

WORKCOVER WA BULLETIN

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INSURANCE BROKER ACCESS TO CONFIDENTIAL INFORMATION

The *Workers Compensation and Injury Management Act 2023* provides that information obtained about a person under the Act is confidential and cannot be disclosed unless the disclosure of the information is authorised under the Act.

The Act provides for limited and specific circumstances in which information is authorised to be disclosed in the absence of written consent authorising disclosure of the confidential information.

The approved *Workers Compensation Claim Form CF1* provides for a specific consent authority that a worker may opt to sign that authorises a licensed insurer or self-insurer to collect, use and disclose personal information to assess, investigate and otherwise deal with a worker's claim.

By signing the consent authority on the claim form, the worker consents to the collection by, and disclosure to, persons named in the authority of the worker's personal information that is relevant to their injury, claim or injury management.

Insurance Brokers

There is no provision in the Act or the *Workers Compensation Claim Form CF1* that authorises disclosure of confidential information to insurance brokers.

This means licensed insurers and self-insurers are not authorised to disclose confidential information to insurance brokers. Brokers seeking access to confidential information must obtain the written consent of the person to whom the information relates.

This position is consistent with WorkCover WA's *Insurance Brokers Principles and Standards of Practice*:

3.10 Worker consent authority

Employers and insurers should have informed consent from an injured worker to share the worker's personal health or financial information with a broker.

A broker should ensure a worker's consent has been obtained prior to receiving / accessing the worker's personal health or financial information.

This includes access to information provided by the employer.

WorkCover WA expects licensed insurers and insurance brokers to have systems in place to ensure consent is obtained from workers before information is disclosed to insurance brokers.

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