



Confidentiality of medical records under the Coal Mine Workers' Health Scheme

Must I consent to my employer's medical provider accessing my previous records?

No – you are not required to provide consent for a doctor or anyone else to access your records under the Coal Mine Workers' Health Scheme (the Scheme) in order to undertake a health assessment.

Your employer's Appointed Medical Adviser (AMA), or the medical provider conducting your health assessment, may request your consent to access medical records that formed part of your previous health assessments.

This often occurs when an employer changes its AMA or medical provider, or you have started work with a new employer. The previous records may assist with the effective and efficient completion of the next health assessment that is required e.g., a new AMA needs to undertake a further assessment of previous findings, and a related specialist report may assist.

While you are not obligated to provide consent, without it, you may be asked to undertake additional or repeat testing that may not necessarily be needed if the doctor could view the findings from previous assessments.

Must I consent to my medical records being given to my employer or the mine?

No – you are not obligated to consent to your records under the Scheme being disclosed to anyone.

While your employer, the mine operator, or their medical provider, may request consent to obtain or disclose your medical records, you are under no obligation to provide it in order to undertake a health assessment under the Scheme.

[Section 52](#) of the Coal Mining Safety and Health Regulation 2017 (the Regulation) prohibits the disclosure of your medical records obtained under the Scheme to any person unless you have consented, or as permitted by the *Coal Mining Safety and Health Act 1999* or the Regulation.

What is given to my employer?

The doctor that completes your health assessment (your employer's AMA) must provide your employer with a report on the outcome of the health assessment. You will also receive this report. This report contains information about fitness for duty, work restrictions, diagnosed occupational diseases and any requirements for you to undertake subsequent assessments. Unless you consent, the report must not include copies of your medical records created or obtained to complete the assessment (e.g., medical questionnaire, test results or specialist reports).

What if my employer or the site wants to know more about my health assessment?

One reason may be to help them manage any risks or restrictions indicated in the report.

If the employer requires an explanation of your health assessment report from their AMA, they must obtain your agreement and ensure that you are present for the explanation – see [section 47](#) of the Regulation.

What if I have concerns about why I'm being asked to give consent?

If you are concerned, or the request for consent is unclear, seek an explanation from the medical provider or your employer.

Seek clarification about what is the purpose of providing your consent. Is it only to support the doctor to complete your health assessment in relation to the Scheme, or is it for other purposes, e.g., a request from your employer? Be informed about who you are consenting to have access to your records.

What if my medical records have been disclosed without my consent?

Complaints about alleged breaches of medical record confidentiality can be made to RSHQ, or for any further information - contact (07) 3199 7967 or minehealthregister@rshq.qld.gov.au.