

Your
health
information

Know Your
Privacy Rights



Privacy Commissioner
Te Mana Matapono Matatapu

How is your health information protected?

The Health Information Privacy Code controls how your medical records are handled. The Code has twelve rules governing how people in the health sector can collect, use and disclose your health information.

If you know your rights, you can help to make sure your information is safe.

What is health information and who is a health agency?

Everything your doctor or other health agency holds about your health is health information. Health agencies include hospitals, ACC and health insurers.

Health information includes prescriptions, notes, diagnoses, test results and records of conversations.

Does your information have to be kept safe?

Yes. All health agencies must have reasonable security safeguards for your information.

This includes securing computer records, having lockable cabinets for paper files, having confidentiality agreements with administration staff and cleaners, and securely disposing of information when it's no longer needed.

Who gets to see your health information?



Doctors, nurses and specialists directly associated with your care will be able to see your health information so that they can care for you appropriately and safely.

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 help you or to plan and manage services.

Some other people may be able to access your records, such as:

- if you are under 16 your parents or guardians
- if you are unconscious or otherwise unable to give consent someone who is acting for you (like a person with a power of attorney)
- your insurance company as long as you have given it permission
- a law enforcement body such as the Police.

Health agencies have to tell you who is going to see your health information and why. If you're not sure what's going to happen with your information, just ask your doctor or other health professional.

If you're concerned about where your information goes or who it goes to, you have the right to speak up. You won't always be able to prevent the disclosure of your health information.

Sometimes the law allows it to be disclosed even where you disagree. But you should at least know what's happening, and it's important for health professionals to know if you object to the disclosure.

Can you see your health information?

You have a right to see your health information. Feel free to ask your health professional to show you your file or for a copy you can keep.

If you ask to see your health information, a health agency has up to 20 working days to respond.

What if you don't get to see your health information?

If you ask to see your health information and the health agency doesn't respond within 20 working days, send them a reminder or make a complaint to the agency. If you're not satisfied with the agency's response, you can complain to the Privacy Commissioner.

A health agency has to have a very good reason to refuse your request. If it refuses your request, or only makes some of the information available, you can ask the Privacy Commissioner to review that decision.

What if your health information is wrong?

If you think your information is wrong, you have a right to ask the agency to correct it.

Often, health agencies won't delete information from files – it's important to record everything that's happened. But if you think the information on the file is wrong, you can tell them what you think the right information is. And you can ask to have that view recorded on your file, so that everyone looking at the file will see what you think and take your view into account.

What is the National Health Index number?

Your National Health Index number identifies you for health purposes. This number can only be used by people or organisations that are part of the health sector.

What if I'm not happy?

Always talk first to the agency concerned to give them a chance to put things right for you.

If you're not satisfied with the response, you can complain to the Privacy Commissioner. For instance, you can complain if:

- you have been refused access to your information or the agency has refused to correct your information
- you think the agency has wrongly disclosed your information to someone
- you think your information has been used inappropriately or without checking that it is right
- you think your information has not been safely stored.

How do I make a complaint to the Privacy Commissioner?

It's simple, and free. Just write us a letter or contact our enquiries line. If you like, you can download a complaint form from our website (www.privacy.org.nz) to help you make your complaint.

Our contact details

Office of the Privacy Commissioner

PO Box 10094

Level 4

109-111 Featherston Street

Wellington

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,
the relevant law and what
your options might be.*

Website

www.privacy.org.nz



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