



Hospitals

My Health Record expansion program

Consumer feedback management

What is My Health Record?

My Health Record commenced in 2012 and was then known as the Personally Controlled Electronic Health Record (PCEHR). Operated by the Australian Digital Health Agency, My Health Record is a secure online summary of a consumer's health information that can be accessed by authorised healthcare providers taking part in their care. Consumers with a My Health Record will be able to set privacy settings, which allows them to control what goes into the record, and who sees it.

What impact will the opt out model have on consumer feedback?

In July 2018 the participation model will change from 'opt in' to 'opt out', meaning all eligible Australians will have a record set up unless they choose not to. The Australian Government plans for this change to be completed by the end of 2018. With an increase in consumer participation and clinical documents being sent to My Health Record, health services can expect an increase in questions or feedback regarding My Health Record, and your health service's interactions with it that will need to be addressed.

Consumer feedback about My Health Record

Consumer feedback should be directed to the primary responsible agency (for example, a health service directly if the feedback relates to that facility). Where practical to do so, the health service should take reasonable steps to rectify the feedback, this may include removing an uploaded document that was raised in error.

Where consumer feedback is determined to not be related to a Victorian public health service, the consumer should be advised to lodge the feedback directly with the System Operator (refer to key contacts).

Consumers may choose to provide feedback about a Victorian public health service's interaction with their My Health Record directly to the System Operator.

Investigating My Health Record consumer feedback

To assist in any investigation of feedback relating to My Health Record it may be required that your health service review the audit logs of the relevant systems used to access and contribute information to My Health Record.

Audit logs should be readily accessible through your health services local My Health Record System. If you are unable to access the logs the relevant solution vendor will be able to assist. If your health service interacts with My Health Record through the department's state-wide platforms HSCDM or HIPS (healthcare identifiers PCEHR system), please contact the Digital Health team for assistance (refer to key contacts).

Escalation of feedback

If a consumer is not satisfied with the resolution of their My Health Record related feedback an investigation should be undertaken by your health service, and advice regarding escalation should be in accordance with your health service's consumer feedback policy and procedures.

Where feedback is related to the misuse of personal information, a consumer can escalate to the Office of the Information Commissioner Victoria – Privacy and Data Protection branch.

In other circumstances the consumer may escalate feedback to the Health Complaints Commissioner.

If a consumer is not satisfied with the resolution of a complaint investigation undertaken by the System Operator they should seek information from the System Operator on relevant escalation pathways.



Example consumer feedback

Rhonda logs on to her My Health Record at home and notices that the audit log shows that Dr Ketut working at BestCare Hospital has accessed her record in the past week, in particular viewing her recently dispensed medications. Rhonda has never received care at BestCare hospital before.

In this example Rhonda calls the BestCare hospital's Consumer Engagement Team directly. The patient liaison officer escalates the feedback to the relevant parties (health information services and/or My Health Record business as usual team) who commence the investigation. It is identified through a review of the audit logs, that Dr Ketut inappropriately accessed Rhonda's My Health Record, for purposes unrelated to the provision of care.

This matter is dealt with as per the BestCare hospital's local policy and procedures, however, because there has been an unauthorised collection, use or disclosure of the health information included in Rhonda's My Health Record, the health service is required to notify the System Operator.

Following notification, the System Operator, may notify the Office of the Australian Information Commissioner, and request additional information or suggest follow up action to be progressed by BestCare hospital.

Viewing information in an individual's My Health Record is considered a 'use' of information. As Dr Ketut used the information in her neighbour's record and it was not for the purposes of providing healthcare to her neighbour, she has breached the My Health Records Act. In addition, Dr Ketut may be subject to a civil or criminal penalty under the My Health Records Act 2012.

Process for Victorian public health services

Victorian public hospitals should handle My Health Record related consumer feedback in accordance with their My Health Record policy and consumer complaints management policies and procedures.

Key internal stakeholders including Consumer or Patient Liaison Officers, Health Information Services Officers and other senior officers as appropriate should seek advice from Department of Health and Human Services,

Digital Health Team regarding My Health Record related complaints, in particular where it is identified that;

1. There has been, or may have been, an unauthorised collection, use or disclosure of the health information included in a healthcare recipients My Health Record or
2. The Security or integrity of My Health Record has been, or may have been, compromised by employees or by the use of health service equipment.

Where the above circumstances are identified, the department's Digital Health team can provide advice and facilitate the process for mandatory notifications to the System Operator under the My Health Records Act 2012.

Providing notification in the case of a data breach involving personal information is consistent with good privacy practice. Notification allows affected healthcare recipients to take any necessary action to protect their information and to ensure the ongoing security and integrity of, and confidence in, My Health Record. It also provides an important feedback loop for the System Operator's maintenance of system security, and enables swift containment of a breach and preventative action.

Key contacts

Digital Health Standards and Advisory

Department of Health and Human Services
myhealthrecordexpansion@dhhs.vic.gov.au

Office of the Victorian Information Commissioner – Privacy and Data Protection

Phone: 1300 666 444
PO Box 24274 Melbourne VIC 3001
<https://www.cdpd.vic.gov.au/>

System Operator

Phone: 1800 723 471
My Health Record
Box 9942 Sydney NSW 2000

Health Complaints Commissioner

Phone: 1300 582 113
<https://hcc.vic.gov.au>

Office of the Australian Information Commissioner

www.oaic.gov.au

For further information

Select this link: [My Health Record](https://www.myhealthrecord.gov.au) or visit
<<https://www.myhealthrecord.gov.au/>>

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