



Privacy Commissioner  
Te Mana Matapono Matatapu

**Health Information Privacy Code 1994  
Amendment No. 6**

April 2007

**HEALTH INFORMATION PRIVACY CODE 1994  
AMENDMENT NO. 6**

**1. Title**

This amendment is referred to as the Health Information Privacy Code 1994 Amendment No. 6.

**2. Commencement and expiry**

This amendment comes into force on [            2007]

**3. Amendment to clause 3**

Clause 3(1) is amended in the following manner:

**delete**            :        the definition of **disability services**

**delete**            :        the definition of **ethics committee**

**insert**            :        in the appropriate alphabetical order:

**ethics committee** means:

(a) the Ethics Committee of the Health Research Council of New Zealand;

(b) the National Advisory Committee on Health and Disability Services Ethics;

(c) an ethics committee constituted in accordance with the currently applicable Standard for Ethics Committees promulgated by the Ministry of Health; or

(d) an ethics committee established by, or pursuant to, any statute;

**insert**            :        **genetic relative** of an individual (the **first individual**) means another individual who is related to the first individual by blood, including but not limited to a sibling, a parent or a descendant of the first individual;

**delete**            :        the definition of **health professional body**

**insert**            :        in the appropriate alphabetical order:

**health professional body** means an authority as defined in section 5(1) of the Health Practitioners Competence Assurance Act 2003;

**delete**            :        the definition of **health registration enactment**

**insert**            :        in the appropriate alphabetical order:

**health or disability services** has the same meaning as in section 5 of the Health and Disability Services (Safety) Act 2001;

**delete** : the definition of **hospital**

**delete** : the definition of **registered health professional**

**insert** : in the appropriate alphabetical order:

**health practitioner** has the meaning given to it by section 5(1) of the Health Practitioners Competence Assurance Act 2003;

#### **4. Amendments to Clause 4**

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

**delete** : Accident Insurance Act 1998

**substitute** : Injury Prevention, Rehabilitation and Compensation Act 2001

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

**delete** : health professional

**substitute** : health practitioner

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

**delete** : registered health professionals

**substitute** : health practitioners

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

**delete** : clause (h)

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

**delete** : Accident Insurance Act 1998

**substitute** : Injury Prevention, Rehabilitation and Compensation Act 2001

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

**insert** : clause (la)

**add** : a district inspector or deputy district inspector appointed pursuant to section 144 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003;

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

**delete** : clause (o)

**substitute** : (o) the Ministry of Justice, but only in respect of information contained in documents referred to in section 29(1) of the Coroners Act 2006;

#### **5. Amendments to clause 5**

Rule 11(1)(f) is amended in the following manner:

**delete** : registered health professional  
**substitute** : health practitioner

Rule 11(2)(b) is amended in the following manner:

**delete** : registered health professional  
**substitute** : health practitioner

Rule 11(2)(j) is amended in the following manner:

**delete** : registered health professional  
**substitute** : health practitioner

Rule 11(2)(k) is amended in the following manner:

**delete** : clause (k)  
**substitute** : (k) that the disclosure of the information is in accordance with an authority granted under section 54 of the Act;

Rule 11(2) is amended in the following manner

**insert** : (l) that the information is genetic information obtained in the course of providing a health or disability service to the individual concerned, and is disclosed by a health practitioner to a genetic relative of the individual concerned, and the disclosure is necessary to prevent or lessen a serious threat to the life or health of the individual to whom the disclosure is made.

Rule 12(4) is amended in the following manner:

**delete** : rule 12(4)  
**substitute** : (4) Notwithstanding subrule (2) any health agency may assign to a health practitioner, as a unique identifier, the registration number assigned to that individual by the relevant authority.

#### **6. Amendment to clause 6**

Clause 6(2)(b) is amended in the following manner:

**delete** : clause (b)

**insert** : (b) for providing a copy of an x-ray, a video recording, an MRI scan photograph or a CAT scan photograph.

## **7. Amendment to Schedules**

Schedule 1 is amended in the following manner:

**delete** : paragraph 4  
**substitute** : 4. Institute of Environmental Science and Research Limited

**delete** : paragraph 9  
**substitute** : 9. The Regulator under the Accident Insurance Act 1998 and the Injury Prevention, Rehabilitation and Compensation Act 2001

**delete** : Schedule 2

**insert** : Schedule 2

Agencies approved to assign the National Health Index Number

1. Ministry of Health
2. District Health Boards
3. Hospitals
4. Primary Health Organisations
5. Independent Practitioner Associations
6. Health Practitioners
7. NZ Blood Service
8. Accident Compensation Corporation
9. Royal NZ Plunket Society
10. Pharmaceutical Management Agency of New Zealand
11. Any health agency which has a contract with the Accident Compensation Corporation or a District Health Board or Ministry of Health to provide health or disability services.