

s.22 Irrelevant material

8 **Releasing My Health Record data for regulatory purposes**

Mr Kelsey and Ms Bettina McMahon spoke to this item.

The Board **noted:**

- 1 the Australian Digital Health Agency, as My Health Record System Operator, has powers to release data from the My Health Record to support regulatory and legal purposes;
- 2 this is separate to the Australian Digital Health Agency's authority to release data from the My Health Record system for secondary use, subject to the Secondary Use Framework;
- 3 the Australian Digital Health Agency has taken a position not to exercise this power when it is at our discretion; reserving this authority to release data to only those circumstances where the Agency has no discretion (such as when responding to a Court Order); and

4 s.22 Irrelevant material

The Board discussed this matter with Agency executive and **requested** further advice on the implications to the Agency as the System Operator. Ms Edwards from the Department of Health offered to assist with this information if required.

Action item:

Reference	Action	Responsibility for Action	Due date
8A Releasing MHR data for regulatory purposes	Provide advice to the Board at its August 2018 meeting to answer, "who is the system operator" and a policy that describes the framework for responding to data requests.	Ms Bettina McMahon	August 2018 Board meeting

9

s.22 Irrelevant material