

FOI Enquiries: 5320 4368

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## **What is Freedom of Information (FOI)?**

The Victorian Freedom of Information (FOI) Act 1982, gives you the right to request access to documents held by Ballarat Health Services. The Act also gives you the right to request amendment of information about you that you believe is incorrect or misleading.

## **What information is available?**

- Medical records – your own or of another person with consent
- Documents regarding the activities and services of Ballarat Health Services. The types of documents that BHS maintains includes;
  - policy, procedures and standards
  - reports
  - medical records
  - registers
  - correspondence
  - meeting records
  - financial records
  - audio visual material
  - staff records
  - archival records
  - ‘Documents’ covers multiple media including paper, PDF, photographs, films, video recording, tape recording, maps, computer reports and emails.
  - BHS moved to a Digital Medical Record in 2009/10. Copies of medical record documents prior to this time will be provided in paper format, after this time in PDF format on a CD (unless requested otherwise).

## **What information is not available?**

The Act allows for documents or parts of documents to be exempted under certain circumstances. Examples include;

- Documents containing personal information about other people
- Documents containing information given to BHS in confidence
- Internal working papers

Each FOI request will be assessed in accordance with the Act. If documents requested are exempted, you will be advised and reference to the appropriate clause of the Act provided.

## **Requests for medical information for continuing care**

The FOI Act allows for you to receive a copy of your medical record.

If you require medical information to be sent to your doctor, or other health care provider of your choice, for continuing care;

- You, or your doctor, may make this request by telephoning Health Information Services on 5320 4227. We may require your written consent.

## Making an FOI application

You may apply yourself, or authorize another person such as a solicitor, to apply on your behalf. If another person applies on your behalf, your written consent must be included.

Applications must:

- Be in writing – complete the application form or write a letter
- Clearly describe the documents you are requesting access to
- Contain enough information to accurately identify the patient (medical record requests)
- Include the application fee (see below) or sufficient evidence to support waiving of the fee such as a signed Centrelink card
- Proof of identity (photo identification with signature)
- Consent and/or proof of relationship if applying for information about a person other than yourself.

## Costs

There are two costs associated with making a request – the application fee and access charges. These fees and charges are set by government regulations under the Act.

**Application Fee:** \$30.10 (non refundable, unless the fee is waived)

### Access Charges:

Photocopying 20 cents per page (black & white, A4)

CD \$20.00

Access charges (if applicable) will be invoiced separately after your application is processed.

Payment methods:

- Cheque/Money Order: Payable to 'Ballarat Health Services'
- Credit card: In person to Cashier Desk or phone 5320 4002
- Cash: In person to Cashier Desk

## Processing the application

- Upon receipt of your application, the FOI Officer will ensure all of the information necessary for a valid application is included.
- We will send a letter to you confirming receipt of your valid application, or requesting further information.
- Under the Act, BHS has 30 days to respond upon receipt of a valid application. The Act allows for extension of this timeframe if mutually agreeable.
- The outcome of application processing may include the documents you requested in part or in full, a letter explaining the outcome and a tax invoice for access charges if applicable.

## Complaints

If you are not satisfied with the outcome of your FOI application, please contact the FOI Officer on 5320 4368 to discuss your concerns.

If, following discussion, you are still not satisfied with the outcome of your FOI application, there are several avenues of appeal you can pursue:

- You may seek a review of the decision by the Victorian Information Commissioner.
- You may seek conciliation by the Health Complaints Commissioner.
- In certain circumstances, you may request that another health service provider review the decision.
- In certain circumstances, you may seek a review of the decision by the Victorian Civil and Administrative Tribunal (VCAT).

Further information on avenues of appeal, including contact details for the relevant bodies can be accessed via the BHS FOI website: <https://www.bhs.org.au/node/49>