

Health Information Check-up

Know Your
Privacy Rights



Privacy Commissioner
Te Mana Matapono Matatapu

Information about your health is important

This brochure outlines your rights under the Health Information Privacy Code. The Code controls how your medical records are handled.

Doctors, nurses, specialists and other health professionals are generally very careful to make sure your personal details are kept safe.

Knowing your rights means you can do a health information check-up.

What is health information?

Just about everything your doctor, other health professional or agency (such as a hospital or ACC), holds about your health is health information.

This includes prescriptions, notes, diagnoses, test results, records of conversations and anything else that is on your file.

Does it have to be kept safe?

Yes. All health professionals and organisations are obliged to have reasonable security safeguards for your information.

This means they have to have secure computer records and backups, lockable cabinets for paper files, confidentiality agreements with administration staff and cleaners and must securely dispose of health information that is no longer needed.

Who gets to see my health information?



People directly associated with your care, such as doctors, nurses and specialists will be able to see your health information if they need to.

Sometimes people working for health agencies such as District Health Boards, ACC or the Ministry of Health may also be able to see your information if they need it to assist you.

You are entitled to know who is going to see your health information, and what will happen to it in the future. If your doctor or other health professionals don't tell you about this when you first see them, don't be afraid to ask.

You can't stop particular individuals associated with your care seeing your health information, but if you're concerned about where and who your personal information may go to, speak up. You can always object to, and sometimes prevent, the disclosure of your health information. However, in some cases the law authorises disclosure even when you disagree.

Can I see it?

Yes. You have a right to see your health information. Ask your doctor, other health professional, or the organisation concerned for access – either an opportunity to read your file or a copy you can keep.

If they don't respond, it can be helpful to remind them of your request. They have 20 working days to reply.

There has to be a very good reason for a health professional or organisation to refuse your request. If it is refused, or if you only get part of the information, you can either ask for your request to be reconsidered or make a complaint to the Privacy Commissioner.

What if my health information is wrong?

You have a right to ask for your information to be corrected. If there is a dispute about what is correct, you have the right to have your view recorded on your file.

What if I'm not happy?

You can call our freephone enquiries line: **0800 803 909**

You can look at our website: www.privacy.org.nz for more information, including a copy of the Health Information Privacy Code 1994 (click on 'Privacy Act & codes').

You could make a complaint to the Privacy Commissioner if you think your personal health information:

- has been wrongly disclosed to someone
- has been used inappropriately
- has not been safely stored, or
- you have been refused access to your information.

Before you make a complaint to the Privacy Commissioner, talk to the person or organisation concerned (ask for 'the privacy officer') to give them a chance to put things right.

The Health Information Privacy Code

The Code sets specific rules for individuals and organisations in the health sector to ensure the protection of individual privacy. The Code addresses the health information collected, used, held and disclosed by health agencies. For the health sector, the Code takes the place of the Privacy Act's information privacy principles.

Questions and Answers

Q: I'm going to live overseas. Can I get a copy of my medical records to give to my new GP?

A: Yes. Under the Health Information Privacy Code you have the right of access to your personal health information – so just ask your current GP for a copy of your records to take with you.

Q: Can I get a copy of my partner's records too?

A: No. Your right of access applies only to your personal information. Your partner will need to make his or her own request to the GP.

Q: I'm worried that the secretary at our local medical centre might see my personal file and tell mutual friends about an embarrassing health condition I've had. What should I do?

A: Explain your concerns to one of the staff (perhaps your doctor or the practice nurse), and ask them about who has access to your records and how safely they're stored. They should be able to assure you that the medical centre is following the Health Information Privacy Code and keeping your personal information private. If you're still worried, call the Office of the Privacy Commissioner's enquiry line to talk through the issues.

Q: ACC told my boss more about my health problems than I think was necessary. What can I do?

A: Talk to ACC about your concerns. If you still think it was out of line, call the Office of the Privacy Commissioner's enquiry line to talk through the issues.

Our contact details

Office of the Privacy Commissioner

PO Box 10094

Level 4, gen-i Tower

109-111 Featherston Street

Wellington

04-474 7590

Enquiries line

(09) 302 8655

or call free on

0800 803 909

*We can't give you legal advice,
but we can talk you through some
of the issues involved and what
the relevant law might be.*

Website

www.privacy.org.nz



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