

12 February 2026

Office of the Australian Information Commissioner (OAIC)

Australian Government

Via email: consultation@oaic.gov.au

Re: Remaking the My Health Records (Information Commissioners Enforcement Powers) Guidelines

Consumers Health Forum (CHF) is the national peak body representing the interests of Australian healthcare. CHF works to achieve safe, quality, and timely healthcare for all Australians, supported by accessible health information and systems. We welcome the opportunity to provide a submission to the Office of the Australian Information Commissioner (OAIC) regarding remaking the My Health Records (Information Commissioners Enforcement Powers) Guidelines (the Guidelines).

Given the very short timeframe of the consultation period and lack of specific resourcing for consumer consultation, we are unable to undertake an in-depth consultation with the wider community on the revised Guidelines. We strongly recommend that all future consultations are afforded sufficient time and funding to prioritise consumer engagement.

CHF support the OAIC's goal to streamline and simplify the language of the Guidelines to improve accessibility and enhance the privacy of Australian health consumers. While most of the existing resources available to consumers on My Health Record (MHR) focus on how to use and control their record, these Guidelines provide essential information to consumers regarding the OAIC's powers to investigate breaches of the My Health Records Act and the actions they can take when privacy rules are broken.

Consumers consistently highlight to CHF how important data protection and privacy is to them. This includes being fully informed about how and why their data is stored and shared, and how their privacy and safety is protected. Clear, plain language explanations of privacy and security protocols, along with details on what happens when privacy is breached, is vital to achieving consumer trust in and uptake of the MHR system. Importantly, this information needs to be accessible to all consumers, including individuals with low health literacy and those from culturally and linguistically diverse backgrounds.

While we welcome the substantive changes and added information to the Guidelines to ensure they are comprehensive, their current format is not consumer friendly. The content is written in dense legal and regulatory language, assumes familiarity with the MHR Act, and uses technical terms without plain language explanations. The structure is formal and detailed, which supports accuracy but makes it harder for consumers to understand their rights, obligations, and the implications of enforcement powers.

To support healthcare consumers to fully understand the content of the Guidelines, the current draft document must be complemented with plain language resources that provide clear explanations of the key concepts, ideally provided in a range of accessible formats (including translated materials) and incorporating examples that translate the Guidelines into real-world situations.

To achieve this, the OAIC should partner with consumers and/or consumer groups to co-design supporting resources. This will ensure the content is not only accurate, but genuinely understandable, relevant, and usable for the consumers whose rights and experiences the Guidelines are designed to protect.

Furthermore, the Guidelines will have limited impact if consumers aren't aware they exist. CHF recommends working with the Australian Digital Health Agency (ADHA) to ensure the content of the Guidelines is incorporated into existing MHR resources related to privacy and security. Ensuring consumers can access this information from within the MHR platform would also strengthen visibility and utility.

Thank you again for the opportunity to contribute to this consultation. We would welcome the opportunity to further discuss consumer engagement options with the OAIC. If you have any questions, please contact Jo Root, Director, Policy and Research (j.root@chf.org.au).

Yours sincerely,



Dr Elizabeth Deveny
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Consumers Health Forum of Australia