

Freedom of Information (FOI) Request

Request to Amend a Medical Record

The Freedom of Information Act (Section 39) gives you the right to request an amendment to a record that you have previously been given access to, if the record contains personal information that in your opinion is incomplete, incorrect, out of date or misleading.

How to apply

Applications must include an FOI Amendment Application or letter, the application fee, and evidence of authority to amend the medical record.

FOI amendment application or letter

Applications must be made in writing using the **FOI Amendment Application form** (download from www.austin.org.au/foi) or a letter. Include details of the amendment that you are seeking to make. Attach a clearly marked copy of the documents in question.

Application fee

The application fee is **\$32.70** and is a fixed cost and non-refundable. This fee is waived if you hold a current Pension or Health Care Card and can provide a copy of both sides of this with your application.

The FOI Application form provides further details about payment options.

Evidence of authority to amend a medical record

Request for Records Relating to You

You must provide a paper or electronic copy of photo identification with your application, e.g., driver's licence or passport.

If you do not have current photo identification, please telephone the Freedom of Information Office 9496 3103 to discuss.

Request for Records Relating to Another Living Person

If the request relates to another living person's medical record, you must provide written authorisation from the patient or evidence that you have the right to amend the medical record, for example, Enduring Power of Attorney (Medical Treatment).



Austin Health acknowledges the Traditional Custodians of the land and pays its respects to Elders past, present and emerging.

Austin Health celebrates, values and includes people of all backgrounds, genders, sexualities, cultures, bodies and abilities.



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Request for Records Relating to a Deceased Person

If the patient is deceased, the most senior available next of kin must sign the authorisation and provide evidence to support this, for example, a copy of the death certificate.

The right to amend a deceased patient's record by the most senior available next of kin is not guaranteed. Various factors need to be considered. To assist us in assessing your application, explain why you believe it is reasonable for you to make this request.

Request for Records Relating to a Child

If the request relates to a child, and they are not able to make this request themselves, then the parent or legal guardian may make a request on the child's behalf. Only a parent or legal guardian who has not had parental responsibility limited by a Court order may do this. If care of the child is subject to a Family Court or other court order, provide a copy of the court order with the request.

If you are not sure who can sign the authorisation, please telephone the Freedom of Information Office on 9496 3103 to discuss.

Where to send your application

Applications can be lodged in any of the following ways.

Mail: Freedom of Information Office
Austin Health – Mount Street Offices
PO Box 5555
Heidelberg 3084

Email: foi@austin.org.au
Telephone: (03) 9496 3103

Other access charges that may apply

There are no further charges unless you require another copy of the documents after an amendment or notation has been made to the medical record.

The following charges may apply if you require another copy of the amended record:

- DVD \$29.35
- Electronic (OneDrive) \$15.00
- Photocopy Fee 20 cents per page

What happens next

Austin Health has 30 days to make a decision regarding your request for an amendment. The **30 days** starts when we have received your written application, appropriate signed authority, and application fee (or your evidence to support waiver of the fee).

Depending on the specific request, Austin Health may decide to:

- Amend the medical record
- Add a notation to the medical record
- Deny your request



Your review rights

If Austin Health decides not to amend or notate the medical record, you may have this decision reviewed by the Office of the Victorian Information Commissioner (OVIC). Refer to www.ovic.vic.gov.au for further information.

If you are unsatisfied with the result of OVIC's review, you will have 60 days in which to lodge an appeal with the Victorian Civil and Administrative Tribunal. Refer to www.vcat.vic.gov.au for further information.

In relation to some decisions, you may apply for conciliation through the Health Complaints Commissioner. Refer to www.hcc.vic.gov.au for further information.

More information

FOI Office Hours: Monday - Friday (8:00am - 4:00pm)
Austin Health Website: <http://www.austin.org.au/FOI>
Email: foi@austin.org.au



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