



**The Hon. Greg Hunt MP**  
Minister for Health

**MEDIA RELEASE**

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**A Stronger My Health Record**

The Morrison Government will introduce further legislative amendments to ensure the safety and privacy of health information in the My Health Record system including provisions to protect people against domestic violence and tougher penalties for those that misuse the system.

We have examined the recommendations from the Senate Inquiry, we have listened to concerns raised by a range of groups and My Health Record users and will move the following amendments to Labor's original legislation to further strengthen the My Health Record Act:

- Increase penalties for improper use of a My Health Record:
  - Maximum criminal penalty increasing from 2 years to 5 years jail
  - Increase of maximum fines for individuals from \$126,000 to \$315,000
- Strengthening provisions to safeguard against domestic violence. The proposed provisions will ensure that a person cannot be the authorised representative of a minor if they have restricted access to the child, or may pose a risk to the child, or a person associated with the child. In cases where there may be a risk to a person's life, health or safety then the amendments will remove the requirement for the Australian Digital Health Agency to notify individuals about certain decisions.
- Prohibiting an employer from requesting and using health information in an individual's My Health Record and protecting employees and potential employees from discriminatory use of their My Health Record. Importantly, employers or insurers cannot simply avoid the prohibition by asking the individuals to share their My Health Record information with them.
- No health information or de-identified data to be released to private health insurers, and other types of insurers for research or public health purposes.
- The proposed amendments also reinforce that the My Health Record system is a critical piece of national health infrastructure operating for the benefit of all Australians, by removing the ability of the System Operator to delegate functions to organisations other than the Department of Health and the Chief Executive of Medicare.

Furthermore, the Government will conduct a review looking into whether it is appropriate that parents have default access to the records of 14-17 year olds.

Currently a young person aged 14 and over can take control of their My Health Record at any time by removing their parents access to their record.

These proposed amendments are in addition to the amendments announced in July, which have already passed the lower house. They include that law enforcement agencies can only access a person's My Health Record with a warrant or court order and anyone who chooses to cancel a record at any time will have that record permanently deleted.

While these changes are in response to the Senate Inquiry calling for additional safeguards, neither the legislative nor the reference committee inquiries identified any actual cases of such concern despite 6 years of operation and 6 million users.

Those that wish to delete their record after the November 15 opt-out date can do so at any time throughout their lives and their record will be deleted forever.

More than 6.1 million Australians already have a My Health Record and over 13,000 healthcare professional organisations are connected, including general practices, hospitals, pharmacies, diagnostic imaging and pathology practices. There has never been a reported security breach of the system.

The legislation to enable My Health Record to become an opt-out system passed the Parliament unanimously in 2015 and received the unanimous support of both houses and the strong endorsement of Labor.

In addition all State and Territory Health Ministers unanimously reaffirmed their support as recently as the August COAG Health Council.

(ENDS)

Authorised by Greg Hunt MP, Liberal Party of Australia, Somerville, Victoria.