



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 in Mercy Hospitals Victoria Limited records. Mercy Hospitals Victoria Limited 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gives you the right to apply to have your personal information amended if you believe it is inaccurate, incomplete, and out of date or misleading.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 or seek amendments to my record?**

Applications for access or amendment 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 or that you are seeking to amend. 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)**

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 (including deceased adults and children)

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 available 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 Ltd 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 set by government (as at 1 July 2023) are:

Application Fee	\$31.80 (2 fee units)
<b>Access charges:</b>	
Photocopying (black and white)	\$0.20 cents per page
Search fees	\$23.85 (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.	

The FOI Act provides that in some circumstances, we may require payment of a deposit before we process your request.

**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 30 days from receipt of your application fee, or equivalent, to inform you of the outcome of your request. If we are required to consult a third party about your application to access documents, we may extend the time to notify you by 15 days (for a total of 45 days). We will notify you if the time to process your request has been extended.

Under the FOI Act we can also seek your consent to extend the time in which we must process your request to access documents by 30 days. We can seek your consent for multiple extensions.

At the time we notify you of the outcome of your request, you may also receive an invoice for any applicable charges (such as photocopying or inspection charges). These charges must be paid in full before we can provide you with the requested information.

**Who do I apply to?**

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

**Mercy Hospital for Women:**

**O’Connell Family Centre:**

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  
 Fax: (03) 8754 3601  
[FOIWMH@mercy.com.au](mailto:FOIWMH@mercy.com.au)

**Mercy Mental Health Program:**

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

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

**Mercy Hospitals Victoria Limited**

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 Information Commissioner for a review of the decision. 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 Office of the Victorian Information Commissioner if you have a complaint about the way your FOI request has been handled.

Contact details for the Office of the Victorian Information Commissioner are as follows:

**Office of the Victorian 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 Complaints 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 Complaints Commissioner are as follows:

**Health Complaints Commissioner**

Level 26

570 Bourke Street

Melbourne, Victoria, 3000

Telephone: 1300 582 113

E-mail: [hcc@hcc.vic.gov.au](mailto:hcc@hcc.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. Part of its role is to hear appeals against decisions made in FOI cases.

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

- Where we have taken longer than the 30 days (plus any extensions permitted under the FOI Act) in which we are required to provide you with a decision in relation to your request;
- Where you have requested conciliation with the Health Complaints Commissioner and you are not satisfied with the outcome of the conciliation (i.e. the matter has not been conciliated);
- Where you want to dispute the amount we have charged you for access (provided that the Information Commissioner certifies your matter is of sufficient importance for VCAT to consider); or
- Where you want to challenge a decision of the Information Commissioner where the Information Commissioner has:

- refused to grant access to a document;
- deferred the provision of access to a document; or
- not accepted or has dismissed your application for a review of our decision to deny your request to amend or access 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: [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au)