



New South Wales

Health Records and Information Privacy Amendment Regulation 2007

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*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Health Records and Information Privacy Regulation 2006*:

- (a) as a consequence of certain additional areas being included in the electronic health record pilot program (which attracts certain privacy exemptions under the *Health Records and Information Privacy Act 2002*) and certain other areas being removed from the program because the program was never implemented in those other areas, and
- (b) to provide for the Department of Health, the Health Administration Corporation, area health services and statutory health corporations to be treated as a single agency for the purposes of the Health Privacy Principles (as set out in Schedule 1 to the *Health Records and Information Privacy Act 2002*) and health privacy codes of practice (as made under Part 5 of that Act).

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

Clause 1 Health Records and Information Privacy Amendment Regulation 2007

Health Records and Information Privacy Amendment Regulation 2007

under the

Health Records and Information Privacy Act 2002

1 Name of Regulation

This Regulation is the *Health Records and Information Privacy Amendment Regulation 2007*.

2 Amendment of Health Records and Information Privacy Regulation 2006

The *Health Records and Information Privacy Regulation 2006* is amended as set out in Schedule 1.

Health Records and Information Privacy Amendment Regulation 2007

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] **Clause 3 Electronic health record pilot program**

Insert in alphabetical order in clause 3 (1):

pilot program area means any area having the postcode number 2142, 2145, 2146, 2147, 2148, 2150, 2153, 2320, 2321, 2322, 2323, 2324, 2747, 2750 or 2770.

[2] **Clause 3 (1), definition of “the electronic health record pilot program”**

Omit paragraph (b) (i) and (ii). Insert instead:

- (i) a person who, at the time the person first takes part in the program, is over 65 years of age and resides within a pilot program area,
- (ii) a person who, at the time the person first takes part in the program, is 15 years of age or under and resides within a pilot program area,

[3] **Clause 5**

Insert after clause 4:

5 Certain public sector agencies to be treated as a single agency

The following public sector agencies are to be treated as a single agency for the purposes of all of the Health Privacy Principles and any health privacy code of practice:

- (a) the Department,
- (b) the Health Administration Corporation,
- (c) area health services (within the meaning of the *Health Services Act 1997*),
- (d) statutory health corporations (within the meaning of the *Health Services Act 1997*).