



New South Wales

Health Records and Information Privacy Regulation 2006

under the

Health Records and Information Privacy Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Records and Information Privacy Act 2002*.

JOHN HATZISTERGOS, M.L.C.,
Minister for Health

Explanatory note

The electronic health record pilot program is a pilot program conducted by the Department of Health that relates to the electronic recording and exchange of health information about certain persons living in specified areas. Persons to whom the pilot program relates are able to opt out of the program if they wish.

The object of this Regulation is to exempt persons (such as general practitioners) and public sector agencies from the application of clause 15 (Linkage of health records) of Schedule 1 to the *Health Records and Information Privacy Act 2002* to the extent that the persons or agencies are taking part in, and acting in accordance with the terms of, the electronic health record pilot program. The exemption is repealed on 1 March 2009.

This Regulation is made under the *Health Records and Information Privacy Act 2002*, including section 75 (the general regulation-making power).

This Regulation comprises matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Clause 1 Health Records and Information Privacy Regulation 2006

Health Records and Information Privacy Regulation 2006

under the

Health Records and Information Privacy Act 2002

1 Name of Regulation

This Regulation is the *Health Records and Information Privacy Regulation 2006*.

2 Definitions

(1) In this Regulation:

Department means the Department of Health.

Director-General means the Director-General of the Department.

the Act means the *Health Records and Information Privacy Act 2002*.

(2) Notes included in this Regulation do not form part of this Regulation.

3 Electronic health record pilot program

(1) In this clause:

the electronic health record pilot program means the program of that name:

- (a) that provides for the electronic recording of health information about a person and the sharing of that information between health practitioners engaged in the care of the person, and
- (b) that relates to the following persons only:
 - (i) a person who is over 65 years of age and who, at the time the person first takes part in the program, resides within any of the areas having the postcode numbers 2320, 2321, 2322, 2323 or 2324,
 - (ii) a person who, on 25 May 2006, is 15 years of age or under and who, at the time the person first takes part in the program, resides within any of the areas having the postcode numbers 2145, 2148, 2150, 2170, 2560, 2747, 2750 or 2770,
 - (iii) a person who has been authorised by a person referred to in subparagraph (i) or (ii) to access that person's health

Health Records and Information Privacy Regulation 2006

Clause 3

information or who is an authorised representative in relation to that person, and

- (c) that permits any person to opt out of the program, and
 - (d) that does not provide for the sharing of health information between health practitioners about a person who opts out of the program, and
 - (e) that is otherwise conducted by the Department in accordance with the Act and on terms approved by the Director-General.
- (2) Clause 15 of Schedule 1 to the Act does not apply to an organisation to the extent that the organisation is taking part in, and acting in accordance with the terms of, the electronic health record pilot program.
Note. Clause 15 of Schedule 1 to the Act is a Health Privacy Principle dealing with the linkage of health records.
- (3) This clause is repealed on 1 March 2009.