

Question on Notice
No. 1092
Asked on 9 June 2006

MR FOLEY asked the Minister for Health (MR ROBERTSON)-

QUESTION:

With reference to an answer to a previous question on notice in which he outlined the circumstances in which a patient's medical records may be accessed and as I have a constituent (whose details I have provided to him separately), who believes his records were accessed without his authority in an attempt to prove co-dependence with another patient—

Why were his files accessed without his consent?

ANSWER:

At the time the files were released the patient's wife was engaged in litigation with Queensland Health and lawyers were representing Queensland Health. Lawyers, in their capacity as legal representatives for Queensland Health, requested the patient's records.

Section 62B of the *Health Services Act 1991* allows confidential information including patient information to be disclosed where the disclosure is required or permitted by an Act or another law.

The District had a legal obligation to disclose his records as they were directly relevant to the personal injury proceedings initiated by his wife against the State of Queensland.

Further legal advice confirmed that the actions of the District as a whole in releasing the patient's medical records to the lawyers were in accordance with Queensland Health's legal obligations.