

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 23 June 1988

HEALTH AMENDMENT BILL (NO. 2)

Proposed Amendments

Hon. Mr CAYGILL, in Committee, to move the following amendments:

Proposed clause 5A: To insert on page 4, after clause 5, the following clause:

5A. New heading and sections 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.”

EXPLANATORY NOTE

These amendments are in the form recommended by the Social Services Select Committee following consideration of the amendments set out in Supplementary Order Paper No. 44.