

My Health Record system participation

Department of Health Policy

QH-POL-396:2015

1. Statement

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

2. Purpose

The intent of this policy and associated standards is to inform Department of Health staff of the requirements for accessing and using the My Health Record system according to the My Health Record legislative instruments, including:

- the manner in which authorised persons can access the My Health Record system (including the suspension of accounts for persons who no longer require access)
- training that must be made available and is to be completed before a person is authorised to access the My Health Record system
- the process for identifying a person who requests access to a healthcare recipient's My Health Record and communicating the healthcare recipient's identity to the My Health Record System Operator
- physical and information security measures that are to be established and adhered to by the Department of Health staff accessing the My Health Record system
- ensuring My Health Record system related security risks can be identified, acted upon and reported.

3. Scope

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

This policy may be adopted by Health and Hospital Services (HHS) and rebranded as a base for a local HHS specific policy.

This policy 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.

4. Principles

- **Accountability** – roles, responsibilities and accountabilities are clearly defined
- **Compliance** – comply with all applicable legislative and other requirements
- **Trustworthy** – information is accurate, relevant, timely, available and secure
- **Privacy** – personal information is protected in accordance with legislative and regulatory requirements

- **Managed** – collection and provision of information is actively planned and managed.
- **Unbiased** - The Department of Health staff must not discriminate against a healthcare recipient because they do not have a My Health Record or if the healthcare recipient has used a record code or a document code in their My Health Record.

5. 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*

6. Supporting documents

- My Health Record system participation Standard
- Recording My Health Record information Standard
- Resources in relation to My Health Record system participation obligations available on the My Health Record website
- National Healthcare Identifiers Policy (under development)
- National Healthcare Identifiers Implementation Standard (under development)

7. Definitions

Term	Definition
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>

Term	Definition
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: <i>My Health Records Regulation 2012</i>
Network organisation	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. Note: HHSs are network organisations within the Queensland Health system. Source: Adapted from <i>Healthcare Identifiers Act 2010</i>
Record code	A code which may be used to restrict access to a healthcare recipient's My Health Record. Source: <i>My Health Records Rule 2016</i>
Responsible Officer	A person with authority to act on behalf of a healthcare organisation with respect to the Healthcare Identifiers Service, as defined in the <i>Healthcare Identifiers Act 2010</i> . Source: <i>Healthcare Identifiers Act 2010</i>
Seed organisation	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. Note: HHSs are network organisations within the Queensland Health system. Source Adapted from <i>Healthcare Identifiers Act 2010</i> :

Version Control

Version	Date	Comments
1.0	12 September 2013	New policy.
1.1	25 May 2015	Transferred information to new template and reviewed by the National eHealth and Information Coordination Unit (NeHICU).

Version	Date	Comments
1.2	17 May 2016	Updated to reflect name change from personally controlled electronic health record (PCEHR) system, and other legislative amendments.
1.3	06 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.
2.0	07 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	09 December 2020	Policy transferred to a new template. Minor updates made. 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'. Principle added to support Human Rights Act: Unbiased - The Department of Health staff must not discriminate against a healthcare recipient because they do not have a My Health Record or if the healthcare recipient has used a record code or a document code in their My Health Record. Edits and updates to supporting documents and definitions. Approved by Architecture and Standards Committee
3.1	09 December 2021	Updated supporting documents to include National Healthcare Identifiers Policy and Standard. Approved by Architecture and Standards Committee.
3.2	01 February 2023	Approved by Architecture and Standards Committee. Approved to publish Deputy Director-General, eHealth Queensland.