Australian Government
Office of the Australian Information Commissioner

Emergency access in the My Health Record system

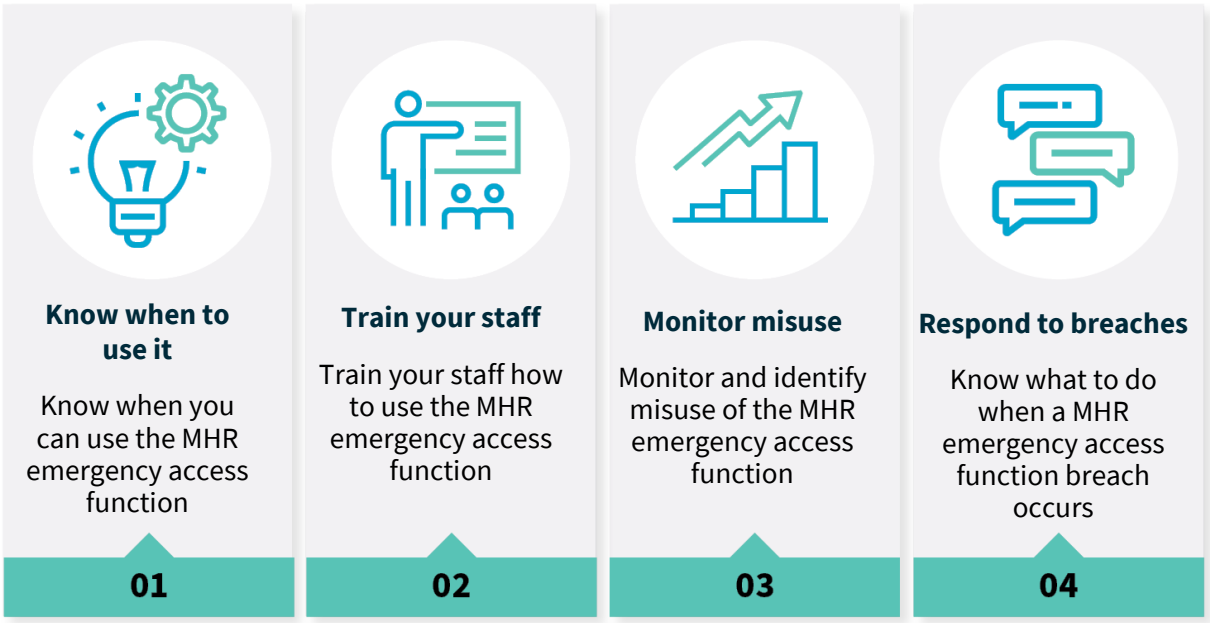
Top privacy tips for healthcare providers

The emergency access function of the My Health Record (MHR) system allows health care providers to override access controls in emergency situations to view patient health care information.

Our privacy assessment of this function, The Handling of personal information: emergency access in the My Health Record system (add publish date here), drew attention to the gaps in healthcare providers' knowledge about:

- when the MHR emergency access function can be used
- what governance measures are required to comply with MHR legislation and the Privacy Act, and to adopt a best privacy practice approach.

Based on our assessment findings, the OAIC's top tips for health care providers using the MHR emergency access function are:



1) **Know when you can use the emergency access function to access the MHR.**

   You can only override a patient's access controls to handle health information contained in a patient's My Health Record in limited circumstances:

   - if it is necessary to lessen or prevent a serious threat to the patient, and you are unable to obtain their consent, or
   - if it is necessary to lessen or prevent a serious threat to public health or safety.

   The emergency access function is not intended to be used in other circumstances, for example, when an individual has forgotten the record access code they have set on their My Health Record.

2) **The best way to ensure that your staff use the emergency access function properly is to train them in how to use the function.**
All staff must be trained before they use the MHR system. Only staff who require access to perform their duties should access the MHR system.

   Trained staff are less likely to unintentionally breach their obligations.

3) **Know what misuse is, know how to identify it, and proactively monitor system usage.**
Oversight of emergency access function usage at your practice is an important part of meeting your obligations.

   Proactively look for inappropriate use – this will complement preventative measures like training and policy documentation to ensure your staff appropriately use the MHR system.

   Regularly check system access logs or any record used to document your practice's instances of MHR use. Access logs should capture each use of the MHR system and any use of the emergency access function. Check who used the emergency access function, confirm with them why they used it and whether it was for an authorised reason.

4) **If a breach of the My Health Record system occurs, notify the OAIC and ADHA**.
Only the ADHA is responsible for notifying the healthcare recipients of a breach.

For more information see:

- The OAIC My Health Record emergency access function guidance
- The OAIC My Health Record emergency access function flowchart
- The OAIC Report a My Health Record Data breach | OAIC
- The ADHA Emergency access information for healthcare providers
- The ADHA My Health Record Podcast: Emergency access
- The ADHA eLearning Module My Health Record Security, Privacy and Access