



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

I, **MARIE SHROFF**, 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 Wellington on *17 September* 2007

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

Marie Shroff
Privacy Commissioner

1. Title

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

2. Commencement and expiry

This amendment will come into force on 1 November 2007.

3. Amendment to clause 3

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

delete : the definition of **disability services**
substitute : **disability services** includes goods, services, and facilities—

- (a) provided to people with disabilities for their care or support or to promote their inclusion and participation in society, and independence; or
- (b) provided for purposes related or incidental to the care or support of people with disabilities or to the promotion of the inclusion and participation in society, and independence of such people

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

- (a) the Ethics Committee of the Health Research Council of New Zealand or an ethics committee approved by that committee;
- (b) the National Advisory Committee on Health and Disability Support Services Ethics;

- (c) an ethics committee required to operate in accordance with the currently applicable Operational Standard for Ethics Committees promulgated by the Ministry of Health; or
- (d) an ethics committee established by, or pursuant to, any enactment;

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;

delete : the definition of **health professional body**
substitute : **health professional body** means an authority empowered to exercise registration and disciplinary powers under the Health Practitioners Competence Assurance Act 2003;

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

delete : the definition of **health services**
substitute : **health services** means personal health services and public health services;

delete : the definition of **hospital**

insert : in the appropriate alphabetical order:

personal health services means goods, services, and facilities provided to an individual for the purpose of improving or protecting the health of that individual, whether or not they are also provided for another purpose; and includes goods, services, and facilities provided for related or incidental purposes;

insert : in the appropriate alphabetical order:

public health services means goods, services, and facilities provided for the purpose of improving, promoting, or protecting public health or preventing population-wide disease, disability, or injury; and includes—

- (a) regulatory functions relating to health or disability matters; and
- (b) health protection and health promotion services; and
- (c) goods, services, and facilities provided for related or incidental functions or purposes;

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

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) 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) is amended in the following manner:

insert : clause (la)
 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) is amended in the following manner:

delete : clause (o)
substitute : (o) the department responsible for the administration of the Coroners Act 2006, but only in respect of information contained in documents referred to in section 29(1) of that Act;

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 12 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 health professional body.

6. Amendment to clause 6

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

insert : after "a video recording"
 ", an MRI scan photograph, a PET 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
substitute : SCHEDULE 2

AGENCIES APPROVED TO ASSIGN NHI NUMBER

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

Privacy Act Code of Practice Notice

Pursuant to section 49 of the Privacy Act 1993, I give notice as follows:

1. The Health Information Privacy Code 1994 Amendment No 6:
 - a. Was issued on 17 September 2007
 - b. Will come into force on 1 November 2007
2. Copies of the amendment may be inspected free of charge at the offices of the Privacy Commissioner, Level 8, 51-53 Shortland Street, Auckland and Level 4, 109-111 Featherston Street, Wellington.
3. Copies of the amendment are available for purchase from the offices of the Privacy Commissioner and may be inspected or downloaded free of charge from the website: www.privacy.org.nz .

Dated this 17 day of September 2007

Marie Shroff, Privacy Commissioner