

# WorkCover claims and your information

## How to access personal and medical information relating to your claim

When you make a WorkCover claim, the Victorian WorkCover Authority (VWA), your WorkCover Agent or your employer's WorkCover Claims Division collect personal and health information about you. You are entitled to request access to the material that's collected in the course of managing your claim.

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

### 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 *WorkCover Worker's Injury Claim Form*
- your *WorkCover Employer Injury Claim Report*
- your medical certificates and *WorkCover 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
- 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 WorkCover Claims Manager (where your employer is a self-insurer).

For more information about the procedures Agents must follow when releasing information, see the VWA Claims Manual (Chapter 3), which is available at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au) or by calling the WorkCover 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 WorkCover Claim Information Request Form* (available on the VWA website, [www.workcover.vic.gov.au](http://www.workcover.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 WorkCover Agent with a written authorisation. (An authority is included on the *Access to WorkCover Claim Information Request Form*).

If your Agent is managing your claim, address your 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 WorkCover 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).

Generally, medical reports will be released to you except in certain circumstances.

## Occupational Rehabilitation (OR) providers

When you are sent to an OR provider, they must follow the requirements of the *Privacy Act 1988* (Commonwealth) and the *Health Records Act 2001* (Vic) where applicable.

As a matter of policy, the VWA has advised OR providers that they should 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 WorkCover 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 Request Form* (available on the VWA website, [www.workcover.vic.gov.au](http://www.workcover.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 *Freedom of Information Act 1982*
- your request should be sent direct to VWA's Freedom of Information and Privacy unit at the address on page 4
- if your claim is managed directly by your employer you cannot make a request under the *Freedom of Information Act 1982*
- generally you will not be able to access information from healthcare professionals under the *Freedom of Information Act 1982*, except that public hospitals are subject to the *Freedom of Information Act 1982*.

## When do I get access?

Under the *Accident Compensation Act 1985* your Agent is required to inform you of their decision within 28 days of receiving your request for information. Freedom of information requests must be processed within 45 days.

## Is there a cost?

There is no charge for requesting access to your information under the *Accident Compensation Act 1985* and the *Freedom of Information Act 1982*.

## 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 request correction of the information (by writing to the VWA Freedom of Information Section at GPO Box 4306, Melbourne Vic 3001).

## How is information collected?

Information is obtained from the claim form and during the processing, assessing and management of your claim.

Personal and health information may be collected from:

- your current and previous employers
- other government agencies
- healthcare professionals
- solicitors
- investigators
- loss adjusters
- credit reporting agencies
- other service providers acting on behalf of the VWA, your Agent or employer's WorkCover Claims Division (where your employer is a self-insurer)
- other people who can provide information relevant to your claim.

To find out more about the VWA's policies for managing personal and health information, see the Collection Statement on your *Worker's Injury Claim Form*, or the VWA's Privacy Policy which is available at [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au) or by calling the WorkCover Advisory Service on freecall 1800 136 089 or (03) 9641 1444.

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## What if I am dissatisfied?

If you are not satisfied with the information released to you by your Agent or employer, 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](mailto:info@conciliation.vic.gov.au)

If you are not satisfied with the information released to you by the VWA under the *Freedom of Information Act 1982*, you can ask for an internal review. If you are still not satisfied you can apply to the Victorian Civil and Administrative Tribunal 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:

## For health information

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

## For other information

Office of the Federal Privacy Commissioner  
GPO Box 5218  
Sydney NSW 2001  
Telephone: 1300 363 992  
Email: [privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)

### For information about WorkCover in your own language, call our *Talking your Language* service

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

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## Victorian WorkCover Authority

### WorkCover Advisory Service

222 Exhibition Street  
Melbourne VIC 3000

Phone .....(03) 9641 1444  
Freecall .....1800 136 089

Fax ..... (03) 9641 1353  
Website... [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)