applicable. Healthcare recipient's consent status may also be captured in the My Health Record change of consent form.

3.6. Access flags

- 3.6.1. The Department of Health's OMO shall set and maintain the My Health Record access flags for Queensland Health in accordance with the My Health Records Rule 2016 Rule 9. This will define what level access controls are applied to the Department of Health in order to allow a healthcare recipient to restrict access to their record.

3.7. Security and privacy controls

- 3.7.1. The Department of Health shall comply with legislated privacy and confidentiality requirements, information security standards, department policies and the My Health Records Rule 2016 in managing the security, confidentiality and privacy of the My Health Record system and The Viewer. Healthcare providers' legal obligations and responsibilities are summarised in Appendix 1.
- 3.7.2. Department of Health staff shall report any security or privacy breaches to their manager as soon as practically possible in accordance with department policies.

3.8. Permanent deletion of My Health Record

- 3.8.1. If the System Operator is required by the healthcare recipient to cancel their My Health Record, the System Operator must destroy any record that includes health information of the healthcare recipient that is included in their My Health Record.
- 3.8.2. The Department of Health staff shall capture in Queensland Health systems all information from the My Health Record system required to provide healthcare to the patient, and to explain why particular treatment was provided. As stipulated in the Department of Health Recording My Health Record information standard, steps must be taken to enable this information to be retrieved even if the My Health Record was subsequently deleted. This information can be captured by

printing/scanning relevant documents or preparing a clinical note summarising all relevant health information.

3.9. Minors 14 years and over

3.9.1. Once a person turns 14 years of age, all authorised representatives (parents/guardians) will automatically be removed from their My Health Record by the System Operator. If the young person seeks for a parent and / or guardian to have access to their My Health Record, the young person can add them as a nominated representative or apply in writing to the System Operator to add them as an authorised representative. The Department of Health staff shall meet relevant legislative privacy obligation and ensure that no unauthorised access to documents in that My Health Record is given to the healthcare recipient's parents/guardians.

4. Legislation

Relevant legislation and associated documentation include, but is not limited to, the following:

- *Healthcare Identifiers Act 2010* (Cth)
- *Healthcare Identifiers Regulations 2010* (Cth)
- *My Health Records Act 2012* (Cth)
- *My Health Records Regulation 2012* (Cth)
- *My Health Records Rule 2016* (Cth)
- *Privacy Act 1988* (Cth)
- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Public Records Act 2002*
- *Right to Information Act 2009*
- Code of Conduct for the Queensland public service

5. Supporting documents

5.1. Supporting documents

- My Health Record system participation Policy
- Recording My Health Record information Standard

5.2. Related documents

- Department of Health
 - Clinical Records Management Policy
 - Corporate Records Management Policy
 - Corporate Records Roles and Responsibilities Standard
 - Creation of Corporate Records Standard
 - Data Management Policy
 - Digitisation Disposal of Corporate Records Standard
 - Information Security Standard

- My Health Record Change of Consent Form
- Privacy Plan
- Retention and Disposal of Clinical Records Standard
- Use of Corporate Records Standard
- Use of ICT Services Policy
- Health Service Directive
 - Enterprise Architecture
 - Enterprise Information, Communications and Technology (ICT) Governance
- Queensland Government Customer and Digital Group
 - Information Access and Use Policy (IS33)
 - Information Security Policy (IS18:2018)
 - Records Governance Policy

6. Definitions

Term	Definition
Access flag	An information technology mechanism made available by the My Health Record System Operator to define access to a healthcare recipient's My Health Record. Source: My Health Records Rule 2016
Document code	A code which may be used to restrict access to individual records within a healthcare recipient's My Health Record. Source: My Health Records Rule 2016
Healthcare identifier	A number assigned by an authorised service operator that is used to uniquely identify a healthcare provider or a healthcare recipient. Source: Adapted from <i>Healthcare Identifiers Act 2010</i>
Healthcare Identifiers Service Operator	Chief Executive Medicare Source: <i>Healthcare Identifiers Act 2010</i>
Healthcare provider organisation	An entity or part of an entity that has conducted, conducts, or will conduct, an enterprise that provides healthcare (including healthcare provided free of charge). Source: <i>Healthcare Identifiers Act 2010</i>
Healthcare recipient	An individual who has received, receives, or may receive, healthcare. Source: <i>My Health Records Act 2012</i>
My Health Record system	A national public system for making health information about a healthcare recipient available for the purposes of providing healthcare to the recipient. Source: Adapted from <i>My Health Records Act 2012</i>
My Health Record System Operator	Australian Digital Health Agency Source: My Health Records Regulation 2012

Term	Definition
Network hierarchy	<p>A network hierarchy operating in the My Health Record consists of one seed organisation and one or more network organisations.</p> <p>Source: Roles and responsibilities in the My Health Record system, My Health Record website</p>
Network organization	<p>A subordinate organisation to the seed organisation that is linked to, and provides services to the seed organisation, and can be a separate legal entity from the seed organisation.</p> <p>Note: HHSs are network organisations within the Queensland Health system.</p> <p>Source: Adapted from <i>Healthcare Identifiers Act 2010</i></p>
Organisation Maintenance Officer (OMO)	<p>The role within an organisation responsible for maintaining information about the organisation within the Healthcare Identifiers Service, as defined in the Healthcare Identifiers Act 2010.</p> <p>Source: <i>Healthcare Identifiers Act 2010</i></p>
Record code	<p>A code which may be used to restrict access to a healthcare recipient's My Health Record.</p> <p>Source: <i>My Health Records Rule 2016</i></p>
Responsible Officer	<p>A person with authority to act on behalf of a healthcare organisation with respect to the Healthcare Identifiers Service.</p> <p>Source: <i>Healthcare Identifiers Act 2010</i></p>
Seed organization	<p>National healthcare systems (such as the Healthcare Identifiers Service and the My Health Record system) use this term to describe the principal organisation which provides or controls the delivery of healthcare services.</p> <p>Note: HHSs are network organisations within the Queensland Health system.</p> <p>Source: Adapted from <i>Healthcare Identifiers Act 2010</i>:</p>
The Viewer	<p>Application that collates data from multiple Queensland Health systems, enabling healthcare professionals, including general practitioners, to access patients' information quickly, without having to log in to different systems.</p> <p>Note: general practitioners do not have access to the My Health Record via the Viewer.</p> <p>Source: Queensland Health factsheet</p>

Version control

Version	Date	Comments
1.0	12 September 2013	New standard.
1.1	25 May 2015	Transferred information to new template and reviewed by the National eHealth and Information Coordination Unit (Neika).
2.0	17 May 2016	Updated to align with the My Health Records Act 2012 and My Health Records Rule 2016 and a general review
2.1	6 September 2017	Transferred information to new template and updated to reflect change to System Operator and general review. Approved by the Architecture and Standards Committee.
2.2	25 March 2019	Updated to reflect legislative amendment, also includes edits and updates to supporting documents and definitions.
2.3	7 August 2019	Updated to reflect legislative amendment, also includes edits and updates to supporting documents and definitions. Approved by Architecture and Standards Committee
3.0	9 December 2020	Standard transferred to a new template. Following minor updates made. Added: Scope: 'annually to ensure relevance and accuracy, particularly where any new material or changed risks are identified and where changes in legislation or the structure of the organisation occur'. 3.3.2 'Department of Health staff shall destroy healthcare recipient's record codes or document codes in a secure manner'. Replaced: 3.6.1 '..the Department of Health's network hierarchy' with 'Queensland Health'. General: Edits and updates to supporting documents and definitions. Approved by Architecture and Standards Committee

Appendix 1 – Legal obligations and Responsibilities

Misuse of a person’s health information is a serious legal matter. The potential for damage (whether personal damage to an individual or reputational damage to a healthcare provider organisation) is significant and this is reflected in current professional and legal obligations on persons such as healthcare providers to protect patient information.

The My Health Records Act 2012:

- Stipulates that the My Health Record system is a system for making health information about a healthcare recipient available for the sole purposes of providing healthcare to the recipient. Department of Health staff with access to the My Health Record should be aware of their personal responsibilities. Using a person’s My Health Record for a prohibited purpose may result in significant civil fines and/or criminal penalties of up to five years’ jail time for the individual responsible for the breach.
- Permits Department of Health to retain health information where it has been originally downloaded from the My Health Record system, i.e. stored in Queensland Health systems, and to continue to use this information if it can be obtained other than by means of the My Health Record system. Staff can download/print the relevant information from the patient’s My Health Record or prepare a clinical note summarising relevant health information from the My Health Record to be stored in Queensland Health systems. Staff should capture all information from the My Health Record system required to provide healthcare to the patient, and to explain why particular treatment was provided (even if the healthcare recipient’s My Health Record is subsequently deleted).

Several obligations have been incorporated into the My Health Records Rule 2016 including:

- ensuring that any record uploaded is accurate, up-to-date and not defamatory or misleading
- notifying the My Health Record System Operator of non-clinical, My Health Record system-related errors, in records that have been accessed via, or downloaded from, the My Health Record system
- providing assistance to the My Health Record System Operator in relation to inquiries or investigations.

Position	Responsibility	Audit criteria
Director-General – Responsible Officer (RO)	Is authorised to act on behalf of the Department of Health—seed organisation and the HHSs—network organisations—in dealing with the My Health Records System Operator. Communicate the My Health Records policy to all its employees and healthcare provider organisations.	

Position	Responsibility	Audit criteria
	Provide a copy of the My Health Records policy to the System Operator if requested within seven days of receiving the request.	
Organisation Maintenance Officer (OMO)	<p>Officers at eHealth Queensland will be the OMOs for the Department of Health.</p> <p>Responsible for maintaining information about the Department of Health within the Healthcare Identifiers Service as defined in the Healthcare Identifiers Act 2010; required for accessing the My Health Records system.</p> <p>Establish and maintain with the Service Operator accurate and up-to-date record of the linkages between the organisations within the network hierarchy.</p> <p>Coordinate OMO activities with HHSs (network organisations).</p> <p>Review and adjust access flags as required.</p>	Department of Health records maintained in the Healthcare Identifiers Service
System Operator	<p>Responsible for the operation of the My Health Record system, including:</p> <ul style="list-style-type: none"> establish and maintain an index service, for the purposes of the My Health Record system establish and maintain access control mechanisms operate a National Repositories Service that stores key records that form part of a registered healthcare recipient's My Health Record. 	