

## OIA REQUEST

**Received:** 28 February 2022  
**Due:** 28 March 2022  
**Response Date:** 11 March 2022  
**Subject:** Disclosure of Third Party Medical Information

Cnr Clarke St & 20th Ave  
Private Bag 12024  
Tauranga 3143  
New Zealand  
Phone 07 579 8000

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In response to your request under the Official Information Act, please find our response below:

### Request

Patients are being advised by BOPDHB that they cannot access information in their medical histories from third-party sources. This doesn't align well with the Code of Health and Disability Services Consumers' Rights.

1. Who are these third-party sources?
2. How much has been paid to them?

### Response

The Bay of Plenty District Health Board's Health Record - Access to Person Information protocol 2.5.2 P3 (available on our website [Policies and protocols \(controlled documents\) | Bay of Plenty District Health Board | Hauora a Toi | BOPDHB](#)), is based on the Privacy Act 2020, Health Information Privacy Code 2020.

#### 2. Refusing to Give Information that:

- 2.1 Information can be withheld:
  - a) When disclosure would involve the unwarranted disclosure of the affairs of another individual or of a deceased individual;
  - b) Where a child is under 16 years and disclosure would be contrary to their interests;
  - c) Where disclosure would breach legal professional privilege;
  - d) Where information is not readily retrievable;
  - e) When disclosure of the information would be likely to prejudice the physical or mental health of the individual (this must be backed by factual information in consultation with the medical practitioner, Chief Medical Advisor and Privacy Officer).
  - f) When the requests is deemed frivolous or the information requested is deemed to be trivial.
  - g) When a partner abuse record is requested by anybody other than the client, or a staff member who is working directly with the client.
- 2.2 The decision to withhold information will be made by the Privacy Officer in consultation with the clinician.
- 2.3 BOPDHB must tell the patient why the information is not being released and advise they have a right of appeal to the Privacy Commissioner.

Unless BOPDHB seeks a formal clinical review of a patient's health record as a second opinion from a Clinician outside of the BOPDHB and contracts with that Clinician requiring invoicing and payment, BOPDHB does not pay for information that it collects/creates and does not reimburse any person who seeks payment after the fact for providing information.



Bay of Plenty DHB supports the open disclosure of information to assist the public understanding of how we are delivering publicly funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website. Please note this response may be published on our website. [Official Information Act | Bay of Plenty District Health Board | Hauora a Toi | BOPDHB](#)

You have the right to request the Ombudsman investigate and review our response. [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'DOB', with a horizontal line extending to the right.

**DEBBIE BROWN**

Senior Advisor Governance and Quality