



## ANALYSIS

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1988, No. 99

**An Act to amend the Health Act 1956**

[28 June 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Health Amendment Act 1988, and shall be read together with and deemed part of the Health Act 1956 (hereinafter referred to as the principal Act).

(2) Section 4 of this Act, and the Schedule to this Act, shall come into force on the 1st day of October 1988.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

**2. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term "dwellinghouse", the following definition:

"'Environmental Health Officer' means a Health Protection Officer or a City Environmental Health Officer, Borough Environmental Health Officer, County Environmental Health Officer, or District Environmental Health Officer."

(2) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term “dwellinghouse”, the following definition:

“‘Health Protection Officer’ means—

“(a) An officer of the Department of Health appointed as a Health Protection Officer under this Act; or

“(b) An officer of an area health board appointed as a Health Protection Officer under the Area Health Boards Act 1983.”

(3) Section 2 (1) of the principal Act is hereby further amended by repealing the definitions of the terms “Inspector” and “Inspector of Health”.

(4) Every reference to an Inspector in the principal Act or in any other enactment passed before the commencement of this Act shall now be read as a reference to an Environmental Health Officer.

(5) Every reference to an Inspector of Health in the principal Act or in any other enactment passed before the commencement of this Act shall now be read as a reference to a Health Protection Officer.

**3. Advisory committees and subcommittees**—(1) The principal Act is hereby amended by repealing section 9A (as inserted by section 2 of the Health Amendment Act 1971), and substituting the following section:

“9A. (1) For the purposes of this Act, the Minister may from time to time appoint advisory committees, and subcommittees of any such advisory committee, as the Minister thinks fit.

“(2) Every such committee or subcommittee shall have such functions and powers as the Minister may from time to time determine.

“(3) Any such committee may from time to time, with the approval of the Minister, appoint a subcommittee consisting of 2 or more persons (who may or may not be members of the committee) to inquire into and report to the committee on any matter within the scope of the committee’s functions as may be referred to it by the committee.

“(4) Every subcommittee appointed under subsection (3) of this section shall be subject in all things to the control of the committee by which it is appointed and may at any time be discharged, altered, or reconstituted by that committee.

“(5) There shall be paid out of money appropriated by Parliament for the purpose to the members of any committee or subcommittee appointed under this section remuneration by

way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if every such committee and subcommittee were a statutory board within the meaning of that Act.

“(6) Subject to the provisions of this Act and of any regulations made under this Act, every such committee and subcommittee may regulate its own procedure.”

(2) Section 2 of the Health Amendment Act 1971 is hereby consequentially repealed.

**4. Board of Health abolished**—(1) The Board of Health is hereby abolished.

(2) The heading above section 11, and sections 11 to 18A, of the principal Act are hereby repealed.

(3) The provisions of the principal Act specified in the first column of Part I of the Schedule to this Act are hereby amended in the manner indicated in the second column of that Part of that Schedule.

(4) The enactments specified in the first column of Part II of the Schedule to this Act are hereby amended in the manner indicated in the second column of that Part of that Schedule.

**5. Method of constituting health districts changed**—

(1) Section 19 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) For the purposes of this Act, the Director-General may from time to time, by notice in the *Gazette*, declare New Zealand or any part of New Zealand to be divided into health districts, with such names and boundaries as the Director-General thinks fit.”

(2) Subject to any notice given by the Director-General under section 19 (1) of the principal Act (as substituted by subsection (1) of this section), the health districts existing immediately before the commencement of this Act shall, notwithstanding the effect of subsection (1) of this section, continue to exist, with the same names and boundaries, as if they were declared by such a notice.

**6. New heading and sections (relating to personal information) inserted in principal Act**—The principal Act is hereby amended by inserting in Part I, after section 22A (as inserted by section 73 (1) of the Factories and Commercial Premises Act 1981), the following heading and sections:

*“Personal Information*

“22B. **Health computer system**—(1) Where the Director-General has a health computer system under the Director-General’s control, the Director-General shall take all reasonable steps to ensure that—

“(a) No person not authorised to have physical access to that system has physical access to it:

“(b) No person not authorised to operate that system operates it:

“(c) A record is kept of every occasion on which a person authorised to operate that system operates it, the nature of the operation concerned, and the identity of that person:

“(d) That system keeps a record of every attempt (whether successful or not) to operate it by a person not authorised to operate it.

“(2) Subject to subsection (3) of this section, the Director-General may authorise the use of a health computer system for the storage, processing, and retrieval of fictitious information for all or any of the following purposes:

“(a) Training officers of the Department of Health or employees of any area health board or hospital board in the use of that system:

“(b) Testing that system or any part of it:

“(c) Detecting any misuse of that system (whether or not that misuse amounts to an offence against this Act).

“(3) All fictitious information stored in a health computer system for a purpose specified in paragraph (a) or paragraph (b) of subsection (2) of this section shall at all times be clearly identified as being for training or testing purposes, and shall be kept distinct from all other information stored in that system.

“(4) Any use of a health computer system authorised under subsection (2) of this section shall not be an offence against subsection (5) of this section.

“(5) Every person commits a crime, and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years, who—

“(a) Knowing that he or she is not authorised to do so, connects any health computer system to any other computer or any terminal or other installation connected to or forming part of any other computer; or

“(b) Knowingly falsifies any information stored in a health computer system by the deletion or modification of

all or any part of, or the addition of other information to, that information; or

“(c) Knowing that he or she is not authorised to do so, enters into or deletes from a health computer system any information; or

“(d) Knowing that he or she is required in the course of his or her duties to do so, wilfully fails or omits to enter any information into a health computer system; or

“(e) Knowingly provides false information with the intent that it be entered into a health computer system; or

“(f) Knowing that he or she is not authorised to do so, operates or attempts to operate a health computer system, whether by means of any device or apparatus that is part of that system or by any other means; or

“(g) Knowing that he or she is not authorised to do so, modifies the programming of a health computer system.

“(6) Nothing in this section shall limit the rights, powers, and duties of the Audit Office in relation to information stored in any health computer system.

“(7) Notwithstanding subsection (5) (a) of this section, no person commits an offence against this Act who, with the consent of the Director-General, connects a health computer system under the Director-General’s control to any other computer, or a terminal or other installation.

“(8) For the purposes of this section, the terms ‘health computer system’, ‘to operate’, and ‘terminal’ have the same meanings as in the Area Health Boards Act 1983.

“22c. **Meaning of ‘personal information’**—In sections 22D to 22F of this Act, the term ‘personal information’ has the same meaning as it has in the Official Information Act 1982.

“22d. **Department to collect personal information only where reasonably necessary**—The Department shall not collect personal information unless it is reasonably necessary to do so in connection with the duties or functions of the Department.

“22e. **Protection of personal information collected**—The Department shall take all reasonable steps to ensure that personal information collected by the Department is protected from—

“(a) Unauthorised access, unauthorised alteration, and unauthorised destruction; and

“(b) Any use that is not authorised by this Act or in accordance with the Official Information Act 1982.

“22F. **Special provisions relating to independent contractors, etc.**—(1) This section applies to every person who, not being an employee of the Department, is engaged by the Department to collect, hold, and provide personal information for the Department.

“(2) Every person to whom this section applies shall take all reasonable steps to ensure that the personal information is protected from—

“(a) Unauthorised access, unauthorised alteration, and unauthorised destruction; and

“(b) Any use that is not authorised by this Act or in accordance with the Official Information Act 1982.

“(3) The personal information shall at all times remain the property of the Department, and every person to whom this section applies shall hand over any such personal information to the Department whenever the Department so directs.”

**7. Ship’s declaration of health**—(1) The principal Act is hereby amended by repealing section 102, and substituting the following section:

“102. (1) The master of any ship that is on its way to New Zealand from any port beyond New Zealand shall, before the ship arrives in New Zealand, ascertain the state of health of each person on board.

“(2) On arriving in New Zealand, the master shall complete and deliver to the Medical Officer of Health or the Health Protection Officer a maritime declaration in the prescribed form.

“(3) The form shall be countersigned by the ship’s medical officer (if there is one).

“(4) The master, and the medical officer (if there is one), shall from time to time supply to the Medical Officer of Health, or to any person acting under the authority of that officer, any further information required by the Medical Officer of Health or the Health Protection Officer relating to the state of health of any person who was on board the ship on its arrival in New Zealand.

“(5) The master or the medical officer commits an offence and is liable to a fine not exceeding \$1,000 if the master or medical officer—

- “(a) Refuses, or fails without reasonable excuse, to comply with any of the preceding provisions of this section; or
- “(b) Gives to the Medical Officer of Health, or to any person acting under the authority of that officer, any declaration, answer, or information that the master or medical officer knows to be false or misleading.
- “(6) The master or medical officer, or any other person, commits an offence and is liable to a fine not exceeding \$2,000 if the master, medical officer, or other person deceives or attempts to deceive the Medical Officer of Health, or any person acting under the authority of that officer, in respect of any matter with intent—
- “(a) To obtain pratique; or
- “(b) To influence in any other respect the exercise by or on behalf of the Medical Officer of Health of any authority conferred on that officer by this Part of this Act.”
- (2) The following enactments are hereby consequentially repealed:
- (a) Section 104 of the principal Act:
- (b) So much of the Schedule to the Health Amendment Act 1979 as relates to section 104 of the principal Act:
- (c) So much of the First Schedule to the Health Amendment Act 1982 as relates to sections 102 and 104 of the principal Act.

**8. Service of documents by post**—Section 131 (1) of the principal Act is hereby amended by omitting the word “registered” in both places where it occurs.

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Section 4 (3), (4)

## SCHEDULE

## AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF HEALTH

## PART I

*Amendments to Health Act 1956*

Provision	Amendment
Section 2 (1)	By repealing the definition of the term "Board".
Section 23 (f)	By omitting the words "the Board of Health or".
Section 123A	By omitting the words ", on the recommendation of the Board of Health,".
Section 124 (3)	By omitting the words "or of the Board of Health".

## PART II

*Amendments to Other Enactments*

Enactment	Amendment
1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 19, p. 665)	By repealing section 3 (cd) (as inserted by section 2 of the Hospitals Amendment Act (No. 2) 1986). By omitting from section 131 (4) the words "Subject to the provisions of section 143 of this Act,". By omitting from section 132 (4) the words "Subject to the provisions of section 143 of this Act,". By repealing section 143. By repealing section 3 (3).
1960, No. 96—The Health Amendment Act 1960 (R.S. Vol. 19, p. 607)	
1968, No. 26—The Maternal Mortality Act 1968 (R.S. Vol. 17, p. 321)	By omitting from section 3 (2) the words "after consultation with the Board of Health or any appropriate committee of that Board". By omitting from the proviso to section 3 (4) the words "after consultation with the Board of Health or any appropriate committee of that Board,". By omitting from section 3 (5) the words "after consultation with the Board of Health or any appropriate committee of that Board,".
1972, No. 31—The Clean Air Act 1972	By omitting from section 35 (5) the words "or of the Board of Health".

SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF HEALTH—  
*continued*PART II—*continued**Amendments to Other Enactments—continued*

Enactment	Amendment
1982, No. 35—The Health Amendment Act (No. 2) 1982 (R.S. Vol. 19, p. 617)	By repealing sections 4 to 10.
1983, No. 134—The Area Health Boards Act 1983	By repealing section 35 (b).
1986, No. 19—The Hospitals Amendment Act (No. 2) 1986 (R.S. Vol. 19, p. 820)	By repealing section 2.
1987, No. 10—The Health Amendment Act 1987 (R.S. Vol. 19, p. 618)	By repealing section 7.

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This Act is administered in the Department of Health.

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