

**HEALTH INFORMATION PRIVACY CODE 1994
AMENDMENT NO. 7**

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 18 March 2013

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



A handwritten signature in black ink, appearing to read "Marie Shroff".

Marie Shroff
Privacy Commissioner

1. Title

This amendment is referred to as the Health Information Privacy Code 1994 Amendment No. 7.

2. Commencement

This amendment will come into force on 30 April 2013.

3. Amendment to clause 5: rule 10 (serious threat)

Rule 10(1)(d) is amended in the following manner:

Delete : and imminent

4. Amendment to clause 5: rule 11 (serious threat)

Rule 11(2)(d) is amended in the following manner:

Delete : and imminent

5. Amendment to Schedule 2 (addition to agencies permitted to assign NHI number)

Schedule 2 is amended in the following manner:

Insert : in the appropriate order

11A: MedicAlert Foundation - New Zealand Incorporated

6. Amendment to clause 5: rule 12(4) (common provider number)

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:
 (i) the registration number assigned to that individual by the relevant health professional body; or
 (ii) the Common Provider Number assigned to that individual by the Ministry of Health.

7. Amendment to clause 5: rule 10 (use of derived information)

Rule 10 is amended in the following manner:

Insert : (1A) A health agency that holds health information that was obtained from the testing or examination of a blood sample collected in connection with the Newborn Metabolic Screening Programme shall not use that information unless it believes, on reasonable grounds, that the use is in accordance with Schedule 3.

8. Amendment to clause 5: rule 11 (disclosure of derived information)

Rule 11 is amended in the following manner:

Insert : (2A) A health agency that holds health information that was obtained from the testing or examination of a blood sample collected in connection with the Newborn Metabolic Screening Programme shall not disclose that information unless it believes, on reasonable grounds, that the disclosure is in accordance with Schedule 3.

9. Insertion of new Schedule 3 (derived information)

The following Schedule 3 is inserted:

Schedule 3

USE AND DISCLOSURE OF INFORMATION DERIVED FROM NEWBORN BABIES' BLOOD SPOT SAMPLES

Schedule 3 sets standards for how health information derived from the blood spot samples collected for the Newborn Metabolic Screening Programme may be used and disclosed.

All uses and disclosures of derived information must either be:

- for one of the permitted primary or permitted secondary purposes; or

- authorised by the individual concerned or his or her representative; or
- authorised by a close available relative where the individual is deceased or under 16.

1. Interpretation

In this Schedule:

close available relative has the meaning given to it by section 10 of the Human Tissue Act 2008

derived information means health information that was obtained from testing or examination of a blood sample collected in connection with the Newborn Metabolic Screening Programme

permitted primary purpose means a purpose directly connected with conducting and administering the Newborn Metabolic Screening Programme, including to:

- conduct initial and repeat screening for metabolic or genetic disorders of blood samples taken from newborn babies;
- conduct quality assurance and audit; and
- develop new screening procedures

permitted secondary purpose means to:

- assist the New Zealand Police in an investigation where biological material, a body part or a body has been discovered and no other avenue of identifying a person who is deceased or missing is practicable;
- conduct testing, intended to benefit the individual concerned or his or her family, that is authorised by:
 - the individual concerned or his or her representative; or
 - a close available relative where the individual is dead or under 16;
- conduct an inquiry pursuant to Part 3 of the Coroners Act 2006;
- comply with a search warrant or court order;
- 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; or
- carry out research for which approval by an ethics committee and the Ministry of Health has been given.

2. Use and disclosure of derived information

Any health agency that holds derived information about an individual must not use or disclose the information unless it believes, on reasonable grounds, that:

- the individual concerned or his or her representative has authorised the use or disclosure of derived information about himself or herself; or

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- (b) where the individual is deceased or under 16, a representative or close available relative has authorised the use or disclosure of the individual's derived information; or
- (c) the derived information is to be used or disclosed for a permitted primary purpose or a permitted secondary purpose.

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