



Government of **Western Australia**
North Metropolitan Health Service

OFFICIAL

NMHS Information Statement 2023



nmhs.health.wa.gov.au

One team, **many** dreams.

Care / Respect / Innovation / Teamwork / Integrity



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1. Introduction

This Information Statement (Statement) contains an overview of the business functions of North Metropolitan Health Service (NMHS), including a summary of how these functions affect members of the public and patients. It also describes the types of records NMHS holds and the methods available for the public to obtain information held by NMHS.

The Statement outlines the various methods or legal instruments that are available to patients, the public or other agencies to obtain patient, corporate or other information from NMHS.

The Statement includes information collected under the *Health Services Act 2016*, *Mental Health Act 2014*, *Private Hospital and Health Services Act 1927*, *Health (Miscellaneous Provisions) Act 1911*, *Children and Communities Services Act 2004* and *Public Health Act 2016*.

Under the *Health Services Act 2016*, the State of Western Australia is the statutory owner of all information assets within the WA Health system. The Director General of the Department of Health is granted authority to collect, use and disclose information on behalf of the State. Therefore, for the purposes of this document, the Director General is the owner of all information collected under the *Health Services Act 2016*. For other written laws, there may be another Owner, e.g. the Chief Health Officer is the delegated owner of information collected under the *Public Health Act 2016*.

The owner delegates some information management responsibilities to stewards and custodians. Stewards implement the strategic direction of information management governance, and custodians manage the day-to-day operations of information assets and requests for information. Custodians and stewards have the delegated powers as decision makers for the disclosure of information.

2. Functions

NMHS was established as a health service provider (HSP) on 1 July 2016 under section 32 of the *Health Services Act 2016* (the Act). NMHS is a board-governed health service provider under section 70 of the Act. NMHS provides a comprehensive range of adult specialist medical, surgical, mental health and obstetric services in WA, delivered across three tertiary hospitals and secondary hospitals, all fully accredited. Further information can be found in the [NMHS Annual Reports](#).

2.1. NMHS Vision, Mission and Values

Our Vision is to be a trusted partner, delivering excellent healthcare for our people and our communities. Our Mission is to promote and improve the health of our people and our communities.



Our Values are:



Care We show empathy, kindness and compassion to all.



Respect We are inclusive of others and treat everyone with courtesy and dignity.



Innovation We strive for excellence and are courageous when exploring possibilities for our future.



Teamwork We work together as one team in a spirit of trust and cooperation.



Integrity We are honest and accountable and deliver as promised.

2.2. Organisational Structure of NMHS

The organisational structure of NMHS can be viewed at [NMHS Executive Organisational Chart](#).

3. Types of records held by NMHS

3.1. Clinical

Keeping accurate health records is an important part of providing quality patient care. NMHS collects, uses and records various type of data and information about patients in both paper-based and electronic forms.

A patient’s healthcare record is a physical document that details the medical history and medical care over the course of their treatment/visit. Records are also kept in electronic systems that complement the physical healthcare record. Doctors, nurses and other health professionals make notes in the healthcare record on everything from illnesses, symptoms and the results of medical tests to the types of medication that have been prescribed to a patient.



Records contained within the healthcare record may include the following documents:

- Inpatient/outpatient notes
- Test results
- Photographs
- Radiological images
- Discharge summaries
- Medication charts
- Correspondence
- Diagnostic reports.

NMHS also holds information about patients that is not directly related to patient care, such as:

- CCTV footage
- Clinical Incident Management System (CIMS) incident report and findings
- Accounts for hospital or outpatient-related care.

Additionally, NMHS has a vast suite of applications and systems for collecting and storing patient information securely. Information in these applications is protected by security features and governed by a steward and custodian.

Freeze on destruction of child-related records

On 12 November 2012, the Prime Minister, the Hon Julia Gillard MP, announced the Australian Government's intention to establish a Royal Commission into Institutional Responses to Child Sexual Abuse in Australia (the Royal Commission). One of the key recommendations of the Royal Commission was to impose a freeze on the disposal of records relating to young people.

In line with the recommendations of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse, the State Records Office of Western Australia (SROWA) has issued a disposal freeze on records documenting, or that may be relevant to, actual or alleged incidents of child sexual abuse. The disposal freeze overrides any pre-existing disposal authorisations given within retention and disposal schedules.

Though our services are mostly tailored to adults, some child records are stored from historical services (e.g. Stubbs Terrace, Claremont and Swanbourne Mental Health facilities). As per the disposal freeze on child-related records, these records are stored securely and not destroyed.

3.2. Corporate

NMHS also holds corporate records. Under the *State Records Act 2000*, a State record is defined as any record of information (in any form) created, received or maintained by a government organisation or parliamentary department in the course of conducting its business activities. These records demonstrate NMHS is functioning in accordance with its legal responsibilities and accountabilities as a HSP. These include records that have administrative, fiscal, legal, evidential or historical value, such as:

- Occupation, health and safety reports, audits or investigation
- Financial records – including invoices and payments
- Human resources records for NMHS staff
- Procurement and contracts
- Governance committee meeting papers/minutes.



4. Privacy

The [NMHS Privacy Statement](#) describes how personal information is collected and managed. The WA Health system's policies and procedures align with the [Australian Privacy Principles](#).

5. Information disclosure

Information disclosure is the sharing of information to a person or organisation outside the WA Health system, or to a person or group that would not normally have access to that information. NMHS may provide access to information and documents where lawful by means of:

- Freedom of information (FOI)
- Request for information (ROI)
- Order to produce (OTP)
- Notice to produce (NTP)
- Subpoenas
- Research
- Data requests for business and clinical decision making.

5.1. Freedom of information (FOI)

The *Freedom of Information Act (1992)* (FOI Act) provides the public with the right of access to documents held by WA agencies, and the right to request an update or correction of personal information. Access to documents and information held by NMHS enables the public to become aware of information held about them and for the public to participate more effectively in governing the State.

NMHS retains and manages a large number of documents and while most may be accessible through FOI, others may be exempt and therefore not accessible. Personal information or third-party information generally cannot be released unless consent for the third party is obtained. Corporate information generally relates to the overall business function at a whole of organisational level. FOI applications to NMHS can include both corporate and clinical functions of NMHS.

How do I lodge an FOI application?

Detailed FOI application instructions can be found at our website: [North Metropolitan Health Service - Freedom of Information](#).

An application submitted under the FOI Act must:

- Be in writing
- Give enough information to enable the requested documents to be identified
- Give an Australian address to which notices under the FOI Act can be sent
- Be lodged to NMHS with any application fee payable under the regulations
- Be supported by proof of identification.



Applications are usually processed by the site that holds the records. Applications can be lodged to the relevant site via the following email address:

- NMHS Corporate NMHS.FOI@health.wa.gov.au
- Sir Charles Gairdner Hospital SCGH.FOI@health.wa.gov.au
- Graylands Hospital FOI.GH@health.wa.gov.au
- Osborne Park Hospital OPH.FOI@health.wa.gov.au
- King Edward Memorial Hospital FOI.KEMH@health.wa.gov.au

Or via post to:

The FOI Officer
 North Metropolitan Health Service
 2nd floor
 K Block, Hospital Avenue
 Nedlands WA 6009

Fees and charges

No fees or charges are payable for internal or external review, or for personal information or amendment of personal information about an applicant (e.g. details of employment, etc).

Applications for other documents (such as those non-personal in nature) require a \$30 application fee to be paid when the application is lodged. Additional charges for dealing with the request (e.g. photocopying costs, staff time, etc) may apply as per the FOI Act. Charges to be imposed as follows:

1. Type of fee	
Application fee (for applications for non-personal information).	\$30
2. Type of charge	
Staff time dealing with the application, supervised access, photocopying, transcribing information from tape etc (per hour, or <i>pro rata</i> for a part of an hour).....	\$30
Photocopies (<i>per copy</i>).....	20 cents
Duplicating a tape, film or computer information.....	Actual Cost
Delivery, packaging and postage.....	Actual Cost
3. Advance Deposits	
Percentage of estimated charges payable.....	25%
Further percentage of estimated charge may be required.....	75%

In certain cases, applicants may be eligible for a reduction in fees and charges. Contact NMHS.FOI@health.wa.gov.au for details.



Who can apply?

Applications for personal information can only be accepted from the individual or their authorised representative (lawyer, guardian, carer, investigator, etc), with proof of identification provided. A request from an authorised representative or third party must include a signed consent or authority from the applicant on the representative's letterhead or by providing identification.

If applying for information about someone who has died, the applicant must provide proof of identity, and supporting documentation that clearly shows they are the closest relative to that person (e.g. birth certificate, marriage certificate or death certificate).

If not the closest relative, the applicant must provide written authorisation from the closest relative permitting access to the information.

Members of the public can also submit a formal FOI application for documents held by NMHS that are non-personal and are not publicly available.

Nature of request and timeline

Upon receipt of a valid application, NMHS has a maximum of 45 calendar days to issue a Notice of Decision for a request. If the application is extensive or complex this timeframe may be extended by agreement between NMHS and the applicant. The scope of the application may also be negotiated with the applicant to enable a manageable request that fits the applicant's needs.

Notice of Decision

Once an application and documents have been processed, a Notice of Decision is provided. The Notice of Decision contains the decision regarding whether access to documents has been provided. Decisions may consist of the following:

- Full access to all or some documents
- Edited access to all or some documents
- Refused access to all or some documents

Where access to material is refused, justification will be provided in line with the *Freedom of Information Act 1992*.

Appealing FOI decisions

Applicants not satisfied with a decision under the FOI Act can appeal against the decision regarding access to documents or the amendment of records by submitting a request for internal review.

Internal review

An application for internal review may be lodged with this agency within 30 days after being given a written notice of decision, and must:

- Be in writing
- Provide particulars of the decision to be reviewed
- Give an address in Australia.

There is no lodgement fee for an application for internal review and there are no charges for dealing with an internal review request.



If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome of an application for internal review will result in the initial decision under review being either confirmed, varied or reversed. The applicant will be advised of the outcome within 15 days of receipt of the application for internal review.

Applications for internal review should be lodged with the relevant site that processed the original FOI request:

- NMHS Corporate NMHS.FOI@health.wa.gov.au
- Sir Charles Gairdner Hospital SCGH.FOI@health.wa.gov.au
- Graylands Hospital FOI.GH@health.wa.gov.au
- Osborne Park Hospital OPH.FOI@health.wa.gov.au
- King Edward Memorial Hospital FOI.KEMH@health.wa.gov.au

Or via post to:

The FOI Officer
North Metropolitan Health Service
2nd floor
K Block, Hospital Avenue
Nedlands WA 6009

External review

If an applicant is not satisfied with an internal review, they have a right to apply for an external review with the Office of the Information Commissioner. Any review request needs to be lodged within 60 days following receipt of the Notice of Decision and must:

- Be in writing
- Provide particulars of the matter disputed, together with a copy of the decision to be reviewed
- Give an address in Australia
- Be lodged at the Office of the Information Commissioner.

There is no lodgement fee for an external review and there are no further charges. Requests for external review can be sent to:

The Information Commissioner
469 Wellington Street
Perth WA 6000
Email info@foi.wa.gov.au

Amendment of personal information

If an applicant believes personal information held about them is inaccurate, misleading, incorrect or out of date, they have the right to request an amendment be made. The application must be in writing, including proof of identification and supporting evidence for the requested amendment, and the type of amendment wanted. This could include altering or striking out information; inserting new information; or adding a note in relation to the information.

If an agency decides not to amend the information, the applicant has the right to request (in writing) to have a notation attached to the record.



5.2. Request for information (ROI)

This type of access release relates to the disclosure of information in accordance with legislation that permits or requires NMHS to exchange information or produce documents without the consent of the person to whom the information relates. Examples of such legislation are:

- *Health Services Act 2016*
- *Public Health Act 2016*
- *Mental Health Act 2014*
- *Children and Community Services Act 2004*
- *Criminal Investigation Act 2006*
- *District Court Rules 2005*
- *Family Court Act 1997*
- *Guardianship and Administration Act 1990*
- *Mental Health Act 2014*
- *Parliamentary Commissioner Act 1971*
- *Rules of the Supreme Court 1971*
- *Workers Compensation and Injury Management Act 1981*

The provision of patient consent is dependent on the type of request received. Common requests received include:

- Police, courts and tribunal requests - Orders and notices to produce, subpoenas and summons
- Department of Communities – child protection and family support
- Australian Health Practitioner Regulation Agency (AHPRA)
- Requests from other treating clinicians
- Coronial investigations.

5.2.1. Lawful release

NMHS is able to access, use and disclose information collected under the *Health Services Act 2016* for the purposes listed in the Act. NMHS patients are able to request access to their medical records without charge under the *Health Services Act 2016* in a similar way to the FOI process described in section 5.1 above. NMHS patients can also request access to their mental health records under the *Mental Health Act 2014*. An application must:

- Be in writing
- Give enough information to enable the requested documents to be identified
- Give an Australian address to which communications can be sent
- Be supported by proof of identification.

Applications are usually processed by the site that holds the records within 21 days. Applications can be lodged to the relevant site via the contacts outlined at [North Metropolitan Health Service - Freedom of Information](#) or by email to:

- NMHS Corporate NMHS.FOI@health.wa.gov.au
- Sir Charles Gairdner Hospital SCGH.FOI@health.wa.gov.au
- Graylands Hospital FOI.GH@health.wa.gov.au
- Osborne Park Hospital OPH.FOI@health.wa.gov.au
- King Edward Memorial Hospital FOI.KEMH@health.wa.gov.au



5.2.2. Orders, notices to produce and warrants

An order to produce (OTP) or notice to produce (NTP) is an order issued by the courts to direct an individual or organisation to produce documents that are in their possession or control. The Western Australian Police Force (WAPOL) may occasionally request copies of patient records but must have the written consent from the patient before any documents can be released. In the absence of patient consent, WAPOL must provide an OTP, NTP or search warrant. These documents state the scope and timeframe of the documents required. NMHS must produce the documents within the timeframe stated in the OTP/NTP/warrant.

5.2.3. Subpoena

A subpoena is a legal document issued by a court or tribunal at the request of a party to legal proceedings. A subpoena compels a person to produce documents or give evidence at a hearing or trial.

Subpoenas can be issued to NMHS via email, mail or personal delivery. They should be emailed to the relevant section of NMHS as below. However, if unsure send to NMHS in the first instance.

- NMHS - NMHS.FOI@health.wa.gov.au
- Sir Charles Gairdner Hospital - SCGH.FOI@health.wa.gov.au
- Graylands Hospital - FOI.GH@health.wa.gov.au
- Osborne Park Hospital - OPH.FOI@health.wa.gov.au
- King Edward Memorial Hospital - FOI.KEMH@health.wa.gov.au

Conduct money

NMHS will request conduct money at the time of service of a subpoena. This is an amount, usually between \$25 and \$80, that contributes to the costs incurred by NMHS for accessing, collating and producing the requested documents to the appropriate court or tribunal. NMHS reserves the right to apply to the court or tribunal for the subpoena applicant to pay for any reasonable additional costs incurred in complying with the subpoena.

The cheque must be made payable to the “North Metropolitan Health Service”. The cheque must also have the details of the subpoena printed on the back of the cheque in case the documents become separated.

If the subpoena is served by email, NMHS will accept an undertaking from a solicitor to pay the requested costs. A copy of the subpoena with a cheque stapled to the subpoena must be posted to:

The FOI Officer
North Metropolitan Health Service
2nd floor
K Block, Hospital Avenue
Nedlands WA 6009

5.2.4. Department of Communities

The *Children and Communities Services Act 2004* (CCSA Act) is the legislative basis for child protection response in WA. It enables information sharing between agencies to protect the wellbeing of children.



The Department of Communities: Child Protection and Family Support (DCPFS) may request health information without the consent of a patient or their parent/guardian under section 23 (3) of the CCSA Act if it is relevant to the wellbeing of a child or family.

If it is determined that the information requested by DCPFS is not relevant to the wellbeing of the child, they will require the consent of the patient or their parent/guardian prior to any information being released.

DCPFS officers must produce an identity card for sighting and checking by NMHS staff before information will be released.

Requests can be sent to the relevant site:

- Sir Charles Gairdner Hospital SCGH.FOI@health.wa.gov.au
- Graylands Hospital FOI.GH@health.wa.gov.au
- Osborne Park Hospital OPH.FOI@health.wa.gov.au
- King Edward Memorial Hospital FOI.KEMH@health.wa.gov.au

5.2.5. Australian Health Practitioner Regulation Agency (AHPRA)

AHPRA is responsible for investigating complaints and concern raised about the performance and conduct of individual health practitioners on behalf of the relevant national board.

In accordance with schedule 5 of the *Health Practitioner Regulation National Law (WA) Act 2010*, AHPRA can obtain information from NMHS they deem necessary to assist their investigation, including patient records, clinical incident investigation records and/or human resources records.

5.2.6. Request from other treating clinicians

Access to health records is available to all NMHS health professionals involved in the direct care of a patient. When the patient seeks medical attention from another health agency or external provider such as their general practitioner (GP), the agency or GP may request a copy of healthcare records for that patient. Patient consent is required for these requests unless:

- Continuum of care is present – for example, another facility requires patient's records from an NMHS service to ensure follow-on care; or the patient has presented to their GP after an admission to hospital.
- Inter-hospital transfers – a copy of the medical records relevant to the ongoing care of the patient is sent to the receiving hospital with the hospital transport service.

GPs requesting information should do so in writing with evidence of patient consent and enough detail to identify the relevant documents to be provided. If they are unable to obtain written patient consent, then they should state in their request that the information is required for the continuing care of the patient and a request should be sent on their practice letterhead clearly identifying the means in which the information should be provided (e.g. registered post, secure file transfer, facsimile).



5.2.7. Research

Under the *Health Services Act 2016*, NMHS information can be requested for research purposes. Requests for access to patient information should be directed to the Research Governance Office at the relevant site and information custodian approval sought. Evidence of approval by a Human Research Ethics Committee (HREC) registered with the National Health and Medical Research Council must be supplied, and approval must also be sought from the relevant NMHS site research governance office(s). Further information on research ethics and governance can be found at: [North Metropolitan Health Service - Research ethics and governance at NMHS](#).

For assistance with applying for information for research requests, please contact:

- Sir Charles Gairdner & Osborne Park Hospital – scgh.research@health.wa.gov.au
- King Edward Memorial Hospital – ResearchGovernanceOffice.KEMH@health.wa.gov.au
- Mental Health, Public Health & Dental Services - NMAHSMHREGO@health.wa.gov.au

5.2.8. Business-related requests

NMHS data and information can be requested by other WA Health organisations and staff for WA Health business-related purposes, such as clinical planning projects. Requests for information should be directed to the information custodian of the relevant collection. For assistance, please contact NMHS.IMT@health.wa.gov.au.

5.3. Mental Health Act

The *Mental Health Act 2014* (MH Act) is intended to address the treatment, care, support and protection of people who have a mental illness, including the protection of their rights. Among other things, the MH Act contains statutory obligation of confidence in respect of information obtained under that Act, which includes patient information, and sets out the ways in which information may be disclosed without breaching that obligation.

The MH Act enables health information to be disclosed in specified circumstances, to ensure that people with mental illness receive effective treatment and care. This information may be disclosed if the person to whom the information relates consents to its disclosure.

Where a person is unable to consent or refuses consent to disclose health information, the MH Act permits information to be disclosed in specified circumstances.

Applications for information under the MH Act can be made by individuals who have received contact with the mental health service, a clinician or another person on their behalf as long as the personal information is about an individual who consents to the disclosure of the information. Applications can be made using the form and contact addresses at [North Metropolitan Health Service - Freedom of Information](#). Please contact SCGH.FOI@health.wa.gov.au and/or FOI.GH@health.wa.gov.au for assistance.



5.4. Personnel records

The NMHS People and Culture team is the custodian of NMHS employee (personnel) records. Documents in these files include details of leave and salary increments, transfer advice, employment contracts and general correspondence with the employee.

Confidential information is also held separately related to:

- Integrity and ethics investigations
- Complaints and grievances
- Medical information and rehabilitation
- Performance management
- Redeployment
- Workers' compensation

Staff have a right to access their personnel file and do not need to make an application under FOI to inspect these records. A request for access can be made to the People and Culture team via email at OfficeoftheEDPC@health.wa.gov.au. An FOI application may be required to access the separate confidential information listed above. Initial contact should be made with the People and Culture team to determine if this information can be provided outside of FOI.

This document can be made available in alternative formats on request for a person with a disability.

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