

SESLHD PROCEDURE COVER SHEET



Health
South Eastern Sydney
Local Health District

NAME OF DOCUMENT	Release of Health Information under Section 55 of the <i>National Disability Insurance Scheme Act (NDIS Act) 2013</i>
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EXECUTIVE SPONSOR	Director, Clinical Governance and Medical Services
AUTHOR	SESLHD Health Records & Medico-Legal Committee
POSITION RESPONSIBLE FOR THE DOCUMENT	Co-chairs of the Health Records Committee Leonie.Patterson@health.nsw.gov.au & Antony.Sara@health.nsw.gov.au
FUNCTIONAL GROUP(S)	Records Management – Health
KEY TERMS	Electronic Medical Record, eMR, NDIA, NDIS, section55, executive services, hospital admission and discharge dates, release of information, Disability Strategy Unit
SUMMARY	The procedure provides guidance for SESLHD staff on the management of requests for information from the National Disability Insurance Agency under section 55 <i>National Disability Insurance Scheme Act (NDIS Act) 2013</i> .

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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Feedback about this document can be sent to SESLHD-Policy@health.nsw.gov.au

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1. POLICY STATEMENT

This procedure outlines the process of receipt, management, and response to requests for information from the National Disability Insurance Agency (NDIA) under section 55 of the [National Disability Insurance Scheme Act \(NDIS Act\) 2013 \(Cth\)](#).

2. BACKGROUND

The National Disability Insurance Agency (NDIA) has implemented measures to address provider fraud to ensure sustainability of the scheme.

This procedure outlines the process for responding to the information requests under section 55 of the NDIS Act as strict timeframes must be adhered to. Failure or refusal to comply with these requests may result in prosecution as criminal offence.

3. DEFINITIONS

National Disability Insurance Agency (NDIA)

Government organisation that implements and manages the NDIS.

National Disability Insurance Scheme (NDIS)

Scheme that supports people with a disability, their families, and carers.

4. RESPONSIBILITIES

4.1 Employees will:

- Relevant staff including Executive Services Corporate Records Team, Medical Records staff will ensure compliance with the procedure, as described below.

4.2 Line Managers will:

- Ensure staff are aware of and monitor compliance with the procedure.
- Support staff to follow the procedure.

4.3 District Managers / Service Managers will:

- Support staff to follow the procedure.

4.4 Executive Services Corporate Records Team will:

- Receive requests for information under Section 55 of the NDIS Act
- Review whether received request is valid as per legislative requirements
- Register requests in Content Manager as appropriate
- Respond to the NDIA regarding invalid requests as appropriate
- Forward requests for health information email to appropriate departments/services as per this procedure.

4.5 Health Information/ Records Managers will:

- Review patient health information and respond to NDIA requests as per this procedure

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5. PROCEDURE

5.1 Receipt and validation of request:

- Requests for health information under Section 55 of the NDIS Act must be emailed to SESLHD-mail@health.nsw.gov.au
- The SESLHD Executive Services Corporate Records Team will review request to ensure it is **valid** as per requirements in Section 56 of the NDIS Act:
 - Letter must be addressed specifically to Mr Tobi Wilson, Chief Executive (i.e. not “Dear Sir / Madam”)
 - Requested information must be specific and have a justified reason for requesting the information. (i.e. “Provide any details associated with participants list above, including but not limited to..” may be too broad.)
 - Letter must identify an individual email address for response (i.e. not a generic email address).
 - Letter must specify a time period of at least 14 days.
- If the request is determined to be **invalid**, the SESLHD Executive Services Corporate Records Team will respond to the NDIA advising that the request received is invalid with reference to Section 56 of the NDIS Act.
- If the request is determined to be **valid**, the SESLHD Executive Services Corporate Records Team will follow their local work instruction (ref T24/46217) and e-mail the request to the SESLHD NDIS Unit and appropriate Health Information / Records Manager to be processed.

Site / Facility	Email address
Prince of Wales Hospital and Royal Hospital for Women	SESLHD-HealthInformationPOWH@health.nsw.gov.au
St George Hospital	SESLHD-STG-ClinicalInformation@health.nsw.gov.au
Sydney / Sydney Eye Hospital	SESLHD-SSEH-ClinicalInformation@health.nsw.gov.au
The Sutherland Hospital	SESLHD-TSH-ClinicalInformation@health.nsw.gov.au
War Memorial Hospital	SESLHD-HealthInformationWMH@health.nsw.gov.au
Calvary Health Care Kogarah	CHC-Kogarah-MedicalRecords@health.nsw.gov.au

5.2 Processing and Completion by Health Information / Records Managers:

- Upon receipt of the Section 55 request, Health Information / Records Managers must respond to the NDIA within 14 days of receipt of a valid request for information.

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- Response should be made using the SESLHD response template (Appendix 1) and include all hospital admission and discharge dates and times within the date range requested.
- Response letter should be emailed to the appropriate requestor at NDIA. Copies of the patients' medical records are NOT to be provided
- A copy of the request and response should be filed in the patient's health record
- Register requests in Medico Legal – Release of Information Register as appropriate

5.3 Escalation of issues by SESLHD Disability Strategy Unit

- Any systemic issues experienced in responding to the NDIA are raised with SESLHD Disability Strategy Unit (DSU) by emailing SESLHD-NDIS@health.nsw.gov.au so they can escalate to NSW Ministry of Health, if necessary

6. DOCUMENTATION

- **T24/47997** NSW Ministry of Health - advice regarding non-compliant requests for records under Section 55 requests from the National Disability Insurance Agency NDIA
- **T24/44379** NSW Ministry of Health - notification of National Disability Insurance Agency NDIA request for LHD contacts for information under Section 55 of the NDIS Act 2013 - Ministry to provide CE email address to NDIA to assist with identifying provider fraud & ensure sustainability of the NDIS scheme
- **T24/49076** NSW Ministry of Health - Legal team advice regarding response to NDIA Section 55 request received by SESLHD 19/7/2024
- **T24/46217** SESLHD Records Management Unit Work Instruction - National Disability Insurance Agency Section 55 requirement to provide information

7. AUDIT

Audits are not required however site HIMs/MRMs to provide updates to the SESLHD Health Records and Medico-Legal Committee

8. REFERENCES

- [Health Records and Information Privacy \(HRIP\) Act 2002 \(NSW\)](#)
- [National Disability Insurance Scheme \(NDIS\) Act 2023 \(Cth\)](#)
- [NSW Health Policy Directive PD2012 069 - Health Care Records - Documentation and Management](#)
- [SESLHDPR/292 - Hybrid HealthCare Record](#)
- [SESLHD Records Management Unit Work Instruction – National Disability Insurance Agency Section 55 requirement to provide information](#)

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9. VERSION AND APPROVAL HISTORY


Date	Version	Version and approval notes
8 May 2025	1.0	New procedure. Endorsed by SESLHD Health Records and Medico-Legal Committee. Approved at SESLHD Patient Safety and Quality Committee.

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APPENDIX 1: Response under Section 55 of NDIS Act Letter Template

South Eastern Sydney Local Health District



Your Ref: [Reference Number]

[Enter Name]
[Enter Address]

Requirement to Provide Information

Dear [Enter Name]

We refer to your letter dated [Date], to Mr Tobin Wilson, Chief Executive, South Eastern Sydney Local Health District, concerning the requirement to provide information under section 55 of the *National Disability Insurance Scheme Act 2013* (NDIS Act). [Department /Hospital/ Name.] have been asked to respond on behalf of the Chief Executive. **Click or tap here to enter text.**

Patient/NDIS Participant Details:

First Name	Surname	DOB

Information Requested

Admission Date	Discharge Date	NDIS disability services utilised during hospitalisation (if known)	Details of NDIS disability services received during transition period	Other Information about NDIS disability services.

For more information, please contact [Name, Position, Organisation,] at [Email Address]

Yours sincerely

Name
Title
Department
Hospital

Date:

District Executive Unit
Locked Mail Bag 21, Taren Point NSW 2229

02 9540 7756
SESLHD-Mail@health.nsw.gov.au