

1993/1/1

Privacy Act 1993

**Health Information Privacy
Code 1993 (Temporary)**

**Issued by the
Privacy Commissioner**

New Zealand

**HEALTH INFORMATION PRIVACY
CODE OF PRACTICE 1993 (TEMPORARY)**

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The Privacy Commissioner issues this temporary code of practice under section 46 of the Privacy Act 1993.

- 1. Title - This code of practice may be referred to as the Health Information Privacy Code 1993 (Temporary).**
- 2. Commencement, expiry, amendment, review and effect - This code of practice:**
 - (a) Is issued on 30 July 1993 and shall come into force on 10 August 1993; and**
 - (b) Is a temporary code of practice and shall, unless it is revoked earlier by the Privacy Commissioner, expire on 30 June 1994; and**
 - (c) May be amended by the Privacy Commissioner from time to time; and**
 - (d) Shall be reviewed by the Privacy Commissioner during the period between its commencement and expiry; and**
 - (e) In accordance with section 53 of the Privacy Act :**
 - (i) The doing of any action that would otherwise be a breach of an information privacy principle shall, for the purposes of Part VIII of the Act, be deemed not to be a breach of that principle if the action is done in compliance with this code:**
 - (ii) Failure to comply with this code, even though that failure is not otherwise a breach of any information privacy principle, shall, for the purposes of Part VIII of the Act, be deemed to be a breach of an information privacy principle.**

PART I

INTERPRETATION

- 3. Meaning of "health information" - In this code of practice "health information" means information about an identifiable individual that is, -**
 - (a) Information about the health of that individual, including that individual's medical history; or**
 - (b) Information about any disabilities that individual has, or has had; or**
 - (c) Information about any health services or disability services that are being provided, or have been provided, to that individual; or**
 - (d) Information provided by that individual in connection with the donation, by that individual, of any body part or any bodily substance of that individual; or**

- (e) **Information -**
 - (i) **Derived from the testing or examination of any body part, or any bodily substance, donated by that individual; or**
 - (ii) **Otherwise relating to any part or substance so donated, or relating to the donor and relevant (whether directly or indirectly) to the donation; or**
- (f) **Information about that individual which is collected prior to or in the course of, and incidental to, the provision of any health services or disability services to that individual.**

4. Meaning of "health agency" -

(1) In this code of practice "health agency" means, -

- (a) **A registered health professional as defined in subclause (2); and**
- (b) **An agency which provides health or disability services, including an agency which provides health or disability services under an agreement with another agency; and**
- (c) **An agency which provides services in respect of health information, including an agency which provides such services under an agreement with another agency; and**
- (d) **An agency carrying on a licensed hospital within the meaning of the Hospitals Act 1957 or a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; and**
- (e) **A Crown health enterprise formed under the Health and Disability Services Act 1993; and**
- (f) **An agency that has agreed, and has been declared by the Minister of Health by notice in the Gazette, to be a purchaser for the purposes of the Health and Disability Services Act 1993; and**
- (g) **A regional health authority established under the Health and Disability Services Act 1993; and**
- (h) **An agency carrying on an old people's home within the meaning of section 120A of the Health Act 1956; and**
- (i) **A person who is approved as a counsellor under the Accident Rehabilitation and Compensation Insurance (Counselling Costs) Regulations 1992; and**
- (j) **The blood transfusion trust established under section 92J of the Health Act 1956; and**
- (k) **The Ministry of Health; and**

- (l) **The Public Health Commission established by the Health and Disability Services Act 1993; and**
 - (m) **The Accident Rehabilitation and Compensation Insurance Corporation being a body corporate whose continued existence was provided for by the Accident Rehabilitation and Compensation Insurance Act 1992; and**
 - (n) **The Schools of Medicine of the University of Auckland and the University of Otago; and**
 - (o) **The Health Research Council established under the Health Research Council Act 1990.**
 - (p) **Any agency agreeing to be covered by this code and approved by the Privacy Commissioner for that purpose.**
- (2) In this code of practice "registered health professional" means a person who is registered as :**
- (a) **A physiotherapist under the Physiotherapy Act 1949; or**
 - (b) **An occupational therapist under the Occupational Therapy Act 1949; or**
 - (c) **A medical laboratory technologist, medical radiation technologist, or podiatrist under the Medical and Dental Auxiliaries Act 1966; or**
 - (d) **A medical practitioner under the Medical Practitioners Act 1968; or**
 - (e) **A pharmacist under the Pharmacy Act 1970; or**
 - (f) **An optometrist or a dispensing optician under the Optometrists and Dispensing Opticians Act 1976; or**
 - (g) **A nurse or a midwife, or is enrolled as a nurse, under the Nurses Act 1977; or**
 - (h) **A psychologist under the Psychologists Act 1981; or**
 - (i) **A chiropractor under the Chiropractors Act 1982; or**
 - (j) **A dentist, a clinical dental technician, or a dental technician under the Dental Act 1988; or**
 - (k) **An osteopath on the New Zealand Register of Osteopaths Inc.**

5. Meaning of other terms used in this code of practice -

- (1) In this code of practice, unless the context otherwise requires, -**

"Act" means the Privacy Act 1993.

"Disability services" includes goods, services, and facilities -

- (a) Provided to people with disabilities for their care or support or to promote their independence; or**
- (b) Provided for purposes related or incidental to the care or support of people with disabilities or to the promotion of the independence of such people.**

"Health information privacy rule" or "rule" means any of the health information privacy rules set out in clause 8 of this code of practice.

"Health services" includes goods, services, and facilities provided to people for health purposes or provided for related or incidental purposes.

"Hospital" means a licensed hospital within the meaning of the Hospitals Act 1957.

"Representative", in relation to an individual, means, -

- (a) Where that individual is dead, that individual's personal representative:**
 - (b) Where the individual is under the age of 16 years, that individual's parent or guardian:**
 - (c) Subject to paragraphs (a) and (b) of this definition, where the individual is unable to give his or her consent or authority, or exercise his or her rights, a person appearing to be lawfully acting on the individual's behalf or in that individual's interests.**
- (2) Any terms which are used, and are not defined, in this code of practice but are defined in the Privacy Act 1993 shall have the meaning assigned by the Act, unless the context requires another meaning.**
- 6. Code to apply to certain persons - For the purposes of this code of practice, an action done by, or information disclosed to, a person employed by, in the service of, or training in, a health agency in the performance of the duties of the person's employment or service or training shall be treated as having been done by, or disclosed to, the health agency.**
- 7. Proof of exceptions - Where, by any provision of this code of practice, conduct is excepted from conduct that is an interference with the privacy of an individual, the onus of proving the exception in any proceedings under Part VIII of the Act lies upon the defendant.**

PART II

HEALTH INFORMATION PRIVACY RULES

- 8. Health information privacy rules - The application of the information privacy principles under the Act is modified by this code of practice by providing that the rules that are to apply in respect of health information and health agencies are as follows:**

Rule 1

Purpose of Collection of Health Information

- (1) Health information shall not be collected by any health agency unless -**
- (a) The information is collected for a lawful purpose connected with a function or activity of the health agency; and**
 - (b) The collection of the information is necessary for that purpose.**
- (2) This rule applies only to health information collected on, or after, 10 August 1993.**
- (3) An action is not in breach of this rule if that action is authorised or required by or under law.**

Rule 2

Source of Health Information

- (1) Where a health agency collects health information, the health agency shall collect the information directly from the individual concerned.**
- (2) It is not necessary for a health agency to comply with subclause (1) of this rule if the agency believes, on reasonable grounds, -**
- (a) That the individual concerned authorises collection of the information from someone else; or**
 - (b) That the individual is unable to give his or her authority and the health agency collects the information from the individual's representative; or**
 - (c) That compliance would -**
 - (i) Prejudice the interests of the individual concerned; or**
 - (ii) Prejudice the purposes of collection; or**

- (d) That non-compliance is necessary -
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (ii) For the protection of the public revenue; or
 - (iii) For the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 - (e) That compliance is not reasonably practicable in the circumstances of the particular case; or
 - (f) That the information is publicly available information; or
 - (g) That the information -
 - (i) Will not be used in a form in which the individual concerned is identified; or
 - (ii) Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or
 - (h) That the collection of the information is in accordance with an authority granted under section 54 of the Act.
- (3) This rule applies only to information collected on, or after, 10 August 1993.
 - (4) An action is not in breach of this rule if that action is authorised or required by or under law.

Rule 3

Collection of Health Information from Subject

- (1) Where a health agency collects health information directly from the individual concerned, or from the representative of that individual, the health agency shall take such steps as are, in the circumstances, reasonable to ensure that the individual concerned (and the representative of that individual if collection is from the representative) is aware of -
 - (a) The fact that the information is being collected; and
 - (b) The purpose for which the information is being collected; and
 - (c) The intended recipients of the information; and
 - (d) The name and address of -
 - (i) The health agency that is collecting the information; and
 - (ii) The agency that will hold the information, and

- (e) Whether or not the supply of the information is voluntary or mandatory and if it is mandatory, the particular law under which it is required ; and
 - (f) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
 - (g) The rights of access to, and correction of, health information provided by rules 6 and 7.
- (2) The steps referred to in subclause (1) of this rule shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
 - (3) A health agency is not required to take the steps referred to in subclause (1) of this rule in relation to the collection of information from an individual, or the representative of that individual, if that agency has taken those steps in relation to the collection, from that individual or that representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.
 - (4) It is not necessary for a health agency to comply with subclause (1) of this rule if the agency believes, on reasonable grounds, -
 - (a) That non-compliance is authorised by the individual concerned;
 - (b) That compliance would -
 - (i) Prejudice the interests of the individual concerned; or
 - (ii) Prejudice the purposes of collection; or
 - (c) That non-compliance is necessary to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or
 - (d) That compliance is not reasonably practicable in the circumstances of the particular case.
 - (5) This rule applies only to health information collected on, or after, 10 August 1993.
 - (6) Nothing in this rule shall apply in relation to the collection, by means of any printed form, of any health information, if the form was printed before 1 July 1993 and is used, before 30 June 1994, for the purpose of collecting health information.
 - (7) An action is not a breach of this rule if that action is authorised or required by or under law.

Rule 4
Manner of Collection of Health Information

- (1) Health information shall not be collected by a health agency -**
 - (a) By unlawful means; or**
 - (b) By means that, in the circumstances of the case, -**
 - (i) Are unfair; or**
 - (ii) Intrude to an unreasonable extent upon the personal affairs of the individual concerned.**
- (2) This rule applies only to information collected on, or after, 10 August 1993.**
- (3) An action is not in breach of this rule if that action is authorised or required by or under law.**

**Rule 5
Storage and Security of Health Information**

- (1) A health agency that holds health information shall ensure -**
 - (a) That the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against -**
 - (i) Loss; and**
 - (ii) Access, use, modification, or disclosure, except with the authority of the agency that holds the information; and**
 - (iii) Other misuse; and**
 - (b) That if it is necessary for the information to be given to a person in connection with the provision of a service to the health agency, including any storing, processing, or destruction of the information, everything reasonably within the power of the health agency is done to prevent unauthorised use or unauthorised disclosure of the information; and**
 - (c) That, where a document containing health information is not to be retained, the document is -**
 - (i) Offered or transferred to the individual concerned, or**
 - (ii) Disposed of in accordance with the wishes of the individual concerned,**
or
 - (iii) Otherwise disposed of,**
in a manner that preserves the privacy of the individual.
- (2) This rule applies to -**
 - (a) Health information held by a health agency, whether the information was obtained before, or is obtained after, 10 August 1993; and**
 - (b) Health information that is held outside New Zealand by that agency, where that information has been transferred out of New Zealand by that agency or any other agency.**

- (3) An action is not in breach of this rule if that action is authorised or required by or under law.**

**Rule 6
Access to Health Information**

- (1) Where a health agency holds health information in such a way that it can readily be retrieved, the individual concerned shall be entitled -**
- (a) To obtain from the health agency confirmation of whether or not the agency holds such health information; and**
 - (b) To have access to that health information.**
- (2) Where, in accordance with subclause (1)(b) of this rule, an individual is given access to health information, the individual shall be advised that, under rule 7, the individual may request the correction of that information.**
- (3) The application of this rule is subject to the provisions of Parts IV and V of the Act.**
- (4) This rule applies to, -**
- (a) Health information held by a health agency, whether the information was obtained before, or is obtained after, 10 August 1993; and**
 - (b) Health information held by a health agency outside New Zealand by that agency.**
- (5) Nothing in this rule derogates from any provision :**
- (a) That is contained in any enactment and that authorises or requires health information to be made available ; or**
 - (b) That is contained in any Act of Parliament (other than the Privacy Act) and that -**
 - (i) Imposes a prohibition or restriction in relation to the availability of health information ; or**
 - (ii) Regulates the manner in which health information may be obtained or made available.**
- (6) Section 7(3) of the Act shall apply to this rule.**

Rule 7
Correction of Health Information

- (1) Where a health agency holds health information, the individual concerned shall be entitled -**

 - (a) To request correction of the information; and**
 - (b) To request that there be attached to the information a statement of the correction sought but not made.**
- (2) A health agency that holds health information shall, if so requested by the individual concerned or on its own initiative, take such steps (if any) to correct that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.**
- (3) Where an agency that holds health information is not willing to correct that information in accordance with a request by the individual concerned, the agency shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the information, in such a manner that it will always be read with the information, any statement provided by that individual of the correction sought.**
- (4) Where the agency has taken steps under subclause (2) or subclause (3) of this rule, the agency shall, if reasonably practicable, inform each person or body or agency to whom the health information has been disclosed of those steps.**
- (5) Where an agency receives a request made pursuant to subclause (1) of this rule, the agency shall inform the individual concerned of the action taken as a result of the request.**
- (6) The application of this rule is subject to provisions of Part V of the Act.**
- (7) This rule applies to -**

 - (a) Health information held by a health agency whether the information was obtained before, or is obtained after, 10 August 1993; and**
 - (b) Health information held by a health agency outside New Zealand by that agency.**
- (8) An action is not in breach of this rule if that action is authorised or required by or under law.**

Rule 8

Accuracy, etc, of Health Information to be Checked Before Use

- (1) A health agency that holds health information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading.**
- (2) This rule applies to -**
 - (a) Health information held by a health agency whether the information was obtained before, or is obtained after, 10 August 1993; and**
 - (b) Health information that is held outside New Zealand by a health agency, where that information has been transferred out of New Zealand by that agency or any other agency.**
- (3) An action is not in breach of this rule if that action is authorised or required by or under law.**

Rule 9

Retention of Health Information

- (1) A health agency that holds health information shall not keep that information for longer than is required for the purposes for which the information may lawfully be used.**
- (2) For the avoidance of doubt nothing in subclause (1) shall be construed as requiring the destruction of any document that contains health information the retention of which is necessary or desirable for the purposes of providing health or disability services to the individual about whom the information is held.**
- (3) This rule applies to, -**
 - (a) Health information whether collected before, or after, 10 August 1993; and**
 - (b) Health information held by a health agency outside New Zealand, where that information has been transferred out of New Zealand by that agency or any other agency.**
- (4) An action is not a breach of this rule if that action is required by or under law.**

Rule 10
Limits on Use of Health Information

- (1) A health agency that holds health information that was obtained in connection with one purpose shall not use the information for any other purpose unless the health agency believes, on reasonable grounds, -**
- (a) That the use of the information for that other purpose is authorised by, -**
 - (i) The individual concerned; or**
 - (ii) The individual's representative where the individual is unable to give his or her authority under this rule; or**
 - (b) That the source of the information is a publicly available publication; or**
 - (c) That non-compliance is necessary -**
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences; or**
 - (ii) For the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or**
 - (d) That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to -**
 - (i) Public health or public safety; or**
 - (ii) The life or health of the individual concerned or another individual; or**
 - (e) That the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained; or**
 - (f) That the information -**
 - (i) Is used in a form in which the individual concerned is not identified; or**
 - (ii) Is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or**
 - (g) That the use of the information is in accordance with an authority granted under section 54 of the Act.**
- (2) This rule applies to -**
- (a) Health information obtained on, or after, 10 August 1993; and**
 - (b) Health information held outside New Zealand by a health agency where that information has been transferred out of New Zealand by that agency or any other agency.**
- (3) An action is not a breach of this rule if that action is authorised or required by or under law.**

Rule 11
Limits on Disclosure of Health Information

- (1) A health agency that holds health information shall not disclose the information unless the agency believes, on reasonable grounds, -**
- (a) That the disclosure is to:**
 - (i) The individual concerned; or**
 - (ii) The representative of the individual concerned, where the individual is dead or is unable to exercise his or her rights under these rules; or**
 - (b) That the disclosure is authorised by:**
 - (i) The individual concerned; or**
 - (ii) The representative of the individual concerned where the individual is dead or is unable to give his or her authority under this rule; or**
 - (c) That the disclosure of the information is one of the purposes in connection with which the information was obtained; or**
 - (d) That it is not desirable or practicable to obtain authorisation in accordance with subclause (1)(b) of this rule and the disclosure is in accordance with subclause (2) of this rule.**
- (2) A health agency that holds health information shall not disclose the information to a person or body or agency unless the health agency believes, on reasonable grounds, -**
- (a) That the disclosure of the information is directly related to one of the the purposes in connection with which the information was obtained; or**
 - (b) That the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to -**
 - (i) Public health or public safety; or**
 - (ii) The life or health of the individual concerned or another individual; or**
 - (c) That the source of the information is a publicly available publication; or**
 - (d) That non-compliance is necessary -**
 - (i) To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution and punishment of offences; or**
 - (ii) For the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or**
 - (e) That the disclosure of the information is essential to facilitate the sale or other disposition of a business as a going concern; or**

- (f) That the information -**

 - (i) Is to be used in a form in which the individual concerned is not identified; or**
 - (ii) Is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned; or**

- (g) That the information is information in general terms concerning the condition of the patient in a hospital, on the day on which the information is disclosed, so long as the disclosure is not contrary to the express request of the individual (or the representative of the individual where the individual is under 16 years or is unable to so request); or**

- (h) That the information is disclosed by a registered health professional to a person nominated by the individual concerned or to a near relative of the individual concerned in accordance with recognised professional practice so long as the disclosure is not contrary to the express request of the individual or the representative of the individual where the individual is unable to so request; or**

- (i) That the information to be disclosed concerns only the fact of death and the disclosure is by a health professional, or by a person authorised by a health agency, to a person nominated by the individual concerned, or to the individual's representative, partner, spouse, next of kin, whanau, close relative or other person whom it is reasonable in the circumstances to inform; or**

- (j) That the information to be disclosed briefly describes only the nature of injuries of an individual suffering from the result of an accident and the disclosure is:**

 - (i) By a person authorised by the person in charge of a hospital; and**
 - (ii) To a person authorised by the person in charge of a news medium; and**
 - (iii) For the purpose of publication or broadcast in connection with the news activities of that news medium; and**
 - (iv) Not contrary to the express request of the individual concerned ; or**

- (k) That the disclosure of the information :**

 - (i) Is required for the purposes of identifying whether an individual is suitable to be involved in medical education and so that individuals so identified may be able to be contacted to seek their authority in accordance with subclause (1) (b) of this rule; and**
 - (ii) Is by a person authorised by the health agency to a person authorised by either of the Schools of Medicine at the University of Auckland or the University of Otago ; or**

- (1) That the disclosure of the information is in accordance with an authority granted under section 54 of the Act.**
- (3) Disclosure pursuant to subclause (2) of this rule is permitted only to the extent necessary for the particular purpose or to satisfy the particular request for information.**
- (4) This rule shall apply in respect of any health information about any identifiable individual, whether living or deceased for not more than 20 years.**
- (5) This rule applies to -**
 - (a) Health information -**
 - (i) About living persons whether collected before, or after, 10 August 1993; and**
 - (ii) About deceased persons collected after 10 September 1993 ; and**
 - (b) Health information held outside New Zealand by a health agency where that information has been transferred out of New Zealand by that agency or any other agency.**
- (6) Nothing in this rule derogates from:**
 - (a) Section 22C (1)(a) of the Health Act 1956 ; or**
 - (b) Any provision that is contained in any enactment and that authorises or requires personal information to be made available ; or**
 - (c) Any provision that is contained in any Act of Parliament (other than the Privacy Act) and that -**
 - (i) Imposes a prohibition or restriction in relation to the availability of health information ; or**
 - (ii) Regulates the manner in which health information may be obtained or made available.**
- (7) Section 7(3) of the Act shall apply to this rule.**

**Rule 12
Unique Identifiers**

- (1) A health agency shall not assign a unique identifier to an individual unless the assignment of that identifier is necessary to enable the health agency to carry out any 1 or more of its functions efficiently.**
- (2) A health agency shall not assign to an individual a unique identifier that, to that agency's knowledge, has been assigned to that individual by another agency, unless, -**

- (a) Those 2 agencies are associated persons within the meaning of section 8 of the Income Tax Act 1976; or
 - (b) It is permitted by subclause (3) of this rule.
- (3) The following agencies may assign the same National Health Index Number to an individual:
 - (a) The Ministry of Health;
 - (b) A regional health authority;
 - (c) The Public Health Commission;
 - (d) Any hospital;
 - (e) Any registered medical practitioner;
 - (f) Blood transfusion services;
 - (g) Any registered health professional or class of registered health professional approved for the purpose by the Director-General of Health and notified, by the Director-General, to the Privacy Commissioner.
- (4) A health agency that assigns unique identifiers to individuals shall take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.
- (5) A health agency shall not require an individual to disclose any unique identifier assigned to that individual unless the disclosure is for one of the purposes in connection with which that unique identifier was assigned or for a purpose that is directly related to one of those purposes.
- (6) Subclauses (1) to (4) of this rule apply only in relation to the assignment of unique identifiers after 10 August 1993.
- (7) Subclause (5) of this rule applies to any unique identifier, whether assigned before or after 10 August 1993.
- (8) For the purposes of this rule "unique identifier" means an identifier -
 - (a) That is assigned to an individual by a health agency for the purposes of the operations of the health agency; and
 - (b) That uniquely identifies that individual in relation to that agency; -
but, for the avoidance of doubt, does not include an individual's name used to identify that individual.
- (9) An action is not in breach of this rule if that action is required by or under law.

PART III
MISCELLANEOUS

9. Charges -

- (1) A health agency shall not require the payment, by or on behalf of any individual who wishes to make an information privacy request, of any charge in respect of:**
- (a) The provision of assistance to an individual under section 38 of the Act ; or**
 - (b) The making of an information privacy request to that agency; or**
 - (c) The transfer of an information privacy request to any other agency; or**
 - (d) The processing of an information privacy request, including deciding whether or not the request is to be granted and, if so, in what manner; or**
 - (e) Subject to subclause (2), the making available of information in compliance, in whole or in part, with an information privacy request; or**
 - (f) In the case of a request made pursuant to rule 7(1):**
 - (i) The correction of any information in compliance, in whole or in part, with the request; or**
 - (ii) The attaching, to any information, of a statement of any correction sought but not made.**
- (2) Where an individual makes an information privacy request to a particular private sector health agency in respect of the same, or substantially the same, health information more than once within a period of twelve months, the agency may make a reasonable charge with respect to the making available of the information in accordance with the second or subsequent requests.**
- (3) For the purpose of this clause an "information privacy request" means a request made under -**
- (a) Rule 6(1)(a) to obtain confirmation of whether or not a health agency holds health information.**
 - (b) Rule 6(1)(b) to be given access to health information.**
 - (c) Rule 7(1) for correction of health information.**

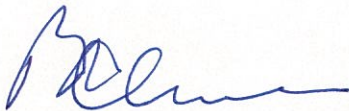
10. Privacy Officers -

- (1) It shall be the responsibility of each health agency to ensure that there are, within that agency, one or more individuals whose responsibilities include-**
- (a) The encouragement of compliance, by the agency, with this code of practice.**

- (b) Dealing with requests made to the agency pursuant to the Act and this code of practice.
 - (c) Working with the Privacy Commissioner in relation to investigations conducted pursuant to Part VIII of the Act in relation to the agency.
 - (d) Otherwise ensuring compliance by the health agency with the provisions of the Act and this code of practice.
- (2) Each privacy officer shall furnish to the Privacy Commissioner on request, statistics detailing:
- (a) The number of requests received by the agency pursuant to rules 6 and 7;
 - (b) The number of complaints received by the agency of breaches of any of the rules in this code.
11. Complaints of interference with the privacy of an individual - A health agency shall designate a person or persons to deal with complaints alleging an interference with the privacy of an individual by the agency.

ISSUED at Auckland this 30th day of July 1993.

The Seal of the Privacy Commissioner was affixed to this Code of Practice by the Privacy Commissioner.



B.H. SLANE
Privacy Commissioner

