Title: Managing access to My Health Records using the Children in Care portal
Policy No: 642-1

Policy Statement:

Continuity of health care is a key issue for children in care, particularly when changes to their care arrangement may lead to changes in their health care provider.

The My Health Record system is an Australian government initiative, providing an online summary of an individual's key health information such as their allergies, medical conditions, medication details and pathology test results. It is a cumulative record of a person's health and pharmaceutical history that can be viewed and added to by health care providers, from anywhere in Australia at any time, enabling continuity of health care and improved information sharing between health care providers.

The Australian Digital Health Agency, as the System Operator for the Australian My Health Record System, has provided Queensland’s Child Safety staff with access to the My Health Record of children under 14 years of age where the Chief Executive is their legal guardian, and in some circumstances, for children under 14 years in the Chief Executive’s custody. Access to the My Health Record system is as professional representatives, through a secure Children in Care portal.

The My Health Record system is governed by strict legislation, including privacy and security protections. This policy outlines Child Safety staff’s roles, responsibilities and obligations when accessing the Children in Care portal.

Child Safety staff will not rely on the information recorded in the child’s My Health Record to provide the only source of information about a child’s health history and health needs, particularly as not all health providers use the My Health Record system. Child Safety staff will continue to seek health information from the child, their parents, carers and health care providers.

Having access to a child’s My Health Record will not change the way that information is currently exchanged about a child’s health needs. Child Safety will continue to inform a child’s carers of the child’s health needs through existing processes, such as the Child Information Form, Placement Agreements as well as the Child Health Passport process.

Principles:

• The safety, wellbeing and best interests of a child, both through childhood and for the rest of the child’s life, are paramount.

• Children in care will have their physical, developmental, dental, psychosocial and mental health needs assessed and attended to in a timely way.

• Aboriginal and Torres Strait Islander people have the right to self-determination.
- Children in care will be supported to be active participants in their health care. Engagement of children in the assessment process and wherever possible, their view of their own health and wellbeing is invited and taken into account.
- Children and young people in care will be given the opportunity to participate in decision-making processes about their My Health Record, and have their views considered.

**Objectives:**
The Department of Child Safety, Youth and Women is committed to children in care having a My Health Record. This policy aims to ensure children in the custody or guardianship of the Chief Executive are afforded the benefits of having a My Health Record, while also providing for their safety and the safety of other people.

A My Health Record will increase health care providers’ access to a child’s health history and health information so they are better positioned to provide a holistic response to a child’s health care. It will also allow the Child Safety Officer to access information about the health care a child in care has received and use this information to better respond to their needs.

Over time, as new information is uploaded into a child’s My Health Record, young people over 14 will have opportunity to read their health history, manage their own My Health Record, and be well positioned to self-manage their health care as they transition to adulthood.

**Scope:**
Child Safety staff can use the Children in Care portal to access and manage the My Health Record of children who are under 14 years and subject to a child protection order granting:
- **guardianship** to the Chief Executive or
- **custody** to the Chief Executive, including temporary custody orders, transition orders, interim or procedural orders AND
  - whose parent or parents pose a significant risk to their safety or the safety of the carer or the other parent, should they be able to access the child’s My Health Record, or
  - the child has complex health needs, and access to their health information will assist Child Safety staff in managing and responding to their health needs.

Child Safety staff do **not** have the authority to access the Children in Care portal of children subject to other intervention by Child Safety such as:
- an investigation and assessment
- care agreement
- an assessment order
- intervention with parental agreement
- a support service case or
- a non-custodial child protection order.

Child Safety staff do not have authority to access the My Health Record of children subject to a permanent care order or an order granting long-term guardianship to a family member or other
suitable person. The child’s legal guardian will be the child’s My Health Record Authorised Representative.

When a child reaches the age of 14, regardless of whether they are subject to a child protection order, they become responsible for managing their own My Health Record in accordance with the My Health Records Amendment (Strengthening Privacy) Act 2018.

Roles and Responsibilities:
The agreement with the My Health Record System Operator requires Child Safety staff to understand the conditions of use and their obligations when interacting with the My Health Record system. In accordance with the agreement, Child Safety staff must:

- have completed training, available through iLearn, prior to accessing the Children in Care portal
- access the Children in Care portal only for the purpose of managing a child’s My Health Record, using the legal authority of a child protection order to do so, and as specified in this policy
- maintain the security of their access passphrase, as this is used to verify the Child Safety staff member’s identity
- remove themselves as a child’s My Health Record Authorised Representative when they no longer have case management responsibilities for the child. This action can be undertaken by themselves, or on their behalf by the Senior Team Leader, Senior Practitioner, Child Safety Service Centre Manager, or by the Child Safety Officer who is subsequently allocated case responsibility for the child
- notify the My Health Record System Operator as soon as possible to request corrective action when there are concerns about the content of a child’s record, such as the inclusion of a document in someone else’s name; incorrect content for the child; content is missing that is expected to be in the record; there are concerns in relation to who has been accessing a record, or concerns about unauthorised access to the My Health Record system
- cease using the Children in Care portal when no longer working in a service delivery role in the Child Safety Service Centre.

Child subject to a child protection order granting guardianship to the Chief Executive:
The Child Safety Officer or Adoptions Officer with case responsibility for the child under 14 years will access the Children in Care portal to perform the following functions:

- create a My Health Record for the child if one does not already exist; select the option to include the child’s Medicare information; and register as the child’s Authorised Representative
- register as the child’s Authorised Representative where there is an existing My Health Record for the child, and remove the child’s parents as the child’s Authorised Representative
- invite or remove, as required, Nominated Representatives to assist in managing the child’s My Health Record.

Child subject to a child protection order granting custody to the Chief Executive:
The Child Safety Officer with case responsibility for the child under 14 years may access the Children in Care portal to perform the following functions:
• restrict and remove a child’s parent/s access to their child’s My Health Record **only** where they pose a significant risk of harm to the child, carer or another person, should they access the record and potentially determine the child’s whereabouts; and register as the child’s Authorised Representative

• review and remove a restriction to the child’s My Health Record, where the parent/s is no longer a risk to the child or others should their access to their child’s My Health Record be restored

• register as the child’s Authorised Representative, together with the child’s parent/s, where this access will assist Child Safety staff to meet the child’s complex health needs

• invite or remove, as required, Nominated Representatives to assist in managing the child’s My Health Record.

As an Authorised Representative for a child subject to a child protection order granting either custody or guardianship to the Chief Executive, the Child Safety Officer can undertake a range of additional functions. These may include adding personal details and health notes about the child, restricting access to particular health documents, and regularly monitoring the access history of the child’s My Health Record to ensure there hasn’t been any unauthorised access.

Child Safety staff will not cancel a child’s My Health Record or remove clinical documents.

**Circumstances where an approved carer may be invited to be a Nominated Representative**

Consideration may be given to providing approved carers with access to a child’s My Health Record as a Nominated Representative for a child in their care. This action may be considered for a child in a long-term care arrangement, where the carer is active in co-ordinating health appointments, particularly for children with complex health needs. The carer will need to act in accordance with the views and best interests of the child.

The Child Safety Officer must remove the carer as a Nominated Representative if and when the child leaves the care arrangement. Access is automatically removed when a child turns 14 or when the Child Safety Officer who invited them to be a Nominated Representative, is removed as the child’s Authorised Representative.

**Children subject to other Child Safety intervention**

Child Safety staff will work with parents, health professionals and carers, where relevant, to ensure the safety of children subject to other intervention by the department. This may require:

• making a request to medical professionals not to upload a health assessment to the child’s My Health Record that could jeopardise the safety of the child, another parent or carer, or effect the integrity of the investigation and assessment or criminal investigation that is or may be occurring and/or

• working with the child’s parent to take appropriate action to restrict access to the child’s records.

**Children over 14 years of age**

From 14 years of age young people automatically assume control of their My Health Record and all existing Authorised Representatives and Nominated Representatives access ceases.

The Child Safety Officer will ensure the young person has a myGov account and is aware of the actions they can take to manage their own My Health Record, and minimise any safety risks that are identified. This is to occur through ongoing casework and case planning, and is to be
incorporated into transition planning, to support the young person effectively transition from care into adulthood.

A Child Safety Officer will not be a Nominated Representative for a young person in care.

**Authority:**

*Child Protection Act 1999*

*Child Protection Regulation 2000*

*My Health Records Act 2012*

*My Health Records Regulation 2012*

*My Health Records Amendment (Strengthening Privacy) Act 2018.*

Deed of Agreement to facilitate access to the My Health Record System for Professional Representatives of a Care Agency

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**Office:** Operational Support

**Help Contact:** Manager, Children in Care, Operational Support

**Links:**


**Related Policies:**

Participation by children and young people in decision-making (369)

Case planning (263)

Information exchange and service delivery co-ordination (403)

Working with Aboriginal and Torres Strait Islander families and communities (610)

Michael Hogan

Director-General