



information  
and privacy  
commission  
new south wales

## Fact Sheet

Updated November 2019

# Accessing your health information in NSW

Under the NSW *Health Records and Information Privacy Act 2002* (HRIP Act), you have a right to access health information about you from NSW health service providers, public sector agencies and some private sector organisations that hold health information.\*

## What is health information?

Health information is a specific type of 'personal information' which may include information about your physical or mental health or disability. It includes:

- Personal information you provide to any health organisation
- A health service already provided to you
- A health service that is going to be provided to you
- A health service you have asked to be provided to you
- Some personal information for organ donation
- Some genetic information about you, your relatives or your descendants.

## What is the HRIP Act?

### The HRIP Act:

- Protects your privacy rights in NSW by making sure that your personal and health information is properly collected, stored, used or released via the Health Privacy Principles (HPPs)
- Gives you the right to see and ask for changes to be made to your personal or health information
- Allows you to make a complaint to the NSW Privacy Commissioner if you believe a NSW public sector agency, private sector health organisation or health service provider has misused your personal or health information or breached one of the HPPs.

### The HRIP Act applies to:

- NSW public sector agencies, including local councils and universities
- Public and private sector health organisations – e.g. a private or public hospital or medical centre
- Health service providers – e.g. your GP, dentist, therapist, physiotherapist, chiropractor, optometrist

- A larger-sized organisation with a turnover of over \$3 million that holds health information – e.g. insurance company.

## Who should I contact if I want to access my personal or health information?

If you want to access your own health or personal information, you should contact the holder of the information first and ask them how you can do this. This may be the Privacy Officer at the organisation concerned. Their details should be on the organisation's website. In a NSW public hospital, requests to access health information should be sent to the Medical Records Department.

If you need further information you can also contact us.

## How much does it cost and how long should it take to access my health information?

If you ask for your health or personal information under the HRIP Act it may be free or there may be a charge. When information is provided to you it should be done without undue delay or excessive costs.

If you want to access your own health information, you should contact the holder of the information first and ask them how you can do this.

There may be other important considerations beyond costs and processing times, such as your review rights, what form of access you want (e.g. view, copy) and whether other information is involved (e.g. information about a third party).

## What can I do if I don't get access?

If you believe a NSW public sector agency or private organisation has not given access to your health information:

- If it is a NSW public sector agency, you may be able to ask for an internal review. If you are not happy with the result, you have 28 days to apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of the decision.

- If it is a private sector organisation or individual health service provider, you can complain to the NSW Privacy Commissioner. If you are not happy with the result and, if the Privacy Commissioner has written a report, you have 28 days to apply to NCAT for a review of the decision, unless the Privacy Commissioner's report states otherwise.

See our guides to accessing health information from public sector and private sector health service providers over the page.

*\* Access to health records must be requested by the individual to whom the records relate or an authorised person for access on their behalf – S26(2).*

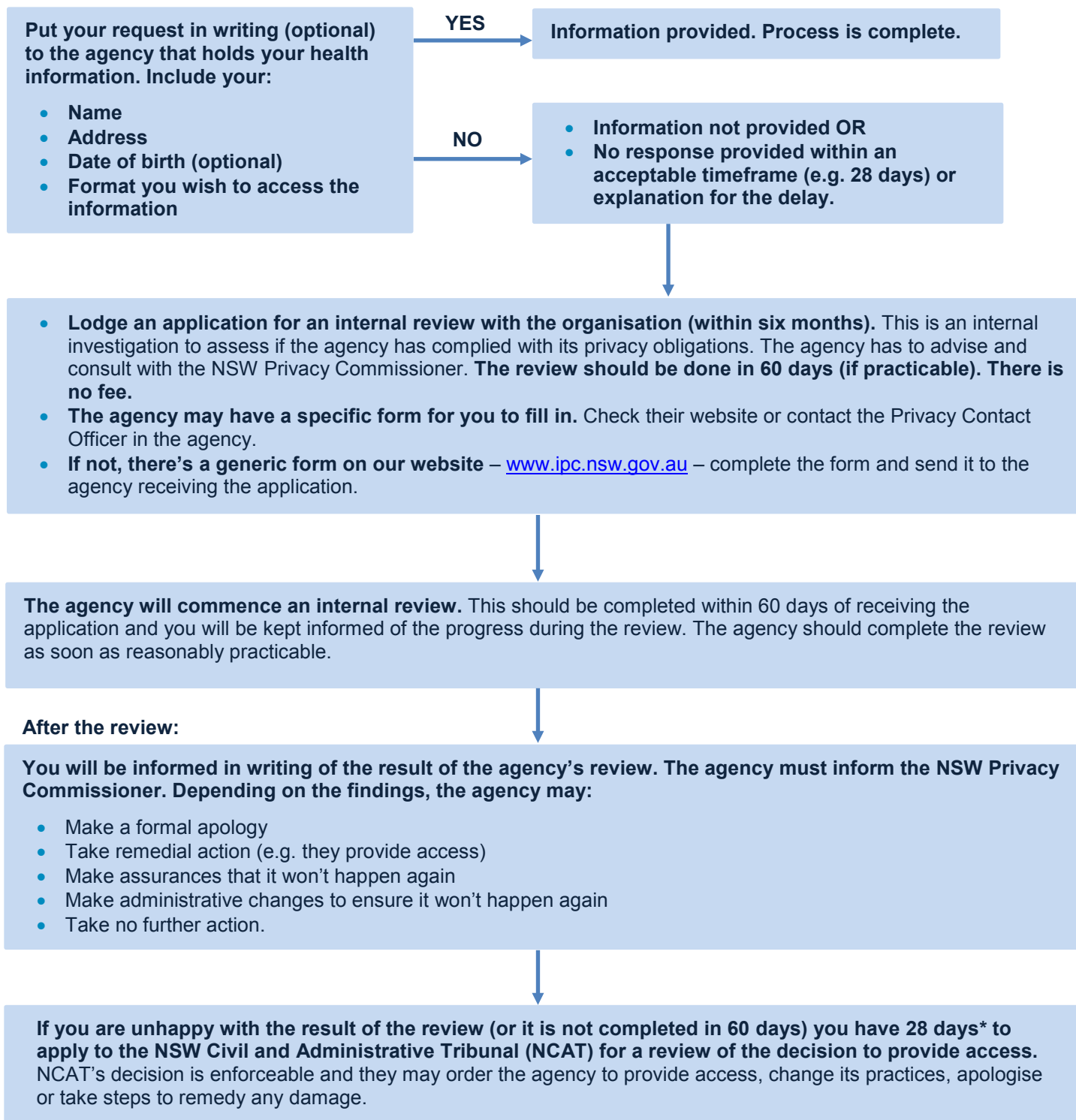
### For more information

Contact the Information and Privacy Commission NSW (IPC):

**Freecall:** 1800 472 679  
**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
**Website:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

## Accessing your health information under the HRIP Act from a NSW public sector agency (e.g. public hospital, community services)

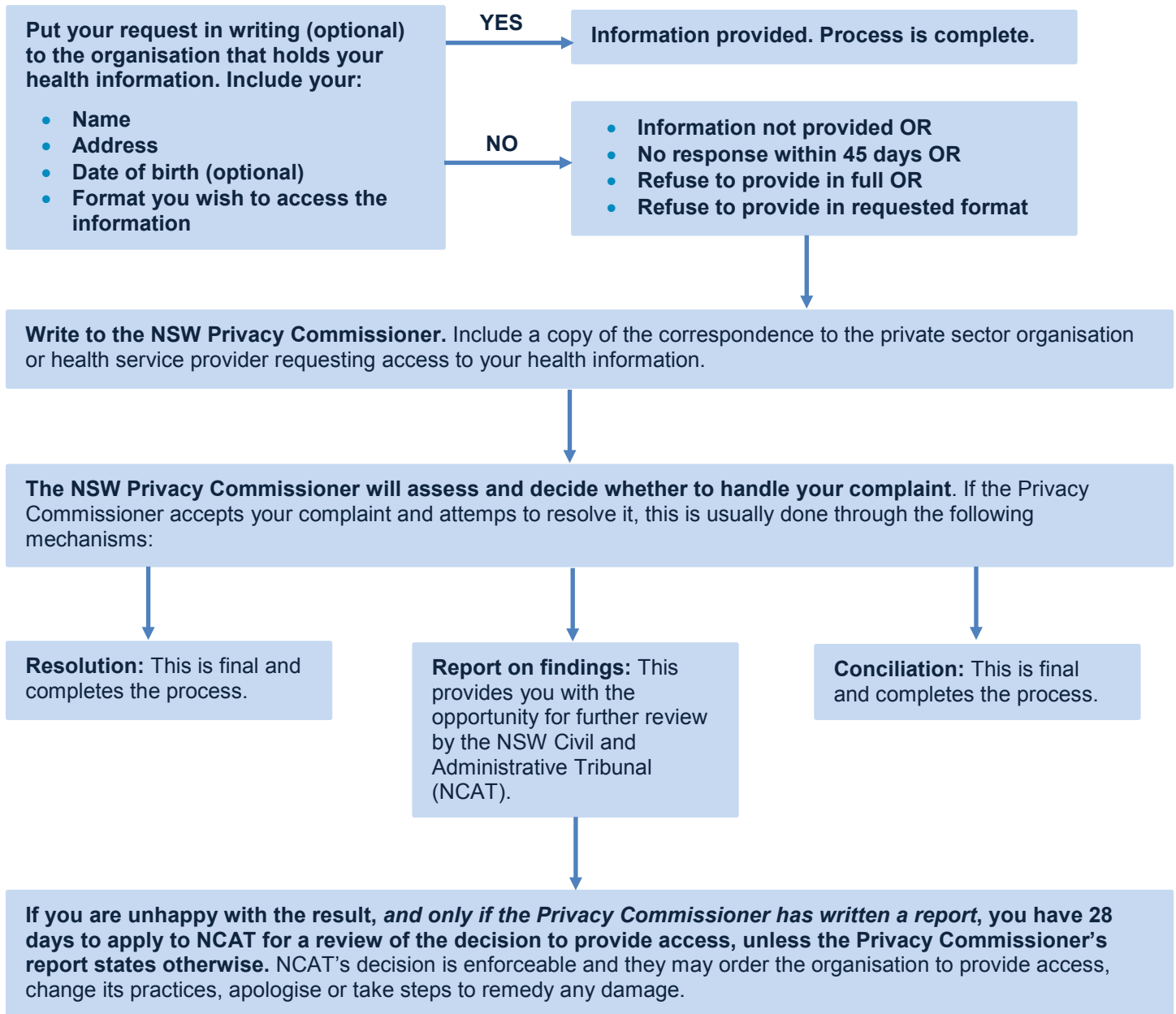
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\* Refer to Rule 24 of the Civil and Administrative Tribunal Rules 2014.

## Accessing your health information under the HRIP Act from a NSW private sector health service provider (e.g. dentist, GP, private hospital) and larger-sized organisations with a turnover of over \$3 million that holds health information (e.g. insurance companies)\*

### START HERE:



**NOTE:** The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.

\* You may have a right to access your health information from a private sector health service provider organisation under the federal Privacy Act 1988 – visit [www.oaic.gov.au](http://www.oaic.gov.au) for more information.