

Australian Capital Territory

# **HEALTH RECORDS (PRIVACY AND ACCESS) AMENDMENT BILL 2005 (No 2) - Government Amendments**

## **Explanatory Statement**

Circulated with the authority of  
Simon Corbell MLA  
Minister for Health

## EXPLANATORY STATEMENT

### Outline

The *Health Records (Privacy and access) Amendment Bill 2005 (No 2)* addresses a number of concerns that have been raised in regards to some aspects of the current Act that do not work well in practice and some issues that are not covered by the current Act. The other amendments relate to maintaining consistency with the National Health Privacy Code. Additional amendments have been drafted to accommodate concerns that have been raised by the Scrutiny of Bills Committee in regards to further safeguards to protect the disclosure and use of personal health information used for research purposes.

### Revenue/Cost Implications

There are no additional costs involved with these amendments.

### Government Amendments

**Amendment 1 – Clause 5 proposed new principle 4.2 new clause 3, Page 4, line 27** – inserts a new clause 3 to provide a minimum timeframe of seven years for keeping a record on the register.

**Amendment 2 – Clause 7 proposed new principle 10 clause 3(a), Page 7, line 19** – substitutes a new clause 3(a) to include a public interest test for the use and disclosure of personal health information used for research or the compilation or analysis of statistics, in the public interest.

**Amendment 3 – Clause 7 proposed new principle 10 clause 3(e) and (f), Page 8, line 10** – inserts new paragraph (e) and (f) to provide for the entity to comply with guidelines regarding the entities internal procedures and oversight requirements in respect of its handling of personal health information used for research purposes. Paragraph (f) also provides that the record keeper needs to be of the belief that the recipient will not disclose the information.

**Amendment 4 – Proposed new clause 16A, Page 23, line 7** – inserts a new clause 16A to provide a new regulation making power consequential on the requirement to prescribe guidelines in amendment 3.

**Amendment 5 – Proposed new clause 22, Page 24, line 26** – inserts a new definition of privacy principles which is necessary and consequential on the changes made in amendments 3 and 4.