



**Office of the Information Commissioner
Queensland**

**Administrative access to
medical records**

*Right to Information Act 2009 (Qld) and
Information Privacy Act 2009 (Qld)*

Report No. 2 to the Queensland Legislative Assembly for 2024-25



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ISBN: 978-0-6456316-8-5



February 2025

Mr Martin Hunt MP
Chair
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Hunt

I am pleased to present my report, '*Administrative access to medical records*' to the Queensland Parliament. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The audit undertaken by my Office reviewed the arrangements of two Queensland hospital and health services (**HHS**) for giving administrative access to individuals' medical records.

My report makes specific recommendations for improvements to the administrative access processes and procedures of each audited HHS, and makes a general recommendation for best practice that is applicable to all agencies.

In accordance with subsection 184(5) of the *Right to Information Act 2009* (Qld) and subsection 193(5) of the *Information Privacy Act 2009* (Qld), I respectfully request that you arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely

Joanne Kummrow
Information Commissioner



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Summary

People want to access their medical records for various reasons. The Queensland Government recognises their right of access to this information and aims to facilitate the process.

The *Right to Information Act 2009* (Qld) (**RTI Act**) states that information held by or under the control of government agencies, such as medical records:

*will be released administratively as a matter of course, unless there is a good reason not to, with applications under this Act being necessary only as a last resort.*¹

In 2023-24, Queensland hospital and health services (**HHS**) received over 16 000 requests to access information administratively, nearly all for medical records.

An HHS with good administrative access arrangements should be able to give access to most medical records quickly and easily, without a formal application.

We examined whether two HHS were making the best use of administrative arrangements for access to medical records during February to August 2024.

Conclusions

Both audited HHS have an administrative arrangement for access to medical records. While people seeking to access these records will generally receive a good service, there are opportunities for improvement.

Metro South Hospital and Health Service (**Metro South HHS**) follows a general agency-wide guideline to process requests for access to medical records. However, the guideline is out of date, not aligned with the legislative processes for making access applications and not tailored for daily use within an HHS. It allows various groups of facilities within an HHS to adopt different approaches to deal with requests for medical records. The lack of a tight, tailored guideline has resulted in disparate service delivery and inconsistent practices within Metro South HHS. Metro South HHS reports it is embedding new systems and practices.

West Moreton Hospital and Health Service (**West Moreton HHS**) has a clear set of administrative access policies and procedures and provides a reasonable service standard. Its responses to requests for medical records are timely, often on the same

¹ Section 2, Preamble, *Right to Information Act 2009*.

day. However, it has issues in ensuring all staff are responsive to requests for information, and in providing prisoners access to their medical records in a timely way.

The audit identified parameters for good administrative access arrangements applicable to all government agencies.

Administrative access arrangements should be:

- **well-designed** – established in response to identified community needs with built-in protections for privacy and boundaries around disclosure, and consistent with the processes for making a formal access application
- supported by a **toolkit** that maximises efficiency and effectiveness, for example, automated procedures, a practice of talking to applicants, and clearly documented policies and procedures, templates and checklists
- an **efficient alternative** to formal access applications – quick, easy, cost-effective, thorough and a reliable pathway to information access
- part of **everyday business** operations – approved by the chief executive, understood across the agency, well-managed, monitored to maintain utility, seamlessly integrated into the suite of information management services, and promoted to the community.

Key findings

Metro South HHS

Metro South HHS manages requests for information through five major facilities in four independent groups. It does not have a cohesive administrative access policy and procedure framework, across or within each group. This affects consistency of service delivery to people seeking access to medical records and means applicants have different experiences depending on which group within the HHS they contact.

For example, a person seeking information from multiple facilities has to submit a separate application to each group. This is inefficient for the HHS and the requestor. The differing practices also show in the timeframes for responding to requests for information, with two groups being timely and two being slow.

Metro South HHS's website is an example of an effective HHS-wide initiative. It has good promotion of administrative access arrangements to the community.

Metro South HHS reports it has implemented a new case management system, standardised workflows and practices, and document templates in November 2024. It states it is embedding the new systems and practices and plans to review local

application of the general guideline and standardise procedures and work instructions in 2025. It is too early to assess the effectiveness of this new framework. Our practice is to conduct follow-up audits to assess ongoing practices and improvements.

West Moreton HHS

West Moreton HHS has a good, clear policy framework for administrative access to medical records. Its administrative access procedure is comprehensive and clear. It covers most of the items the Office of the Information Commissioner recommends for an administrative access framework.

This helps West Moreton HHS respond to requests for medical records more quickly and easily than by way of formal applications made under the RTI Act or the *Information Privacy Act 2009* (Qld) (**IP Act**). This is a good service outcome for applicants.

Overall, the agency's practices are reasonable and follow sound policies and procedures. However, West Moreton HHS encounters issues when the process requires a cooperative approach across departments or units. For example:

- internally, not all staff are responsive to requests for information
- externally, access to prisoner health records takes longer than other types of health records.

While West Moreton HHS promotes administrative access to medical records, having two pathways on the website could cause confusion or direct readers to a formal application process ahead of administrative access.

Both HHS have projects under way to address their respective issues. They need to support their administrative access arrangements with more active management, tighter policies and procedures, and better record-keeping.

This will improve timeliness and procedural rigour, and ensure that all requesters can consistently access their personal health records quickly, easily and as they are entitled to do under the RTI and IP Acts.



Recommendations

The Information Commissioner recommends that **Metro South Hospital and Health Service**, within 12 months:

Recommendation 1

reviews the Princess Alexandra Hospital's practices and implements any necessary improvements to ensure:

- formal access applications are used as a last resort for people seeking access to their personal medical records
- the hospital's administrative response to requests for medical records is timely and efficient.

Recommendation 2

settles its policy and procedure framework for administrative access to ensure it:

- is consistent with the *Right to Information Act 2009*
- promotes the use of administrative access ahead of formal access applications
- focusses on cost-effective and timely service delivery in response to requests for information.

Recommendation 3

progresses its projects aimed at standardising practices, to create:

- a consistent, positive experience for people applying for medical records
- good documentation of the administrative access process.

Recommendation 4

develops an approach to manage its administrative access function consistently across the hospital and health service, including monitoring progress and staff training.

The Information Commissioner recommends that **West Moreton Hospital and Health Service**, within 12 months:

Recommendation 5

identifies and implements improvements to resolve requests for prisoner medical records in a timely way.

Recommendation 6

reviews and updates its administrative access policy and procedures.

Recommendation 7

resources active leadership, management and guidance of the administrative access function, including internal and external liaison needed to streamline access to information.

Recommendation 8

reviews and updates its website to create one clear pathway to information to inform requesters about administrative access to medical records.

Recommendation 9

The Information Commissioner recommends that **all agencies** subject to the *Right to Information Act 2009* and the *Information Privacy Act 2009* ensure their administrative access arrangements:

- are well designed
- are supported by an effective toolkit
- provide an efficient alternative to formal access applications
- are part of everyday business operations.

1 Context

Administrative access arrangements are a key strategy government agencies can use under the 'push' model for releasing information they hold. These arrangements give the community access to information faster and at a lower cost. Government agencies should design and operate these arrangements so that a formal access application under the legislation is a last resort.

Queensland hospital and health services (**HHS**) hold a range of documents. The community primarily seeks access to medical or health records. HHS have administrative arrangements to give the community informal access to these records without the need to make a formal access request.

Administrative access

The *Right to Information Act 2009* (Qld) (**RTI Act**) states:

A document may be accessed under administrative arrangements made by an agency²

The RTI Act does not define administrative access arrangements. However, section 19 gives examples, including publishing information on a website, offering public inspection of documents, and making documents available commercially.

This audit focuses on reactive release following a specific request. Administrative release is a discretionary process, but the framework for release is based on the same principles underpinning the RTI Act and the *Information Privacy Act 2009* (Qld) (**IP Act**).

Audit scope and objective

The objective of this audit is to determine whether two HHS set up and manage effective administrative arrangements to provide access to medical records. We selected Metro South Hospital and Health Service (**Metro South HHS**) and West Moreton Hospital and Health Service (**West Moreton HHS**).

The audit focusses on the key areas of systems and practices in place in Metro South HHS and West Moreton HHS to handle administrative access requests for documents.

The audit did not examine:

- access to documents audited agencies publish in a publication scheme or disclosure log under the RTI Act

² Section 19 *Right to Information Act 2009*.

- systems, policies, procedures or practices for handling access applications made under the RTI Act or IP Act, except as necessary to assess the effectiveness of the administrative access arrangements
- information made available through independent sources, for example, *My health record*
- systems to access employee records.

We did not audit the Department of Health, but we discuss a statewide policy with the department and report its comments.

We conducted this audit under section 131 of the RTI Act and section 135 of the IP Act. We conducted fieldwork between February and August 2024. The HHSs have been working on improvements before, during and after the fieldwork.

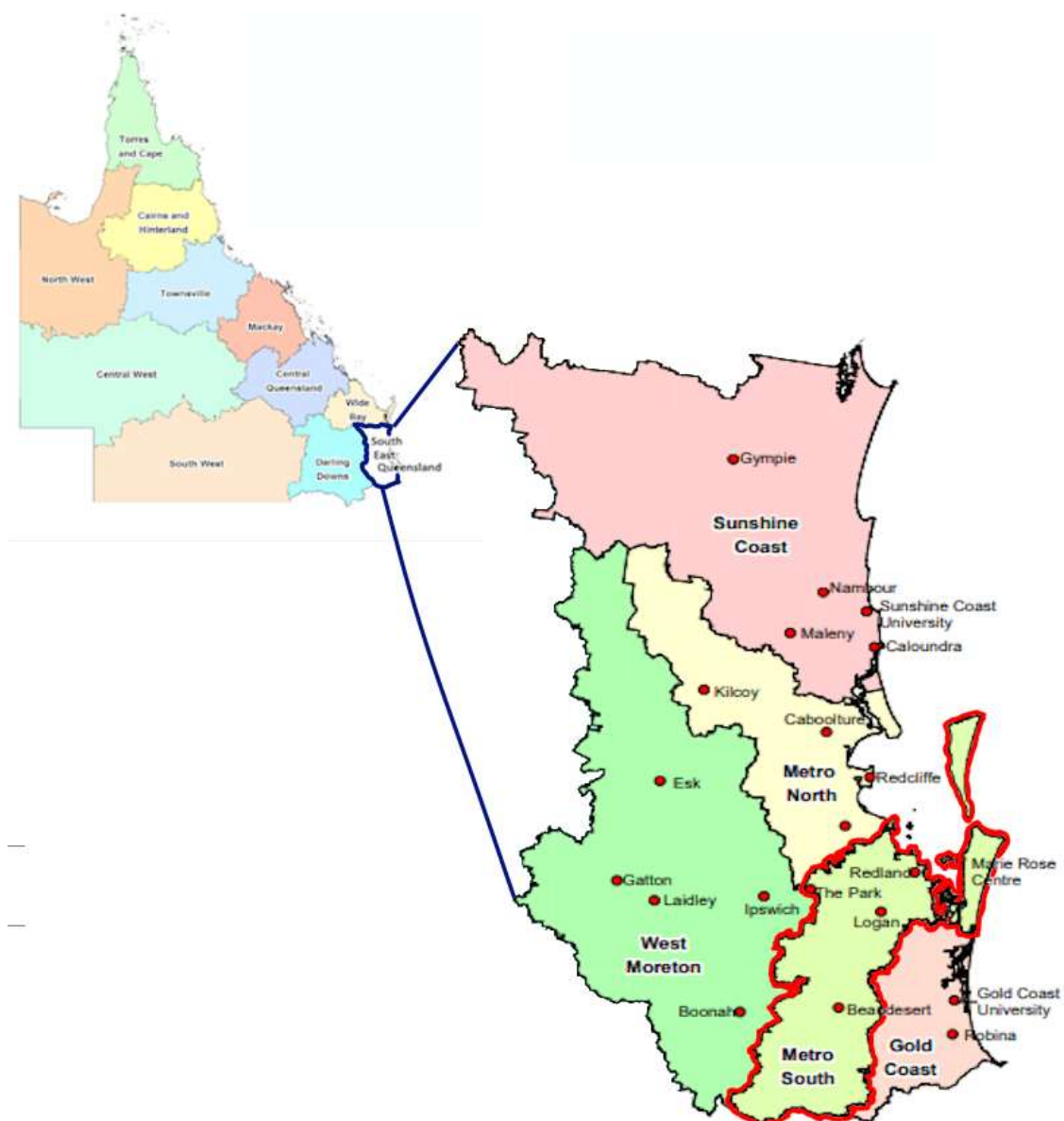
Metro South Hospital and Health Service

Metro South HHS is one of two large HHS providing health services to Queensland's capital city of Brisbane. Metro South HHS is the major provider of public health services in the Brisbane south side, Logan, Redland and Scenic Rim regions. **Figure 1** depicts the area covered (outlined in red).

Metro South HHS employs more than 20 000 staff who provide health services to a population of more than 1.2 million people, 23 percent of Queensland's population. It has an annual operating revenue of \$3.602 billion.³

³ *Annual Report 2023-2024*, Metro South Hospital and Health Service.

Figure 1
Map of the Metro South Hospital and Health Service



Source: Queensland Health Hospital and Health Service maps online, reconfigured by the Office of the Information Commissioner to highlight the audited HHS

West Moreton Hospital and Health Service

West Moreton HHS covers urban and rural centres, providing medical and health services to more than 325 000 people across the Somerset, Scenic Rim, Lockyer Valley and Ipswich communities.⁴ **Figure 2** depicts the area covered (outlined in red).

⁴ *Annual Report 2023-2024, West Moreton Hospital and Health Service.*

Figure 2
Map of the West Moreton Hospital and Health Service



Source: Queensland Health Hospital and Health Service maps online, reconfigured by the Office of the Information Commissioner to highlight the audited HHS

West Moreton HHS provides forensic mental health services, including a high security inpatient extended forensic treatment rehabilitation unit and secure mental health rehabilitation unit. It delivers health services to six correctional centres, and anticipates approximately 58 percent of the Queensland prisoner population will be housed in the West Moreton HHS region in the future.

West Moreton HHS employs approximately 5 783 staff (as at end June 2024) and in 2022-23 has an operating budget of about \$1.04 billion.⁵

⁵ *Annual Report 2023-2024, West Moreton Hospital and Health Service.*

2 Metro South Hospital and Health Service

2.1 Introduction

Metro South HHS provides right to information services, including administrative access to medical records in four groups:

- Princess Alexandra Hospital (**PA**)
- Logan and Beaudesert Hospitals (**LB**)
- Redland Hospital (**Redland**)
- QEII Jubilee Hospital (**QEII**).

Each year, Metro South HHS finalises approximately 5 000 requests for information under administrative access (83 percent) or formal access applications under the RTI and IP Acts (17 percent).

2.2 Conclusion

Metro South HHS is a large urban HHS, managing requests for information through five major facilities in four independent groups. It does not have a cohesive policy and procedures framework across or within each group.

Practices within Metro South HHS differ in terms of timeliness and basic service standards. A person seeking information from multiple facilities must submit a separate application to each group. This is inefficient for the HHS and for the person seeking access to information. The disparate practices show in differing timeframes for responding to requests for information, with two groups being timely and two being slow.

Agencies are responsible for making sure they have clear, fit-for-purpose and up to date policies, procedures and practices. Metro South HHS reports it has adopted the *Information Disclosure and Access Guidelines for Queensland Hospital & Health Services (HIDAG)*. HIDAG is a guideline rather than an operational policy. It is out of date and not tailored for daily use within an HHS.

As a result, Metro South HHS handles access requests for medical records differently as the groups adopt inconsistent approaches. The agency has uneven procedural rigour and client service between groups. This means applicants get different experiences, depending on which group they contact.

Metro South HHS advises it is working on defining and standardising its policies, procedures and practices. Our practice is to conduct a follow-up audit and assess

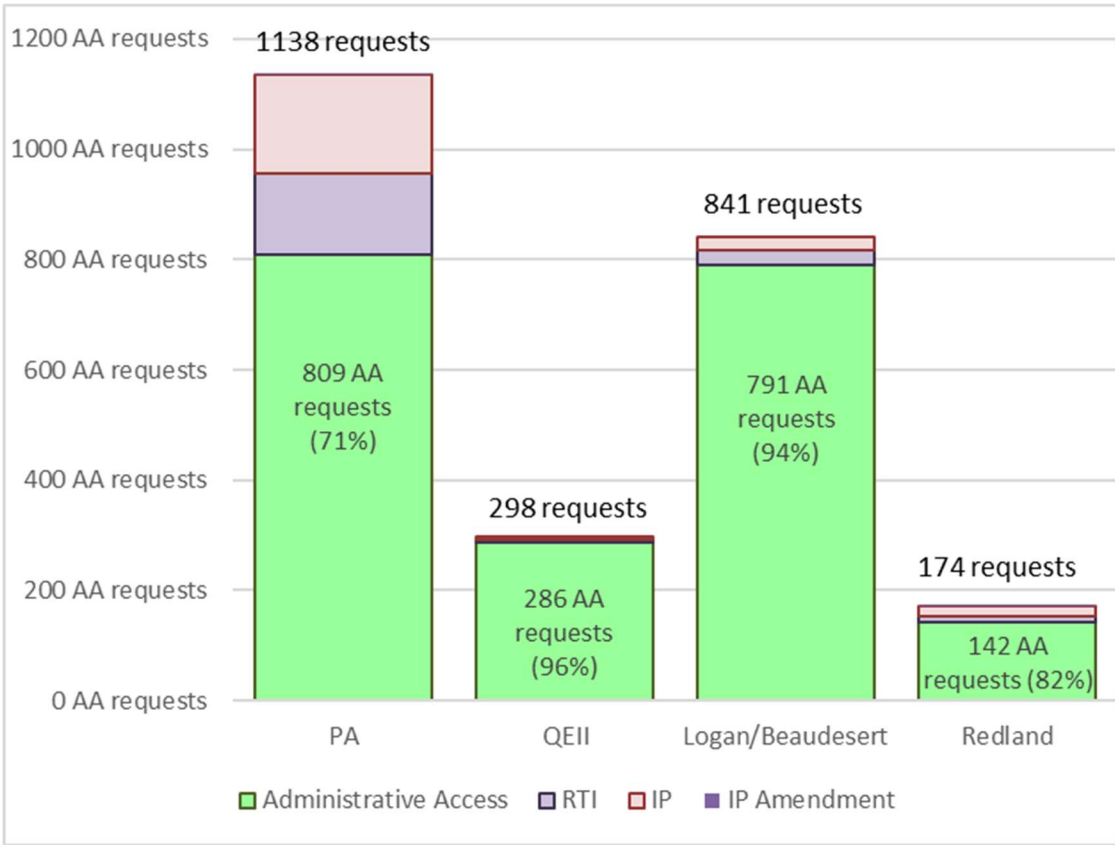
ongoing activities, for example whether Metro South HHS’s new policy and procedure framework addresses our findings.

2.3 Results

Requests for information

Metro South HHS received 2 451 requests for information between January and June 2023 – 2 028 requests (or 83 percent) were administrative access requests. The remainder are legislative applications. **Figure 3** presents a total of 2 451 information requests finalised by the four groups across the Metro South HHS.

Figure 3
Number of information requests finalised by group



Source: Data from Metro South Hospital and Health Service, Analysis by the Office of the Information Commissioner, totals may be affected by rounding.

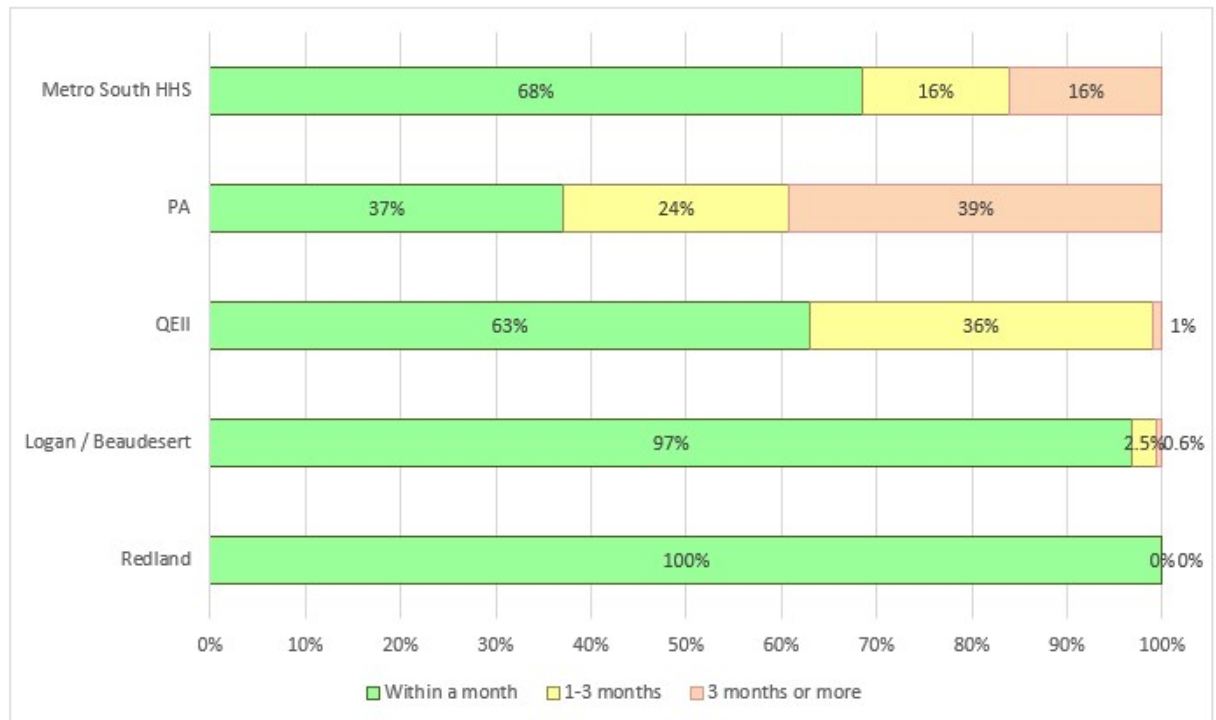
PA finalised almost half of Metro South HHS’ information requests, and LB approximately a third. However, PA finalised fewer information requests through administrative access (71 percent) compared to the other groups (82 percent to 96 percent). It was beyond the scope of this audit to identify the reasons for this difference.

Figure 4 shows the timeframes for finalising administrative access applications for each of the four groups and for Metro South HHS overall in three categories.

These are:

- within a month
- in one to three months
- three months or more.

Figure 4
Time to complete administrative access applications January to June 2023



Source: Data from Metro South HHS, Analysis by the Office of the Information Commissioner, totals may be affected by rounding.

LB and Redland finalised nearly all administrative applications within a month. On average, PA took longer. We saw periods of inactivity on PA files we assessed. Metro South HHS states workload is a factor.

Recommendation 1

The Information Commissioner recommends that Metro South Hospital and Health Service:

within twelve months, reviews the Princess Alexandra Hospital's practices and implements any necessary improvements to ensure:

- formal access applications are a last resort for people seeking access to their personal medical records
- the hospital's administrative response to requests for medical records is timely and efficient.

Policy and procedure framework

All agencies should establish **well-designed** administrative access arrangements. The arrangements should respond to community needs, have built-in protections for privacy and boundaries around disclosure, and be consistent with the processes for making a formal access application.



Note for all agencies

Administrative access arrangements should be **well-designed**.



Note for all agencies

Administrative access arrangements should be supported by an effective **toolkit**.

All agencies should support their administrative access arrangements by a **toolkit** that maximises efficiency and effectiveness. For example, automated procedures, a practice of talking to applicants, and clear policies and procedures, templates and checklists.

All agencies can refer to the OIC Guideline '*Administrative release of information*' for assistance in understanding the concept of administrative access, the type of information most suited to release and the considerations in providing access to such information.⁶

Metro South HHS does not have a single dedicated, comprehensive, internal set of policies and procedures for administrative access for the agency. Each group has a range of locally developed policies and procedures.

Metro South HHS advised it does not rely on local policies. It is unclear why each group dedicated time and resources to develop policies and procedures without intending to implement them. Nevertheless, we assessed these as part of the audit.

⁶ <https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/proactive-disclosure/administrative-release-of-information>.

We found that the local policies and procedures are not adequate. They are inconsistent from one group to another, and from one document to another within a group. For example, they differ in:

- timeframes (which range from no set time (PA), 15-28 days or 25 days (QEII), 20-25 days or 20 business days (Redland), to 10-15 business days (LB))
- costs (ranging from no costs in some groups to specified costs in other groups)
- who can certify identification (for example, including or not including Correctional Service Officers)
- requirements (the Information Access Kits for four groups direct applicants to use an application form, whereas the application kit for Redland suggests a form or a letter. Internal procedures only specify that the request must be in writing).

Inconsistencies between and within local policies and procedures can lead to inefficient service delivery and confusing demands on people seeking access to information.

Each group has an Information Access Kit or factsheet advising members of the community how to make an administrative access application. If a person seeks information from more than one group, the kits generally advise applicants to apply to a different group, that is to make multiple applications within the one HHS.

For example, PA and QEII advise in their Information Access Kits:

To save time, it is recommended that you apply directly to the hospital and health service or facility within Metro South Health that you seek records.

Metro South HHS advised that, instead of the local policies, it follows policy and guidelines Queensland Health published to assist HHS. Having two sets of policies and guidelines creates a risk that staff handling information requests do so inconsistently and applicants experience a different process and outcome.

For the audited period (January to June 2023), the relevant documents are:

- Health Information: Disclosure and Access Policy (**HIDAP**)
- accompanying guidelines, the Health Information: Disclosure and Access Guidelines (**HIDAG 2005**).

HIDAG 2005 is a document almost 20 years old. It is flawed and out of date. It relies on repealed legislation, the *Freedom of Information Act 1992*, for example to describe evidence of identity requirements for administrative access. It also omits current relevant legislation, the *Hospital and Health Boards Act 2011* (Qld). It makes no

mention of modern methods of providing access to documents, for example by way of email or secure document transfer.

In 2023, a number of HHS jointly funded an external consultant to update the guidelines, resulting in *Information Disclosure and Access Guidelines For Queensland Hospital and Health Services, June 2023* (**HIDAG 2023**).

Although relatively recent, HIDAG 2023 is also out of date and not fit for purpose for the reasons outlined below. While HIDAG 2023 was not in place for the review period, we assessed it as part of the audit. As drafted, HIDAG 2023 is not consistent with current legislative requirements for application handling.

Issues with HIDAG 2023

Under the RTI Act, administrative release is a discretionary process. Each agency can develop its own framework. Our view is that the framework for release should reflect the principles underpinning the RTI and IP Acts:

- a pro-disclosure bias unless there is a good reason not to release the information⁷
- information that is exempt or contrary to the public interest to release under RTI/IP is generally also refused under administrative release

for consistency of service delivery and outcomes.

HIDAG 2023 is not consistent with current legislative requirements for application handling.

The requirements for evidence of applicant identity, third party identity and authorisation of agents differ:

- formal applications under the current RTI Act and IP Act – require applicant identity, agent identity and agent authorisation
- formal applications under the legislation updated by the *Information Privacy and Other Legislation Amendment Act 2023* – require applicant identity and agent authorisation
- requests to access medical records administratively under HIDAG 2023 – require agent identity and agent authorisation.

⁷ Note that under section 44(4) of the RTI Act and section 64(4) of the IP Act, an agency or Minister may give access to a document sought by an access application even if this Act provides that access to the document may be refused.

Issues with HIDAG 2023

These differences could create confusion. The lack of a requirement for applicant identification under HIDAG 2023 is concerning given the potential for privacy breaches if a purported agent acts in bad faith.

HIDAG 2023 relies on HIDAP for '*Definitions*', '*Scope*' and '*Processing of applications*'. HIDAP is also out of date. For example, it refers to the *Freedom of Information Act 1992* which was superseded by the RTI Act and IP Act in 2009. HHS cannot apply the sections of HIDAP and HIDAG 2023 that refer to non-existent legislation.

There will be more outdated aspects of HIDAG 2023 with the commencement in 2025 of the *Information Privacy and Other Legislation Amendment Act 2023*, including about identity requirements.

We assessed HIDAG 2023 against an Office of the Information Commissioner guideline – *Administrative Release of Information*.⁸ There are opportunities for improvement, for example, around describing how administrative access works with the privacy principles.

HIDAG 2023 is not tailored for everyday use within an individual HHS. For example, it does not have:

- prompts about scope
- descriptions of requests that cannot be processed by way of administrative access
- descriptions of areas that could be searched for responsive documents.

While it has not developed HIDAG, Metro South HHS, like every government agency, is responsible for the policies and procedures it adopts. It needs to make sure that they are compliant, current, accurate and fit for purpose.

Any HHS working to HIDAG 2023 should supplement it with information that is up to date, comprehensive and tailored for the agency.

Metro South HHS has two projects under way to improve its policy and procedures framework:

- a project updating all of its policies and procedures – with administrative access

⁸ <https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/proactive-disclosure/administrative-release-of-information>.

to information as a subset, developing standardised policies, procedures and templates for administrative access across the HHS

- replacing its case management system.

Our practice is to conduct follow-up audits to assess whether agencies have implemented our recommendations and addressed the underlying issues.

Recommendation 2

The Information Commissioner recommends that Metro South Hospital and Health Service:

within twelve months, settles its policy and procedures framework for administrative access to ensure it:

- is consistent with the *Right to Information Act 2009*
- promotes the use of administrative access ahead of formal access applications
- focusses on cost-effective and timely service delivery in response to requests for information.

Process

We examined 20 files documenting administrative access requests for information to see how well Metro South HHS applied the relevant sections of HIDAG policies and procedures in practice.

Given the significant flaws in HIDAP, HIDAG 2005 and HIDAG 2023, this assessment is against a lower standard of practice than we expect.

Overall, its practices were reasonably in line with HIDAG. Metro South HHS provides administrative access to information for a substantial majority of requests for information. We found that Metro South HHS applied HIDAG fully (10 files), partially (two files) or technically (five files) on 17 files (85 percent), and did not apply it on two files. We could not assess one file because the file record is incomplete.

For two files, we found that Metro South HHS did not apply the guideline:

- there was no patient identification on the file
- there was unexplained delay and other concerns about insufficient documentation on file.

Two files rate as partially consistent with the guideline where Metro South HHS correctly followed the procedure, but there were delays. Metro South HHS explained the issues as being due to a miscoding in the system, and pressure of work.

We noted timeliness issues on three other files, where the response was in time, but would have been quicker if not for unexplained periods of inactivity. This means that there were six files with timeliness concerns: one that was not consistent with the guideline, two that were partially consistent with the guideline and three that were within the guideline's timeframe but had unexplained delays.

We apply an assessment of '*technically correct*' to:

- four files without patient identification where there was a legal representative. This is consistent with HIDAG requirements, but not with the legislative requirements for applications. HIDAG should align with the RTI Act and IP Act.
- one file which was 'technically correct' for multiple reasons. For example, it did not have a record of parental authority other than a Medicare card. Metro South HHS said a healthcare professional's opinion about parental authority was in the medical record. Assessment of the medical record is out of scope for this audit.

The assessed files were difficult to review, and in some cases did not fully demonstrate consistency with HIDAG, because of missing information. For example, Metro South HHS does not always record whether it reviews medical records to check for sensitive information or the need for a healthcare decision before releasing information.

Metro South HHS says its Information Access Unit (**IAU**) reviews medical records for sensitive information as standard practice:

It is standard practice for MSH IAU's to assess sensitive information prior to release and if appropriate involve the healthcare decision maker as required to support the assessment and decision-making process.

A disciplined approach to documenting reviews of medical records would:

- trigger consideration of the sensitivity of information
- demonstrate Metro South HHS's considerations on review
- mitigate the risk of releasing sensitive information incorrectly.

Metro South HHS has uneven quality of service delivery:

- people requesting information have to comply with different application requirements (certified identification for legal practitioners and a requirement to use the application form)
- some applicants received personal, interactive attention that helped them to make their application successfully, and others did not.

Metro South HHS acknowledges that its practices are not always consistent with the guideline, but states it adapts to the needs of the consumer:

In regard to practice – MSH IAU's will engage with consumers/applicants as necessary to support access to their records in line with HIDAG and legislative requirements with consideration of their individual circumstances – e.g. transport, technology, communication, financial barriers. Occasionally this may result in some practice measures not being fully complete (e.g. application form/ varying ID verification), however is still deemed a valid application by the IAU and is in the best interests of the consumer.

Metro South HHS is implementing two projects to improve service delivery. It is updating its case management system to improve timeliness, reporting to management and privacy risk management. Metro South HHS reports the case management commenced prior to the audit and is well under way.

Recommendation 3

The Information Commissioner recommends that Metro South Hospital and Health Service:

within twelve months, progresses its projects aimed at standardising practices, to create:

- a consistent, positive experience for people applying for medical records
- good documentation of the administrative access process.

Promote administrative access

For all agencies, administrative access arrangements should be an **efficient alternative** to formal access applications – quick, easy, cost-effective, thorough and a reliable pathway to information access.



Note for all agencies

Administrative access arrangements should be an **efficient alternative** to formal access applications.

We considered the way in which Metro South HHS manages and promotes the administrative access function.

Metro South HHS's website is an example of an effective HHS-wide initiative. It has good promotion of administrative access arrangements to the community.

Metro South HHS's current approach to managing and monitoring the administrative access function is largely group-based.

It does not have standardised, consistent training of its staff in administrative access. For example, it includes information about patient confidentiality in staff orientation, but not information about accessing medical records administratively.

This creates uneven practices and service delivery to people engaging with different groups within the one HHS.

Recommendation 4

The Information Commissioner recommends that Metro South Hospital and Health Service:

within twelve months, develops an approach to manage its administrative access function consistently across the hospital and health service, including monitoring progress and staff training.



3 West Moreton Hospital and Health Service

3.1 Introduction

West Moreton HHS provides right to information services, including administrative access to medical records, largely through its central facility in Ipswich.

Each year, West Moreton HHS finalises approximately 1 000 administrative access requests (67 percent) and 500 applications for information under the legislation (33 percent). West Moreton HHS finalises about 10 percent of its formal access applications under the RTI Act and 90 percent under the IP Act.

West Moreton HHS covers urban and rural areas, and two specialist areas for information management – mental health and prisons.

3.2 Conclusion

West Moreton HHS has a good, clear policy framework for administrative access to medical records and a reasonable approach in practice.

This means that people can use administrative access to obtain medical records more quickly and easily than by way of applications. This is a good service outcome for applicants.

Its key focus for improvement is to manage the function more actively to:

- liaise with prison service to improve responses, particularly timeliness
- work within the HHS to improve responsiveness from other teams
- tighten up procedural rigour.

West Moreton HHS is aware of the need to strengthen management of the function and has created a position to do so.

3.3 Results

Requests for information

West Moreton HHS finalised 505 administrative access requests for information between January and June 2023, itemised by category in **Figure 5**.

Figure 5

Administrative access requests finalised – January - June 2023

Category of information request	Number	%
Ipswich (including Boonah, Esk, Gatton, Laidley)	293	58%
Prison health service	204	40%
Mental health	8	2%
Totals	505	100%

Source: Data from West Moreton Hospital and Health Service, Analysis by the Office of the Information Commissioner, West Moreton HHS' central Release of Information team handles almost all administrative access requests for rural hospitals.

Two characteristics impact on timeframes for handling administrative access requests; whether the person requesting information is:

- self-represented (slower) or legally represented (quicker)
- in prison (slower) or a member of the general public (quicker).

These characteristics overlap. Members of the public are more likely to have legal representation.

Legally represented applicants tend to get a quicker response. In January to June 2023, West Moreton HHS finalised 77 percent of legally represented administrative access requests within a week of receipt, compared to 58 percent of self-represented requests.

Administrative access was significantly quicker than formal access applications on average. **Figure 6** shows the timeframes for responding to administrative access requests and formal access applications by category of information.

Figure 6

Timeframes for resolving different categories of information requests

Source of request for information	Time from receipt of request to its conclusion					
	Same day	Within a week	Within a month	1-3 months	3-6 months	Over 6 months
General Medical – Admin access	61%	34%	3%	1%		
Prison Health – Admin access	23%	7%	61%	8%		
Mental Health – Admin access	50%	38%		13%		
General Medical – Applications		1%	21%	22%	36%	19%
Prison Health – Applications		1%	8%	19%	40%	33%
Mental Health - Applications		2%	8%	12%	42%	36%

Source: Data from West Moreton Hospital and Health Service, Analysis by the Office of the Information Commissioner, totals may be affected by rounding.

West Moreton HHS took longer to handle prisoner requests (most resolved in a month) than requests from other types of individuals (most resolved same day). Factors affecting prisoner requests are:

- protocols when communicating with people in custody
- custodial corrections' reliance on paper based records
- the lower rate of legal representation for prisoners.

West Moreton HHS advises it deals with some prison requests statewide depending on the prisoner's custodial status:

- If a prisoner is in custody, the HHS in the region of the prison facility is responsible for information requests and release.
- If a prisoner is out of custody, West Moreton HHS is responsible for information requests and release statewide, regardless of where the prisoner resides or was last in custody.
- West Moreton HHS is the custodian and holds responsibility for handling requests for all deceased prisoner health records.

If a prisoner is no longer in custody, or is moved to a different facility, West Moreton HHS may not have a forwarding address. In that circumstance, West Moreton HHS would be unable to advise an applicant about their request for information.

West Moreton HHS said that administrative access is always preferred in the first instance where possible – however, there are issues that cause delays, such as consent that is needed to process requests under administrative access, particularly for prisoner requests.

West Moreton HHS reports it is taking steps to improve timeliness of prisoner requests, such as reviewing the information resource for prisoners, training frontline staff and recruiting for a new management position that could explore and implement improvements.

Other improvement opportunities for West Moreton HHS to consider are:

- amending the Prisoner Information Kit to manage prisoner expectations about timeframes for responding to information requests
- encouraging prisoners to inform West Moreton HHS of address changes, for example if they move institutions or are released
- explaining extensions of time
- asking prisoners making a formal access application if they would be happy to try administrative access first (West Moreton HHS would have to seek input from West Moreton HHS's legal team on this)
- undertaking proactive, management level conversations with Queensland Corrective Services to streamline or manage prisoner access to information.

Recommendation 5

The Information Commissioner recommends that West Moreton Hospital and Health Service:

within twelve months, identifies and implements improvements to resolve requests for prisoner medical records in a timely way.

Policy and procedure framework

West Moreton HHS has three procedures guiding administrative access:

- procedure – *'Release of Information – Access and disclosure of Health Information'*
- corresponding work instruction – *'Release of Information – Processing a Request'*

- procedure for release of information for Prison Health Services – ‘*MHSS - Prison Health Services, Health Information Access and Disclosure*’.

West Moreton HHS acknowledged the availability of the statewide *Information Disclosure and Access Guidelines For Queensland Hospital and Health Services, June 2023* (HIDAG). West Moreton HHS advised that it uses its own policy and procedures and does not rely on HIDAG.

The procedure ‘*Release of Information – Access and disclosure of Health Information*’ is a comprehensive document of 17 pages, describing West Moreton HHS’s overall approach, reason for the procedure and details of how West Moreton HHS’s should implement the procedure.

We assessed the procedure and work instruction against the Office to the Information Commissioner’s Guideline ‘*Administrative Release of Information*’ (OIC Guideline). West Moreton HHS includes most of the items from the OIC Guideline in its procedure. It goes some way toward addressing items not included explicitly:

- the privacy principles – the procedure mentions privacy and deals with it appropriately but does not explicitly address the privacy principles (we identified two items in the OIC Guideline about the privacy principles – general compliance with the privacy principles, and specific consideration of collection of personal information)
- information security considerations – West Moreton HHS’s procedure does not mention this
- authorisation by the Chief Executive – the Chief Finance Officer authorised the procedure. This is a senior role. However, authorisation by the Chief Executive ensures the Chief Executive is aware of the function, which supports them to provide leadership about a pro-disclosure culture.

West Moreton HHS’s administrative access procedure is comprehensive, clear and useful. It covers most of the items OIC recommends in an administrative access framework. There are opportunities for improvement – including mention of the privacy principles and information security and having the procedure authorised by the Chief Executive Officer.

Recommendation 6

The Information Commissioner recommends that West Moreton Hospital and Health Service:

within twelve months, reviews and updates its administrative access policy and procedures.

Process

We examined 19 files documenting administrative access requests for information finalised between January and June 2023. We wanted to see how well West Moreton HHS applied its policies and procedures in practice.⁹

Overall the practices were reasonable. West Moreton HHS follows its policies and procedures, and treats client service with priority.

We found that West Moreton HHS applied its procedures fully or partially on 15 files (79 percent), and did not apply it on three files (16 percent). We could not assess one file because the file record was incomplete.

The average time for resolving these administrative access files was 26 calendar days, which is reasonable. There were three exceptions relating to prisoner records:

- a file where a doctor did not respond to a request for information for seven weeks, leading to the incorrect resolution of the file and inaccurate advice being provided to the applicant
- two files where information was released to a third party where the third party's identification and authority to act were either:
 - not established in accordance with procedure, or
 - not documented on file.

Six files did not contain all the records we expected to see. This means they were difficult to review. For example, the HHS might have had phone conversations with applicants but did not make a record of these, or satisfied identification requirements but did not keep a copy of the certified identification.

We noted that the staff regularly use the database to make file notes. However, the files did not always have documentary evidence to back up these notes. A key

⁹ We selected 20 files, but discovered that one of the selected files was a shell that duplicated another selected file. This means we assessed 19 files.

record-keeping concern is that line managers would not have sufficient evidence on the files to review on-the-ground practices.

Three files were partially consistent with policy:

- the policy requires certified identification of legal representatives, although this is unlikely to continue to be a requirement when the *Information Privacy and Other Legislation Amendment Act 2023* comes into effect. One file did not include this identification. Other aspects were handled in accordance with policy.
- two files were handled reasonably well in terms of the application of policy and the outcome, but the records were incomplete and the requests could have been handled in better time.

West Moreton HHS relies on staff to seek advice or assistance as needed, and reports that this is a daily occurrence. The assessed files do not document these discussions. They do not contain tools, such as a checklist, that would assist a person to decide whether to consult IAU or escalate an issue to management.

Line management should be aware of staff supervision requirements and proactively guide and support staff. There is no evidence on the assessed files of line management reviewing the team's work. West Moreton HHS agreed and said:

As noted in the issues paper, West Moreton Health in the final stages of implementation of a Business Case for Change in the Health Information Management Services which aims to build depth to our structure through an efficient and productive operating model - improving workflows, processes and productivity of all staff, and effective layers of management.

West Moreton HHS advises that it is aware of the need to provide more guidance, mentoring and supervision. It is in the process of filling a new managerial position, which will be responsible for managerial guidance and supervision, liaison within the HHS, external liaison, monitoring administrative access arrangements and training staff.

West Moreton HHS liaises regularly with Queensland Corrective Services on a case by case basis, but not at a program level to discuss general strategies to streamline the processes. This is the sort of activity that a dedicated manager could undertake.

Recommendation 7

The Information Commissioner recommends that West Moreton Hospital and Health Service:

within twelve months, resources active leadership, management and guidance of its administrative access function, including internal and external liaison needed to streamline access to information.

Promote administrative access

For all agencies, administrative access arrangements should be part of **everyday business** operations – approved by the chief executive, understood across the agency, well-managed, monitored to maintain utility, seamlessly integrated into the suite of information management services, and promoted to the community.



Note for all agencies

Administrative access arrangements should be **part of everyday business operations**.

West Moreton HHS uses its website to promote administrative access to medical records. There are two pathways on the website. The pathway through the body of the website is clear and helpful. The second pathway through the global footer leads to generic Queensland Health information, which could cause confusion or direct readers to an application process ahead of administrative access.

Recommendation 8

The Information Commissioner recommends that West Moreton Hospital and Health Service:

within twelve months, reviews and updates its website to create one clear pathway to information to inform requesters about administrative access to medical records.

4 Appendices



4.1 Appendix 1 – Metro South HHS response and action plan

Office of the Chief Executive

Enquiries to: Ms Tracey Smith
Senior Director HIMS
Metro South Health
Email: Tracey.Smith8@health.qld.gov.au

Our Ref: K-CF24/4258
Date: 4 February 2025



**Metro South
Health**

Ms Sandra Heidrich
Director
Audit and Evaluation
PO Box 10143, Adelaide Street
Brisbane QLD 400

By email: Sandra.heidrich@oic.qld.gov.au

Dear Ms Heidrich

Audit conducted under section 131 of the *Right to Information Act 2009* (Qld) – Administrative Access to Medical Records

I write in response to the audit '*Administrative access to medical records*' prepared under section 131 of the *Right to Information Act 2009* (QLD).

As requested, please find attached the completed Metro South Health(MSH) Action Plan detailing our response regarding the recommendations and findings from the Report.

Metro South Health would also like to acknowledge the work initiated across the Information Access Units (IAUs) prior to and throughout the OIC Audit addressing the recommendations, and to date the following actions have been completed;

- Successful implementation of a new information system (CMS) into all MSH IAUs in November 2024 to standardised workflows, practices, documents, and templates;
- Standardisation of all timeframes for release mechanisms across MSH as well as request actions and reporting functions with the implementation of the new IT system;
- Implementation of a new IAU resource page, including Business Rules, Business Continuity Plan, End User Training Resources, Power User Guides and instructions;
- Implementation of multi-facility application and transferring application Quick Reference Guides;
- Introduction of a shared support page for intra-team discussions and support for business and technical support.
- Initiated a Structural Governance and Workload Review

Yours sincerely

Digitally signed by Noelle
Cridland
Date: 2025.02.04 09:18:47
+10'00'

Ms Noelle Cridland
Chief Executive
Metro South Hospital and Health Service

Better together

SENSITIVE

Action Plan – Metro South Hospital and Health Service (Metro South HHS)

Recommendation	Metro South HHS response and proposed action
The Information Commissioner recommends that Metro South HHS within 12 months:	
Recommendation 1 reviews the Princess Alexandra Hospital's practices and implements any necessary improvements to ensure: <ul style="list-style-type: none"> formal access applications are used as a last resort for people seeking access to their personal medical records the hospital's administrative response to requests for medical records is timely and efficient. 	Response: MSH will action this recommendation Proposed management action: Development of local MSH procedures for internal management of applications and workflows. Benchmarking of decision-making processes and development of supporting documentation to assist with application management. Nominated owner: Senior Director, Health Information Management Service MSH Nominated completion date: Jan 2026
Recommendation 2 settles its policy and procedure framework for administrative access to ensure it: <ul style="list-style-type: none"> is consistent with the <i>Right to Information Act 2009</i> promotes the use of administrative access ahead of formal access applications focusses on cost-effective and timely service delivery in 	Response: MSH will action this recommendation Proposed management action: Complete MSH wide Procedures and facility work instructions. Development of standardised IAU work instructions for administrative access applications including, application management, decision making processes and timeframe management across MSH Nominated owner: Senior Director, Health Information Management Service MSH

SENSITIVE

SENSITIVE

Recommendation	Metro South HHS response and proposed action
The Information Commissioner recommends that Metro South HHS within 12 months:	
response to requests for information.	Nominated completion date: Jan 2026
Recommendation 3 progresses its projects aimed at standardising practices, to create: <ul style="list-style-type: none"> • a consistent, positive experience for people applying for medical records • good documentation of the administrative access process. 	Response: MSH will action this recommendation
	Proposed management action: Complete MSH wide Procedures and facility work instructions Development of local MSH procedures for internal management of applications and workflows
	Nominated owner: Senior Director, Health Information Management Service MSH
	Nominated completion date: Jan 2026

SENSITIVE

SENSITIVE

Recommendation	Metro South HHS response and proposed action
The Information Commissioner recommends that Metro South HHS within 12 months:	
Recommendation 4 develops an approach to manage its administrative access function consistently across the hospital and health service, including monitoring progress and staff training.	Response: MSH will action this recommendation
	Proposed management action: Development of standardised IAU work instructions for administrative access applications including, application management, decision making processes and timeframe management across MSH Creation of training in regards to IAU processes and IT system and reporting tools to monitor performance and support staff
	Nominated owner: Senior Director, Health Information Management Service MSH
	Nominated completion date: Jan 2026

SENSITIVE

SENSITIVE

Recommendation	Metro South HHS response and proposed action
The Information Commissioner recommends that all agencies subject to the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> .	
<p>Recommendation 9</p> <p>ensure their administrative access arrangements:</p> <ul style="list-style-type: none"> • are well designed • are supported by an effective toolkit • provide an efficient alternative to formal access applications • are part of everyday business operations. 	<p>Response:</p> <hr/> <p>Proposed management action:</p> <p>Development of standardised IAU work instructions for administrative access applications including, application management, decision making processes and timeframe management across MSH</p> <p>Development of local MSH procedures for internal management of applications and workflows</p> <hr/> <p>Nominated owner: Senior Director, Health Information Management Service MSH</p> <hr/> <p>Nominated completion date: Jan 2026</p>

SENSITIVE



4.2 Appendix 2 – West Moreton HHS response and action plan



West Moreton Health

Enquiries to: Office of the Chief Executive
Telephone: (07) 3447 2999
Our ref: MD09243923

4 February 2025

Joanne Kummrow
Information Commissioner,
Office of the Information Commissioner
Level 11, 53 Albert Street, Brisbane QLD 4000
By email: audit@oic.qld.gov.au

Dear Joanne,

**Re: Audit Conducted Under Section 131 of the Right to Information Act 2009 (Qld) –
Administrative Access to Medical Records**

I write to acknowledge receipt of the audit report titled 'Administrative Access to Medical Records' prepared under section 131 of the Right to Information Act 2009 (Qld). We appreciate the thoroughness and diligence with which your office has conducted this audit.

We have reviewed the report and are pleased to accept the proposed report and all the recommendations outlined therein. Enclosed with this letter, please find our Audit Action Plan, which details the actions our hospital and health service will take or has already taken in response to each recommendation.

We understand the importance of maintaining the confidentiality of the proposed report until it is tabled in Parliament. We have ensured that all relevant comments and actions are documented in the attached table.

We look forward to the tabling of the final report in the Queensland Legislative Assembly. Should you require any further information, please do not hesitate to please contact Breonie Doyle on 07 3497 3434 (option 2) or Breonie.Doyle@health.qld.gov.au.

Thank you for your attention to this matter.

Yours sincerely

Hannah Bloch
Health Service Chief Executive
West Moreton Hospital and Health Service

Attached: WMH OIC Action Plan



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Level 4 Hayden Centre
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Action Plan – West Moreton Hospital and Health Service

Recommendation	West Moreton Hospital and Health Service's response and proposed action
The Information Commissioner recommends that West Moreton Hospital and Health Service, within 12 months	
<p>Recommendation 5</p> <p>identifies and implements improvements to resolve requests for prisoner medical records in a timely way.</p>	<p>Response:</p> <p>West Moreton HHS accept this recommendation and acknowledge that complications with statewide paper medical record and lack of visibility of prisoner movements can frequently impact the timeliness of response to requests for prisoner medical records.</p> <p>Proposed management action:</p> <p>Engage with Queensland Corrective Services and the Office of Prisoner Health and Wellbeing to develop workflows that navigate and facilitate communication pathways for prisoners that request their medical information.</p> <p>Implementation of the Prisoner electronic Medical Record (PeMR) will also assist with more timely access to digital records for release.</p> <p>Nominated owner:</p> <p>Director, Health Information Management Service</p> <p>Nominated completion date:</p> <p>30/11/2025</p>
<p>Recommendation 6</p> <p>reviews and updates its administrative access policy and procedures.</p>	<p>Response:</p> <p>West Moreton HHS accept this recommendation. Review of all access and disclosure procedures are due in 2025. With recent business case for change there is a need to amalgamate work instructions and process across all streams of the ROI team (Mental Health, Prisons, Ipswich, and Community)</p> <p>Proposed management action:</p> <p>Procedures to be reviewed and amended in line with the HIDAG, and the recommendations and suggestions in this report to align with best practice.</p>

Recommendation	West Moreton Hospital and Health Service's response and proposed action
The Information Commissioner recommends that West Moreton Hospital and Health Service, within 12 months	
	<p>Nominated owner:</p> <p>Deputy Director, Health Information Management</p> <p>Nominated completion date:</p> <p>30/08/2025</p>
<p>Recommendation 7</p> <p>resources active leadership, management and guidance of the administrative access function, including internal and external liaison needed to streamline access to information.</p>	<p>Response:</p> <p>West Moreton HHS accept this recommendation and note that a new line manager position was established in recent business case for change in Health Information Management Services.</p> <p>Proposed management action:</p> <p>Finalise recruitment and onboard new Manager, Release of Information. This position will provide closer management and direction to the ROI team. To lead the team through any changes to process that may be required following action item for recommendation 6.</p> <p>Nominated owner:</p> <p>Director, Health Information Management Service</p> <p>Nominated completion date:</p> <p>31/05/2025</p>

Recommendation	West Moreton Hospital and Health Service's response and proposed action
The Information Commissioner recommends that West Moreton Hospital and Health Service, within 12 months	
<p>Recommendation 8</p> <p>reviews and updates its website to create one clear pathway to information to inform requesters about administrative access to medical records.</p>	<p>Response:</p> <p>West Moreton HHS accept this recommendation noting our recently relaunched external website. Improvements were made in the navigation for patients seeking information on how to request their records. All contact points now accurately reflect WMH teams for first contact when requesting patient information.</p> <p>Proposed management action:</p> <p>This recommendation has been completed.</p> <p>Nominated owner:</p> <p>Director, Health Information Management Service</p> <p>Nominated completion date:</p> <p>Completed</p>
<p>Recommendation 9</p> <p>all agencies subject to the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> ensure their administrative access arrangements:</p> <ul style="list-style-type: none"> • are well designed • are supported by an effective toolkit • provide an efficient alternative to formal access applications • are part of everyday business operations. 	<p>Response:</p> <p>West Moreton HHS accept this recommendation noting the report outlines that West Moreton HHS has a good, clear policy framework for administrative access to medical records and a reasonable approach in practice.</p> <p>Proposed management action:</p> <p>Procedures and work instructions will be updated as per proposed management action for recommendation 6. Throughout this process we will ensure these changes adhere to these principles.</p> <p>Nominated owner:</p> <p>Director, Health Information Management Service</p> <p>Nominated completion date:</p> <p>30/08/2025</p>

