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| My Health Record and children in care |
| Information for carers |

# Background

My Health Record (MHR) is a personally controlled secure online summary of a person’s health information. It is a Commonwealth program and has been in existence since 2012.

The system moved from an opt-in to an opt-out model in February 2019

A MHR may contain information such as MBS, PBS and immunisation information, if the individual record holder or their authorised representative agreed for this to be included. However, over time, information on the record will increase and will contain information uploaded by health professionals when they have been accessed. This will include health summaries from a GP visit, hospital admission and pathology results.

An authorised representative or nominated representative can add non-clinical information such as personal health notes, advance care plans and allergies. Registered healthcare providers can have access to upload information to a MHR.

A MHR is not a comprehensive health record for an individual. For children known to child protection, contact will continue to be made direct with health professionals for information.

## Children in care

The Secretary of the Department of Health and Human Services (DHHS) has confirmed all children she has legal responsibility and authority for will have a MHR. Therefore, all children in care, where the Secretary has parental responsibility will have a MHR. All other children in care will have a MHR unless their parent decided to opt-them out.

For children under the age of 14 years, depending on the order they are subject to, child protection may be an authorised representative on their record. This status allows child protection full access to the record.

When a child is in care and subject to any interim accommodation order (IAO) placing them in care(excluding an IAO to suitable person), family reunification order, care by Secretary order, long-term care order and therapeutic treatment (placement) order, the child protection worker will be an authorised representative on the MHR, as the Secretary’s delegate, either solely or alongside the parent.

When a child is age 14 years and older, they will automatically become the authorised representative of their MHR and all other authorised representatives will be removed from the record. Where child protection workers practitioners have a concern about this, they will contact the Commonwealth to discuss.

When a child lives at home, whether or not they are subject to a Children’s Court order, a parent will be responsible for their record and the authorised representative on the MHR. Child Protection has no legal authority to access the record. Only the parent will have access.

## Children in Care Portal

The Commonwealth has developed an IT system called the Children in Care Portal (the Portal) for child protection authorities across Australia. This Portal will enable child protection workers to access the MHR for children (subject to conditions) when they are in care.

This Portal will not be available to carers, community service organisations or Aboriginal Community Controlled Organisations.

## Carers access to a child’s MHR

When a child is in care subject to a care by Secretary order (in some circumstances) and a long-term care order, it is proposed carers may have access to the MHR through their personal MyGov account. This process involves the child protection worker inviting the carer to apply. An invite will be sent electronically to the carer for them to link themselves to the child’s MHR as a ‘nominated representative’.

There are three access levels a nominated representative can have. These are:

* **General access** – They can view all documents, except those you have marked as restricted.
* **Restricted access** – They can view all documents, including those you have marked as ‘restricted’.
* **Full access**– They can view all documents and add information to your My Health Record.

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If a carer is invited by Child Protection to become a nominated representative this be at the general access level, Carers, like child protection practitioners, are not authorised to add or delete information from a child’s record.

Where carers do not have access to the MHR, child protection or Community Service Organisation (CSO) or Aboriginal Community Controlled Organisation (ACCO) case managers are responsible for providing the carers with the child’s health information.

### Privacy

If there is a concern about a parent accessing the MHR of their child, for example, the address the child is living is undisclosed, child protection will apply to the Commonwealth to restrict the child's record from the parent. Where a parent is already an authorised representative on the MHR, child protection workers will apply to the Commonwealth for the parent to be removed as an authorised representative.

If there are no privacy concerns, a parent will have access to their child’s MHR, which may include carer address details. In most documents, but not all, addresses will be masked.

The Children Youth and Families Act (2005) states that parents have the right to know where their child is living.

#### Further information

For further information about My Health Record, please visit the Commonwealth website – <https://www.myhealthrecord.gov.au/>

Child protection workers, CSO or ACCO case manager and your agency can provide further information also.

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