

Position Statement:

My Health Record and young people's rights to confidentiality

- ❖ The AAAH calls for the federal government to automatically seek consent from young people aged 14 – 17 years before granting access to any part of their MyHealth Records to parents or legal guardians
- ❖ The AAAH calls for organisations training current and future health professionals, and those providing professional development to all health professionals who work with young people, to ensure that young people's rights to confidential health care are maintained. This may involve having conversations with young people and their parents or carers about access to their MyHealth Record.
- ❖ The AAAH calls for educators of young people, such as teachers, health promotion staff and peer educators, to proactively inform young people of changes to the way health information among health services is going to be shared due to the MyHealth Record rollout

Rationale

Confidentiality is a foundational principle of best practice in adolescent health care. Decades of training and advocacy in Australia have ensured that health professionals understand young people's right to confidentiality. Nevertheless, most young people value the support of parents and carers for managing their health. As young people become increasingly responsible for managing their own health, they choose how much information to share with parents, carers or others. The timing of this shift varies, but can begin as young as the early teenage years. Australian law recognises this as the 'mature minor' principle, which states that a person aged less than 18 years can consent to their own medical treatment as long as the health professional believes them to be competent to do so. People aged under 18 years are also legally entitled to confidentiality in health care unless the law requires a provider to break this (such as for child protection issues). A further example of respecting young people's rights to confidentiality can be seen in the protection of Medicare information. People aged 14 years and over must give consent for their parent or carer to see Medicare information if they are on the family's Medicare card.

It is also clear that sharing of important health and medical information between health services has benefits for managing health care. Young people may wish to access a range of health services and may find it frustrating to have to repeat their health histories to multiple clinicians in multiple settings. Similarly, health providers often find it frustrating when trying to support young people in their health care when relevant health information is spread out among disparate, disconnected services.

Australian Association for Adolescent Health Ltd



MyHealth Record is a national online system for managing and sharing health information for Australian residents. The government will automatically create a MyHealth Record for every Australian resident unless they choose to opt out before 15 October 2018. This means that **when a MyHealth record is created for people aged under 18 years, a parent or legal guardian will be the Authorised Representative of that record, rather than the young person.** Once a young person reaches 14 years, in keeping with the system for Medicare, automatic upload of Medicare and Pharmaceutical Benefits Schedule information will cease to be visible to parents or guardians. However, the other components of the MyHealth Record information (e.g., health summaries or investigations) will continue to be uploaded onto the MyHealth Record, which parents can see for any child under 18 years. **Adolescents can change these default settings from the age of 14 years** to remove parent/guardian access as Authorised Representatives but it is not automatic. Even without this change of settings, young people can choose for any consultation or test or other information not to be uploaded but they must remember to tell health professionals each time that they do not want something uploaded and /or health professionals must remember to ask. Young people can also choose to block information later if they register for their own access. We await official training and information for young people, parents and health care providers on how young people can be assisted to maintain the privacy of their MyHealth Record and avoid inadvertent breaches of confidentiality. The Australian Digital Health Agency is working on specific communication and processes to preserve young people's confidentiality. This background provides the rationale for our three recommendations above.

Endorsed by the [AAAH Board of Directors](#) 20 July 2018