

## Opt-out period for My Health Record extended

Written by Michelle Grattan, Professorial Fellow, University of Canberra

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The opt-out period for the controversial My Health Record scheme is being extended again – this time to January 31.

This is the outcome of a deal between the government and the Senate crossbench. A Labor proposal for a 12 month extension – which was said earlier to have had the numbers - was defeated 32-30 on Wednesday.

The opt-out deadline had been late this week. It followed an earlier extension given in October.

The site has experienced some difficulties with heavy traffic as people have sought to opt out.

The scheme – which puts people’s health information in a national data base accessible by health professionals – has been surrounded by intense debate, focusing on personal privacy and who should have access. It is still being fine tuned.

If people change their minds after their health records are in the data base they are able to have them removed.

Health Minister Greg Hunt said parliament was considering further changes.

“This includes tougher penalties for those that misuse the system, strengthening provisions to safeguard against domestic violence, prohibiting employers from requesting and using health information from an individual’s My Health Record. In addition, no health information or de-identified data to be released to insurers,” Hunt said.

He said these proposed amendments are on top of those announced in July that had been already passed by the House of Representatives.

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“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,” Hunt said.

Hunt said more than six million people already had a My Health Record and over 14,000 healthcare professional organisations were connected. These included general practices, hospitals, pharmacies, diagnostic imaging and pathology practices.

“There has never been a reported security breach of the system,” Hunt said.

The Office of the Australian Information Commissioner – which is the independent regulator of the privacy aspects of the system - in a recent [submission](#) to a Senate inquiry reported nearly 100 breaches. Asked how this fitted with Hunt’s statement, his office said these were either Medicare breaches or breaches where human error was involved – they were not cyber attacks on the platform.

The OAIC has emphasised the need for people to be well-informed about the system including “how they can exercise the various privacy-enhancing controls available to them”.

The scheme was launched under the Labor government in 2012 as the Personally Controlled Electronic Health Record.

It started as an opt-in scheme - the Coalition government changed it to an opt-out.

Labor’s health spokeswoman Catherine King [said](#) , “It took Labor’s legislative amendment to force your hand into a hurried compromise with the crossbench”.

Kerryn Phelps, the newly-elected independent for Wentworth, said the extension “may” give parliament enough time to pass further protections. “It will be a busy end-of-year in the House of Reps”, she said.

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The Royal Australian College of General Practitioners president Harry Nespolon [supported](#) an extension to the opt-out period.

By October 19, the latest figures available, more than a million Australians had opted out.

*Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond their academic appointment.*

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