

**Health Information Privacy Code 2020
Amendment No 1**

I, **LIZ MACPHERSON**, Deputy Privacy Commissioner, now issue under section 37 of the Privacy Act 2020, this amendment to the Health Information Privacy Code 2020.

Issued by me at Wellington on 25 May 2022.

The SEAL of the Privacy Commissioner was)
affixed to this amendment to the) *[L.S]*
Health Information Privacy Code 2020)
by the Deputy Privacy Commissioner)

Liz MacPherson
Deputy Privacy Commissioner

1. Title

This amendment is the Health Information Privacy Code 2020 Amendment No 1.

2. Commencement

This amendment will come into force on 1 July 2022.

3. Amendment to clause 3 (Interpretation)

(1) Clause 3(1) is amended as follows:

Delete: **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 to 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

Substitute: **disability support 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 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 inclusion and participation in society of such people and their independence

(2) The definition of **health agency** in clause 3(1) is amended as follows:

Delete: disability services

Substitute: disability support services

Note: These amendments are to update terminology and reflect the wording of the equivalent definition provided for the Pae Ora legislation.

4. **Amendment to clause 4 (Application of the Code)**

(1) Clause 4(1)(c) is amended as follows:

Delete: disability services

Substitute: disability support services

(2) Clause 4(1)(e) is amended as follows:

Delete: disability service

Substitute: disability support service

(3) The heading “*Health and disability service providers*” in Clause 4(2) is amended as follows:

Delete: disability service

Substitute: disability support service

(4) Clauses 4(2)(a), 4(2)(b) and 4(2)(n) are amended as follows:

Delete: disability services

Substitute: disability support services

Note: These amendments are to update terminology and reflect the wording of the equivalent definition provided for the Pae Ora legislation.

5. Amendment to clause 5 (Health information privacy rule 9)

Rule 9(2) is amended as follows:

Delete: disability services

Substitute: disability support services

Note: This amendment is to update terminology and reflect the wording of the equivalent definition provided for the Pae Ora legislation.

6. Amendment to clause 5 (Health information privacy rule 11)

Rule 11(2)(i)(i) is amended as follows:

Delete: disability service

Substitute: disability support service

Note: This amendment is to update terminology and reflect the wording of the equivalent definition provided for the Pae Ora legislation.

7. Amendment to clause 5 (Health information privacy rule 12)

Rule 12(1)(g) is amended as follows:

Delete: that

Note: This amendment removes the word "that" from rule 12(1)(g) so that the syntax of the clause when read as a whole makes sense.

8. Amendment to clause 5 (Health information privacy rule 13)

Rule 13(4)(b) is amended as follows:

Delete: by the Ministry of Health

Note: This amendment is to reflect the likelihood that this function will transfer from the Ministry of Health to Health New Zealand.

9. Amendment to clause 6 (Charges)

Clause 6(2) is amended as follows:

Delete: not

Note: This amendment is to correct an error in the Code. The intention of clause 6(2) is to permit private sector health agencies to charge for access in certain limited circumstances.

10. Amendment to Schedule 2: Agencies Approved to Assign NHI Number

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

Delete: (3) District Health Boards

Substitute: (3) Health New Zealand

(2) Paragraph 13 is deleted and new paragraphs 13, 14, and 15 are inserted as follows:

Delete: (13) 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.

Insert: (13) Māori Health Authority

(14) Ministry for Disabled People

(15) Any health agency that has a contract with or is funded by an agency specified in Schedule 2 to provide health or disability support services.

Note: These amendments remove references to agencies which no longer exist, and insert references to new agencies where appropriate. The amendments also update the previous “contracting” provision to better reflect funding arrangements in place within the health sector.

11. Amendment to Schedule 3: Use and Disclosure of Information Derived from Newborn Babies' Blood Spot Samples

(1) The definition of “permitted secondary purpose” in Paragraph 1 is amended as follows:

Delete: (e) comply with a notice in writing from the chairperson of a mortality review committee pursuant to Schedule 5 of the New Zealand Public Health and Disability Act 2000

Substitute: (e) comply with a notice in writing from the chairperson of a mortality review committee pursuant to Schedule 4 of the Pae Ora (Healthy Futures) Act 2022

Note: This amendment reflects that the functions of the mortality review committee are continued and carried by the new legislation.

Legislative history

6 April 2022	<i>Public notice of intention to issue Amendment No 1 (Privacy Act, s 33(3))</i>
25 May 2022	<i>Amendment No 1 issued (Privacy Act, s 37)</i>
27 May 2022	<i>Gazette notice concerning issue, commencement and availability (Privacy Act, s 35)</i>
1 July 2022	<i>Commencement of Amendment No 1</i>

