



HEALTH CONSUMERS'
COUNCIL

Your medical records and your health rights

The ***Australian Charter of Healthcare Rights*** says you have the right to:

- **Access:** see your health information and record.
- **Be informed:** know what care you're getting and what's in your medical file.
- **Comment:** ask questions or speak up if something doesn't feel right.

There are different rules depending on who holds your records:

Private Health Services

These follow the Privacy Act 1988:

- Your GP (family doctor)
- Private dentist, physiotherapist, or specialist
- Private hospital

Public Health Services

These follow the Freedom of Information Act 1982:

- Public hospitals
- Community mental health services
- Child development and adolescent health services

Health Consumers' Council WA

We want everyone in WA to get fair and equitable healthcare. If you need more help, we're here for you.

On our website, you can find information and fact sheets to help you understand your health rights and speak up for yourself.

help@hconc.org.au
(08) 9221 3422
hccwa.org.au



How to get a copy of your medical records

In Australia, you have the right to access your own medical records. These are the notes your doctor, hospital, or clinic has written about your care.

Who owns my records?

The doctor, specialist or health service who provided your care, own your medical records. You can request to view them or to have copies.

How do I ask for my records?

- **Contact the hospital or clinic:**
Ask for the Privacy Officer (private system); or the FOI Officer (public system).
- **Tell them what you need:**
Give them the dates you were there, and the type of records (e.g. test results, notes).
- **Show ID:**
You might need to show your driver's license, passport, or Medicare card.
- **Use a letter or form:**
We have a template letter to help you write a letter. You'll find it on our website.

Mental Health Records

If you have had mental health treatment (voluntary or involuntary), you can ask to see your mental health file. However, you cannot see the records if a psychiatrist believes:

- It could cause harm to you or someone else
- It includes someone else's private information

To ask for your mental health records

- Tell your psychiatrist or fill in a special request form
- Bring ID (like a passport or license)

Will It Cost Money?

Private clinics may charge a small fee, but it must be fair. You can ask to get your records by email instead of paper to make it cheaper. Public hospitals usually give your information for free.

Mental health services also give access for free under the Mental Health Act 2014.

What If They Say No?

Health services must explain in writing why they said no. You can talk to the health service manager about their reasons if you don't feel they are reasonable.

If the health service refuses to let you see your records, you can make a complaint to the Office of the Australian Information Commissioner (OAIC).

[Make a privacy complaint](#)

[Make an FOI complaint.](#)

Other services who may be able to help

[CoMHWA \(for voluntary mental health support\)](#)

[Mental Health Advocacy Service \(for involuntary care\)](#)