



1 November 2018

Mr Henare Degan
c/- Right To Know
By email: foi+request-4870-dcb197cf@righttoknow.org.au

Freedom of Information Act 1982

Statement of Reasons

Application number 1810003

Dear Mr Degan

I refer to your request for access under the *Freedom of Information Act 1982* (FOI Act) for access to:

The number of people who have opted out of My Health Record.

FOI decision maker

I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on your FOI request.

Documents identified

I am satisfied that a diligent search has been undertaken and information has been identified within the scope of your application.

Decision

A final reconciliation of opt out numbers will not become available until after the opt out period ends on 15 November 2018. There are several important considerations when attempting to answer questions about the number of opt outs from the My Health Record system:

- The disparate sources for the lodgement of an opt-out decision (ie, post offices, mail, online or personal delivery to various offices)
- The leads and lags in receiving lodgement forms
- The identification of whether people who opted out but subsequently opted back in during the “opt out period” which finishes on 15 November 2018.

However, I have decided to provide the following 'talking point' information which was discussed at the recent Senate inquiry which I hope will assist you:

- The Australian Digital Health Agency reported on 24 October 2018 that 1,147,000 had elected to opt out from having a My Health Record created for them by the end of 2018.
- This is in line with forecast expectations that around 90% of Australians will have a My Health Record by the end of the year.
- There are no targets for the number of Australians who will have a record created for them, just to inform every Australian of their right to opt out.
- Australians can opt out online, over the phone (1800 723 471) or via paper forms (available at Australia Post outlets).
- The low opt out rate aligns with a very high national awareness, with over 87% of Australians being aware of My Health Record currently.
- Over 181,000 Australians have opted in to having a My Health Record since 16 July 2018, in order to get the benefits of having a My Health Record right away.
- In the first week of the opt out period, more Australians opted in to get a My Health Record than in any other week in the history of the program.

Material taken into account

In making my decision, I had regard to:

- a) the terms of your application
- b) the nature of the information requested
- c) relevant provisions of the FOI Act
- d) the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for the decision

In determining whether to release this information, I considered the Guidelines together with a range of factors that favour access as set out in section 11B(3) [public interest exemptions — factors favouring access] of the FOI Act. I had regard as to whether giving access to the applicant at this time would, on balance, be contrary to the public interest. Specifically, I considered if disclosure would:

- a) promote the objects of the FOI Act;
- b) inform debate on a matter of public importance; or
- c) promote effective oversight of public expenditure.

I found that full disclosure of the above information may increase public awareness of the digital health programs [FOI Act, section 3(2)(a)] and increase discussion about the activities of the Australian Digital Health Agency [FOI Act, section 3(2)(b)].

It is for these reasons that I find that the public interest is best served by disclosure of the information.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to this Agency for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <https://forms.business.gov.au/aba/oaic/foi-review-/>
Email: enquiries@oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
In person: Level 3, 175 Pitt Street, Sydney NSW 2000

More information about an Information Commissioner review is available online at www.oaic.gov.au/freedom-of-information/foi-reviews.

Further information

If you have any questions, please contact the FOI Team by email foi@digitalhealth.gov.au or by phone on 02 6289 9932.

Yours sincerely



Bettina McMahon
Chief Operating Officer
Australian Digital Health Agency