



Mercy Health

Care first

## Freedom of Information and You

### What is Freedom of Information?

The *Freedom of Information Act 1982* (FOI Act) gives you the right to access your information held by Mercy Hospitals Victoria Limited (MHVL) records. MHVL includes Mercy Hospital for Women, Werribee Mercy Hospital, Mercy Mental Health Program and O'Connell Family Centre. The FOI Act also gives you the right to apply to have your personal information amended if you believe it is inaccurate, incomplete, and out of date or misleading.

### What information do we have about you?

Your medical or client record includes health information collected during attendances as an inpatient, outpatient or community visit. The information is used to assist in your ongoing care and treatment. Such information includes details of current and past illnesses or injuries, operations performed, pathology results, care plans and medications taken or prescribed.

### What types of records are kept?

Your information may be stored in many ways including paper, x-rays, computer systems, film, tapes, electrocardiographs (ECGs).

### Where is my information stored?

Recent information will be kept on site at the hospital or facility where you were treated. Information which has not been accessed for a period of time is stored securely off-site and may be retrieved when required.

### How do I view or obtain a copy of my record?

Applications must be made in writing to the Freedom of Information (FOI) Officer using either an FOI Access Request form (which is available at [www.mercy.com.au](http://www.mercy.com.au) or by contacting the FOI Officer on the details below) or by letter. Your request should clearly describe the documents you are seeking. Applications must be accompanied by a prescribed fee, as outlined below, and proof of identity (e.g. copy of your driver's licence or passport).

### How do I obtain my Adoption Records?

Access to adoption records may be obtained under the Adoption Act 1984. In Victoria, you should contact the Department of Health and Human Services. The contact details are as follows:

**Family Information Network & Discovery (FIND) - DHHS**

Level 20

570 Bourke Street

MELBOURNE VIC 3000

Telephone: (03) 8608 5700 or 1300 769 926

### Can anyone else request information about me?

Information about you will only be provided to another person if you have provided written authority for them to do so. There may be some exceptions and these are outlined below.

## Can I obtain someone else's records?

You may obtain another person's records if you have the written authority from them to do so.

Alternatively, you may be entitled to obtain another person's records if you can provide evidence that you:

- Are the authorised representative of that person; or
- Are the senior available next of kin (as per the next of kin hierarchy outlined below) in the case of a deceased person

Records may also be made available in accordance with due legal processes e.g. as evidence in a legal action before a court.

### Authorised representative

An authorised representative in relation to an individual includes a person who is a guardian of the individual, an administrator or the parent of an individual if the individual is a minor.

### Next of Kin Hierarchy

The senior next of kin in relation to a deceased person (other than a deceased child) is determined by the following hierarchy:

- if the person, immediately before death, had a spouse or domestic partner, then the spouse or domestic partner;
- if the person, immediately before death, did not have a spouse or domestic partner or if the spouse or domestic partner is not available, then a son or daughter of, or over, the age of 18 years;
- if a spouse, domestic partner, son or daughter is not available, then a parent;
- if a spouse, domestic partner, son, daughter or parent is not available, then a sibling who is of, or over, the age of 18 years.

The senior available next of kin in relation to a deceased child is determined by the following hierarchy:

- a parent of the child;
- if a parent of the child is not available, then a sibling of the child who is of, or over, the age of 18 years;
- if a parent or sibling is not available, a person who was the guardian of the child immediately before death.

### How much will it cost me to make an FOI request?

The FOI Act requires the payment of an application fee before we can process your request.

Payment should be by cheque made payable to Mercy Hospitals Victoria Limited or you may contact the FOI Officer on the details below for other payment options (if applicable). In addition to the application fee, other charges prescribed by government regulations may apply. A full list of these charges can be found in the Schedule to the Freedom of Information (Access Charges) Regulations. For your information, the standard charges are:

Application Fee	\$28.40 (2 fee units)
<b>Access charges:</b>	
Photocopying	\$0.20 cents per page
Search fees	\$21.30 (1.5 fee units) per hour or part of an hour
Note: The above fees may be waived for current health care/pension card holders.	

## How long will I have to wait?

In most cases, we will acknowledge your application in writing as soon as we receive it. We have 45 days from receipt of your application fee, or equivalent, to inform you of the outcome of your request. At this time you may also receive an invoice for any applicable photocopying charges. These charges must be paid in full before we can provide you with your information.

## Who do I apply to?

Address your application to the hospital or health service at which you were treated:

### **Mercy Hospital for Women:**

Freedom of Information Officer  
Health Information Services  
Mercy Hospital for Women  
163 Studley Road  
HEIDELBERG VIC 3084  
Ph: (03) 8458 4169  
Fax: (03) 8458 4128  
Email: [foi@mercy.com.au](mailto:foi@mercy.com.au)

### **Werribee Mercy Hospital:**

Freedom of Information Officer  
Health Information Services  
Werribee Mercy Hospital  
300 Princes Highway  
WERRIBEE VIC 3030  
Ph: (03) 8754 3623

### **Mercy Mental Health Program:**

Freedom of Information Officer  
Mercy Mental Health  
PO Box 2083  
FOOTSCRAY VIC 3011  
Ph: (03) 9928 7444

### **O'Connell Family Centre:**

Please contact the Freedom of Information Officer at:  
Mercy Hospital for Women  
163 Studley Road  
HEIDELBERG VIC 3084  
Ph: (03) 8458 4169  
Fax: (03) 8458 4128  
Email: [foi@mercy.com.au](mailto:foi@mercy.com.au)

If you have any questions regarding corporate information, please contact:

Mercy Health  
Level 2, 12 Shelley Street  
RICHMOND VIC 3121  
Ph: (03) 8416 7978  
Email: [information@mercy.com.au](mailto:information@mercy.com.au)

## What are my review rights?

If we deny you access to the documents you have requested, refuse a request to waive (or reduce) the application fee or refuse a request to amend personal records you can apply to the Freedom of Information Commissioner (FOI Commissioner) for a review of the decision (unless the decision has been made by the Chief Executive Officer of Mercy Health. Your application for review must usually be made within 28 days from the day on which you were given notice of the decision.

You may also contact the FOI Commissioner if you have a complaint about the way your FOI request has been handled.

Contact details for the FOI Commissioner are as follows:

**Freedom of Information Commissioner**  
PO Box 24274  
MELBOURNE VIC 3001  
Telephone: 1300 842 364  
Email: [enquiries@foicommissioner.vic.gov.au](mailto:enquiries@foicommissioner.vic.gov.au)

Where you have been denied access to your health information, you may alternatively apply to the Health Services Commissioner for conciliation of the decision. Your application for conciliation must usually be made within 28 days from the day on which you were given notice of the decision.

Contact details for the Health Services Commissioner are as follows:

**Health Services Commissioner**  
30th Floor  
570 Bourke Street  
MELBOURNE VIC 3000  
Telephone: (03) 8601 5200  
E-mail: [hsc@health.vic.gov.au](mailto:hsc@health.vic.gov.au)

## When am I eligible to contact the Victorian Civil and Administrative Tribunal (VCAT)?

VCAT is a tribunal established to deal with disputes about various issues and including hearing appeals against decisions made in FOI cases.

You are eligible to apply to VCAT in the following circumstances:

- Where the decision to deny access or refuse a request to amend a personal record is made by the CEO i.e. Principal Officer of Mercy Public Hospitals Inc;
- Where we have taken longer than the 45 day legislative requirement to provide you with a decision in relation to your request;
- A decision as to the amount of access charges that are required to be paid (provided that the FOI Commissioner certifies that it is of sufficient importance for VCAT to consider); or
- A decision of the FOI Commissioner to refuse to grant access to a document.

Applications to VCAT must be made within 60 days from the day on which you were given notice of the decision.

Contact details for VCAT are as follows:

**Victorian Civil and Administrative Tribunal**  
55 King Street  
MELBOURNE VIC 3000  
Telephone: (03) 9628 9755  
Email: [vcat-admin@justice.vic.gov.au](mailto:vcat-admin@justice.vic.gov.au)