

WorkSafe claims and your information

How to access personal and medical information relating to your claim

When you make a WorkSafe claim, WorkSafe Victoria, your WorkSafe Agent or your employer's WorkSafe Claims Division collect personal and health information about you in order to process and manage your claim. You are entitled to seek access to information collected in the course of managing your claim.

The information WorkSafe and Agents collect is handled in accordance with all applicable privacy laws.

The *Accident Compensation Act 1985* (the ACA) and the *Freedom of Information Act 1982* (the FoI Act) give you a right, subject to certain exemption, to obtain access to your personal information and information in relation to the injury claim.

What information can I access?

You can apply for access to any information relevant to your claim. Many documents will be automatically released on request, including:

- your *Worker's Injury Claim Form*
- your *Employer Injury Claim Report*
- your medical certificates and *Certificates of Capacity*
- your statements to private assessors
- details of compensation paid on a claim
- correspondence between you and your Agent*.

However, not all information is automatically made available on request. Certain information is exempt and might not be released if:

- its release would have an unreasonable impact on the privacy of other people
- legal professional privilege applies
- the documents are internal working documents and their disclosure would be contrary to public interest
- release would prejudice an investigation of possible unlawful activity
- release would pose a serious threat to the life or health of any person, including your own
- the information was provided in confidence to your Agent or employer's WorkSafe Claims Manager (where your employer is a self-insurer).

For more information about the procedures Agents must follow when releasing information, see WorkSafe's online Claims Manual (Chapter 3), available at worksafe.vic.gov.au or by calling the WorkSafe Advisory Service on freecall 1800 136 089 or (03) 9641 1444.

**If your employer is a self insurer they are responsible for managing your claim. When reading this document, any reference to 'your Agent' should be replaced by 'your employer'.*

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How do I request my information under the *Accident Compensation Act 1985*?

You can request information by:

- completing an *Access to WorkSafe Claim Information Request Form*, available at [worksafe.vic.gov.au](https://www.worksafe.vic.gov.au), or
- making a request that clearly identifies the information you require.

It is preferable for requests to be made in writing, but you can request your information over the phone. You can appoint a representative, such as a family member, lawyer or union representative to make a request on your behalf, as long as you first provide the WorkSafe Agent with a written authorisation. An authority is included on the *Access to WorkSafe Claim Information Request Form*.

If your Agent is managing your claim, address the request for information to the Privacy or Access to Information Officer at your Agent. If your claim is managed directly by your employer, you can access your information by writing to your employer's WorkSafe Claims Division. If you have been to a healthcare professional during the course of your claim, you have a right under privacy laws to request they provide you with access to your information.

Independent Medical Examiners (IMEs)

You can make a request to your Agent for a copy of your medical report or you can make a direct request to an IME under the *Health Records Act 2001 (Vic)* (HRA). Generally, medical reports will be released to you except in certain circumstances outlined in the HRA.

Occupational Rehabilitation (OR) providers

When you attend an Occupational Rehabilitation provider they are required to comply with the *Information Privacy Act 2000 (Vic)* (IPA) and the *Health Records Act 2001 (Vic)* for the performance of WorkSafe functions. Occupational Rehabilitation providers could release worker-specific reports (such as assessments), to you at the time they are written, unless a prescribed exception applies under the privacy laws.

Many OR providers have their own procedures for releasing information, so it is advisable to contact your OR provider first to find out how they handle these requests.

If your employer is a self insurer and has its own Claims Division, it might have a different policy around access to information but under privacy laws, you can still exercise your legal right of access to your OR provider's reports. Contact your employer's WorkSafe Claims Division for details of their policy.

How do I request my information under the *Freedom of Information Act 1982*?

You or your representative can request information by:

- completing a *Freedom of Information (Fol) Request Form*, available at [worksafe.vic.gov.au](https://www.worksafe.vic.gov.au)
- you do not have to use the form but your request must be in writing, setting out what documents you are requesting under the *Fol Act*
- your request should be sent direct to WorkSafe's Freedom of Information team at GPO Box 436, Melbourne Vic 3001:
- if your claim is managed directly by your employer you cannot make a request under the *Freedom of Information Act 1982*

When do I get access?

Under the *ACA* your Agent is required to inform you of their decision within 28 days of receiving your request. Freedom of information requests must be processed within 45 days.

Is there a cost?

There is no charge for requesting access to information in relation to your injury claim under the *ACA* and/or the *FoI Act*.

What if my information is not correct?

If you believe the information your Agent holds about you is inaccurate, incomplete or out-of-date, you should contact the Agent, who must take reasonable steps to correct your information.

If your Agent believes the information should not be corrected, the Agent is not required to make the correction, but must:

- attach your version to the disputed document, and
- advise you in writing of:
 - the reason for not changing the record, and
 - your right to review their decision

What if I am dissatisfied?

If you are not satisfied with the decision by your Agent or employer in response to your request for access under the *ACA*, you can ask a senior officer to review the decision.

Whether or not you ask for an internal review, you have 60 days from being given a notice of the decision to lodge a dispute with the Accident Compensation Conciliation Service (ACCS).

For more information on the conciliation process, contact the ACCS on freecall 1800 635 960 or email info@conciliation.vic.gov.au

If you are not satisfied with a decision In response to your request for access under the *FoI Act*, you may request an internal review. If you are still not satisfied with the decision after the internal review you may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision.

If you are dissatisfied with the decision of an independent medical examiner or occupational rehabilitation provider you can contact one of the following:

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For health information

Health Services Commissioner
Administration 30th Floor,
570 Bourke Street,
Melbourne VIC 3000
Freecall: 1800 136 066
Telephone: (03) 8601 5200

For personal information

Office of the Victorian Privacy Commissioner
GPO Box 5057
Melbourne Vic 3001
Local call within Australia: 1300 666 444

WorkSafe Victoria

Advisory Service

222 Exhibition Street
Melbourne 3000

Phone.....(03) 9641 1444
Toll-free..... 1800 136 089
Email.....info@worksafe.vic.gov.au

Head Office

222 Exhibition Street
Melbourne 3000

Phone.....(03) 9641 1555
Toll-free.....1800 136 089
Website.....worksafe.vic.gov.au

For information about WorkSafe in your own language,
call our Talking your Language service

廣東話.....	1300 559 141
Ελληνικά	1300 650 535
Македонски	1300 661 494
Italiano.....	1300 660 210
普通话	1300 662 373
Српски	1300 722 595
Español.....	1300 724 101
Türkçe.....	1300 725 445
Việt Ngữ.....	1300 781 868
العربية.....	1300 554 987
English.....	1300 782 442
Other.....	1300 782 343