



# Clinic Client FOI – Requests for Records Policy

**Policy Code:** CLI-014

**Version:** 4.0

**Effective Date:** 1 June 2022

## Purpose

Endeavour College of Natural Health and its clinics must comply with the privacy principles specified in the *Privacy Act 1988*.

In accordance with relevant privacy and health records legislation of the Australian states, individuals have a right of access to health information held about them and the College must have clear policy on this issue and the processes that surround client records to protect access where necessary and enable access correctly.

**Definition of “College”** – *The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health and FIAFitration. For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective trading names / entities.*

## Scope

- All campuses
- All campus clinics
- All staff, students and clinic clients

## Policy Statement

Access to health information will normally be granted only to the individual on the file. Where due to illness or disability or any other reason an individual cannot attend in person, a statutory declaration naming the person to have access will be required.

Records must be kept for a minimum of 10 years, after which time they can be destroyed using secure methods.

Records for children (under 18 years of age) must be kept until the client reaches the age of 25 years.

Request for Health Records summary process:

- ① Client request: the client can make a written request to access their file by emailing their local clinic.
- ① Clinic Manager will respond to the request by attaching the *Clinic Release of Health Information Form* and sending by email.
- ① The Client must provide Proof of identity and the completed form in order for the request to be actioned.
- ① The request will be acknowledged in writing, and the client advised within 45 days of the acknowledgment, of the availability and location of some, or all, of the requested information. Reasonable fees for collection and delivery of available information may be charged.

The College is entitled to withhold information if it is considered that it might prejudice the physical or mental health or wellbeing of that person. Individuals can request a review of that decision through the Clinic Manager (for escalation to the Director of Clinic and Campus Operations).

Refer to the *Clinic Client FOI - Requests for Records Procedure* for further details.

Requests for access will be considered for the following:

- ⦿ **Correction of Personal Files:** If a client, or their official agent, wishes to correct or amend their personal information in Client files held by the College Clinics they should lodge a written request with the Clinic Manager.

The individual should specify which sections of the client record are incomplete, are incorrect, are out of date, or give a misleading impression.

The individual may specify the amendment which they wish made as well as provide the correct information to amend the wrong information.

Client files are NOT to be amended by clinic staff or students.

- ⦿ **Requests Made by Police:** In all cases College clinics can release confidential information if the client has given their consent in writing and understands the consequences of making that decision.

There is, however, no legal obligation to disclose information to the police unless there is a court order or this is required under statute (e.g. Road Traffic Act).

The College clinics do have an obligation under State Crime Acts however, to release confidential client records without consent of the client for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders.

The release of the information must be necessary for the administration of justice and only information which is strictly relevant to a specific police investigation should be considered for release and only then if the police investigation would be seriously prejudiced or delayed without it.

The police should be asked to provide written reasons why this information is relevant and essential for them to conclude their investigations. If this situation arises, the Director of Education must be notified immediately of the request.

- ⦿ **Court Proceedings:** The College clinics may be ordered by a court of law to disclose all or part of a client health record if it is relevant to a court case.

## Requests for Client Information or Access to Files Made by Telephone

No patient information may be disclosed to clinic clients or members of the public by telephone.

However, it is sometimes necessary to give client information to another student in another modality (for example, an acupuncture client who also has massage) over the telephone. Before doing so, the identity of the person requesting the information must be confirmed by the requestor providing three correct identifying questions. Refer to [Clinic Release of Health Information Form](#).

## Definitions

**Health Information** – For the purpose of this policy, health information means:

- a) Personal information that is information or an opinion about –
  - i) The physical or mental health or a disability (at any time) of an individual, or
  - ii) An individual's express wishes about the future provision of health services to them, or
  - iii) A health service provided, or to be provided, to an individual, or
- b) Other personal information collected to provide, or in providing, a health service, or



- c) Other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or a genetic relative of the individual, or
- d) Healthcare identifiers,

But does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of the relevant State legislation.

**Health Professionals in relation to health records** – This includes registered medical practitioners, dentists, opticians, pharmaceutical chemists, registered nurses, community psychiatric nurses, community learning disability nurses, registered podiatrists, dietitians, occupational therapists, psychologists, psychotherapists, counsellors, acupuncturists, naturopaths, homoeopaths, herbalists, all forms of massage and remedial therapists, art therapists, speech therapists, physiotherapists, aroma therapists, drama therapists, music therapists, podiatrists and osteopaths or any health care professional employed by a health service body.

**Health Records** – These are defined as records which consist of health information specific to a clinic client and which have been made by, or on behalf of, a student or clinic supervisor in clinic practicum and in connection with the care of the clinic client.

This includes health records in all areas of the College (including teaching clinics and all areas of natural medicine) and also applies to the records of employers who hold information relating to the physical or mental health of their employees.

**Health Service** – Any services offered in the clinic environment at the College.

## Related Procedures

*Clinic Client FOI - Requests for Records Procedure*



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## Further Information

### Related Policies

[\*Privacy Policy\*](#)

### Related Documents

[\*Clinic Release of Health Information Form\*](#)

[\*Clinic Handbook\*](#)

### Guidelines

Not Applicable

### Benchmarking

Not Applicable

### Supporting Research and Analysis

Not Applicable

### Related Legislation

[Privacy Act 1988](#)

[NSW – Health Records and Information Privacy Act 2002](#)

[QLD – Information Privacy Act 2009](#)

[VIC – Health Records Act 2001](#)

## Review and Approval

### Policy Author

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### Policy Owner

Director of Clinic and Campus Operations

### Contact

Director of Clinic and Campus Operations

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### Recommending Body

Academic Board

Meeting date: 25 November 2010

### Approval Body

College Council

Meeting date: 24 August 2012

### Policy Status

Revised

### Responsibilities for Implementation

- Director of Clinic and Campus Operations
- Academic Clinic Coordinators
- Clinic Managers
- Heads of Departments

### Key Stakeholders

- Director of Clinic and Campus Operations
- Heads of Departments
- Academic Clinic Coordinators
- Clinic Clients
- Clinic Managers
- Clinic Students
- Clinic Supervisors