
From: Kate Brewer [CCDHB] <Kate.Brewer@ccdhb.org.nz>
Sent: Thursday, 6 August 2020 4:11 pm
To: Privacy Code
Subject: Health Information Privacy Code submissions

1. Rule 2(2)(c)(iii): I think it would be helpful to provide as much guidance as possible for readers so they aren't left guessing anything for themselves – particularly where we direct staff directly to the HIPC. For that reason I think it would be helpful to add 2(2)(e)(v) into the Code.
2. Rule 2(2): reference to old section 54 Privacy Act (new section 30). For the same reasons outlined above, more is better, so include reference to it. Unless you are going to have a commentary supporting the Code in which case reference to section 30 can be included in it. My thinking is that it's best in as it does provide an example of an exception for collecting and when frontline staff get to the point of reading a Code, they want to have the full picture.
3. Rule 4(1): “A health agency must collect health information only - ...” The use of the word ‘only’ at that point in the sentence is wrong and misleading. Is it necessary at all? I think it detracts from the message.
4. Rule 8(1): “disclose that information without taking any steps...” Disagree with the use of the word ‘any’. It confuses the message and the reader’s focus is shifted to what the steps are rather than what the information needs to be (i.e. accurate, up to date etc.)
5. Rule 11(2)(k): For consistency with the submission proffered at point 2 above, I would prefer the express reference to section 54 (or now 30) left in.
6. Rule 12: It would be super helpful if the Code came with a commentary like the early HIPC editions did, so that readers can get a steer on what phrases like “*carrying on business in NZ*” actually mean and a feel for the workings of the new principle. For the new edition, I think a return to the commentary would be great. I have many staff ask me for a copy of the old versions of the HIPC as they find the commentary extremely helpful. As it stands from my personal perspective I think Rule 12 is currently worded well. I’m always thinking of the staff who access this material themselves. I can see they might get a bit bamboozled by A’s and B’s when they’re in a rush and therefore commentary would be really helpful.

All the best,

Kate Brewer

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