

**HEALTH INFORMATION PRIVACY CODE 1994
AMENDMENT NO. 5**

I, **BRUCE HOULTON SLANE**, Privacy Commissioner now issue under section 51 of the Privacy Act 1993 this amendment to the Health Information Privacy Code 1994.

Issued by me at Auckland on 6 June 2000.

The Seal of the Privacy Commissioner)
was affixed to this amendment to the)
Health Information Privacy Code 1994)
by the Privacy Commissioner)



A handwritten signature in black ink, appearing to read "B H Slane".

B H Slane
Privacy Commissioner

Title

1. This amendment may be referred to as the Health Information Privacy Code 1994 Amendment No. 5.

Commencement

2. This amendment will come into force on 30 July 2000.

Amendment to clause 2

3. Clause 2(2) is revoked, clause 2(1) is accordingly renumbered as clause 2, and the heading is altered from "Commencement and review" to "Commencement".

Amendment to clause 3

4. Clause 3(2) is revoked and clause 3(1) is accordingly renumbered as clause 3.

Amendment to clause 4(2)

5. Clause 4(2) is amended in the following manner:

Delete: Subclause (2).

Substitute: This code applies in relation to the following agencies or classes of agency:

- (a) an agency which provides health or disability services;
- (b) within a larger agency, a division or administrative unit (including an individual) which provides health or disability services to employees of the agency or some other limited class of persons;
- (c) a person who is approved as a counsellor for the purposes of the Accident Insurance Act 1998;

- (d) a school, faculty or department of a tertiary educational institution which provides the training or a component of the training necessary for the registration of a health professional;
- (e) an agency having statutory responsibility for the registration of any registered health professionals;
- (f) a health professional body;
- (g) persons appointed or designated under the Health and Disability Commissioner Act 1994;
- (h) the Health Funding Authority or an agency that has been declared by the Minister of Health by notice in the Gazette to be a funder for the purposes of the Health and Disability Services Act 1993;
- (i) an agency which provides health, disability, accident or medical insurance, or which provides claims management services in relation to such insurance, but only in respect of providing that insurance or those services;
- (j) an accredited employer under the Accident Insurance Act 1998;
- (k) an agency which provides services in respect of health information, including an agency which provides those services under an agreement with another agency;
- (l) a district inspector, deputy district inspector or official visitor appointed pursuant to section 94 of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
- (m) an agency which manufactures, sells or supplies medicines, medical devices or related products;
- (n) an agency which provides health and disability services consumer advocacy services;
- (o) the Department for Courts but only in respect of information contained in documents referred to in section 44(2) of the Coroners Act 1988;
- (p) the agencies specified in Schedule 1.

Amendment to rule 12(3)

6. Rule 12 is amended in the following manner:

Delete: Subrule 12(3)

Substitute: The following agencies may assign the same National Health Index number to an individual:

- (a) any agency authorised expressly by an enactment; or
- (b) any agency or class of agencies listed in Schedule 2.

New clause 7 inserted

7. The following clause 7 is inserted:

Complaints of breach of code

- Insert:
- (1) Every health agency must designate a person or persons to deal with complaints alleging a breach of this code and facilitate the fair, simple, speedy, and efficient resolution of complaints.
 - (2) Every health agency to which this subclause applies must have a complaints procedure which provides that:

- (a) when a complaint of a breach of this code is received:
 - (i) the complaint is acknowledged in writing within 5 working days of receipt, unless it has been resolved to the satisfaction of the complainant within that period;
 - (ii) the complainant is informed of any relevant internal and external complaints procedures; and
 - (iii) the complaint and the actions of the health agency regarding that complaint are documented; and
- (b) within 10 working days of acknowledging the complaint, the agency must:
 - (i) decide whether it:
 - (A) accepts that the complaint is justified; or
 - (B) does not accept that the complaint is justified; or
 - (ii) if it decides that more time is needed to investigate the complaint:
 - (A) determine how much additional time is needed; and
 - (B) if that additional time is more than 20 working days, inform the complainant of that determination and of the reasons for it; and
- (c) as soon as practicable after the agency decides whether or not it accepts that a complaint is justified, it must inform the complainant of:
 - (i) the reasons for the decision;
 - (ii) any actions the agency proposes to take;
 - (iii) any appeal procedure the agency has in place; and
 - (iv) the right to complain to the Privacy Commissioner.
- (3) Subclause (2) applies to any health agency specified in clause 4(2)(a), (c), (d), (e), (h), (i), (j) and (k) or items 6 and 8 of Schedule 1.
- (4) Nothing in this clause is to limit or restrict any provision of Part IV, V, VIII or IX of the Act or sections 55 to 57.

Revocation of clause 8

8. Clause 8 is revoked.

Amendment to schedules

9. Revoke : Schedules 2 and 3

10. Insert: Schedule 1

SPECIFIED HEALTH AGENCIES

1. Ministry of Health
2. Health Research Council
3. New Zealand Council on Healthcare Standards
4. Communicable Disease Centre, Institute of Environmental Science and Research Limited
5. The Interchurch Council on Hospital Chaplaincy
6. Health Benefits Limited

7. The Mental Health Commission
8. Accident Compensation Corporation
9. The Regulator under the Accident Insurance Act 1998

11. Insert: Schedule 2

AGENCIES APPROVED TO ASSIGN NHI NUMBER

1. Ministry of Health
2. Hospitals
3. Registered medical practitioners
4. Registered midwives
5. Registered physiotherapists
6. Accident Compensation Corporation
7. Royal NZ Plunket Society
8. Blood Transfusion Service
9. Health Benefits Limited
10. Health Funding Authority
11. Framework Trust
12. Pathways Trust Board
13. Richmond Fellowship New Zealand Incorporated
14. National Society on Alcohol and Drug Dependence

