

The background features a large, light gray circle on the right side, partially overlapping a smaller, bright blue circle on the left. Several thin, light gray lines, both solid and dashed, curve across the scene, creating a sense of motion or a network. The text is centered within the blue circle.

**Health Information
Privacy Code**

What is Privacy?

- Privacy is not secrecy or confidentiality
- Privacy is wider than security
- Privacy is about control
- The Privacy Act and the HIPC provide individuals with the ability to know what is happening to their information and retain a measure of autonomy in that process.

Information for the following slides has been obtained from the Privacy Commissioner publication: Health 101: AN INTRODUCTION TO THE HIPC

HIPC 2020

Health Information Privacy Code

- The HIPC 1994 was updated to be in alignment with the Privacy Act 2020
- A new rule was added (Rule 12) – Disclosure of Health Information Outside New Zealand

<https://www.privacy.org.nz/privacy-act-2020/codes-of-practice/hipc2020/>

HIPC

The Code applies to personal health information

About an identifiable person

Focuses on purpose (not consent)

13 privacy principles into rules

13 Rules

Health Information Privacy Code

- collection of personal information (principles 1-4)
- storage and security of personal information (principle 5)
- requests for access to and correction of personal information (principles 6 and 7, plus parts 4 and 5 of the Act)
- accuracy of personal information (principle 8)
- retention of personal information (principle 9)
- use and disclosure of personal information (principles 10 and 11), and
- using unique identifiers (principle 13).

Rule 1

Health Information Privacy Code Purpose for Collection

Rule 1 - Health information must only be collected when:

- the collection is for a lawful purpose
- the purpose is connected with the functions of the agency, and
- it is necessary to collect the information for that purpose

Activity 1

Purpose for Collection: Consider a Community Pharmacy

- What information do I need to collect?
- Why do I need this information?
- Is there a law about how to do this?
- Is the purpose connected with a function or activity of the agency?
- Is the collection of this information necessary to achieve that purpose?

Rule 2

Health Information Privacy Code Source of Information

Health information must usually be collected from the person who the information relates to. But the Code does allow you to collect information from other people in limited cases, for instance, when:

- the person concerned authorises collection from someone else
- obtaining it from the person concerned would undermine the purpose of the collection
- this is necessary in order for a public sector body to uphold or enforce the law, or
- this is necessary for the purposes of court or tribunal proceedings

Rule 2

Health Information Privacy Code

Exceptions

- Authorisation given
- Prejudice the purpose of collection
- Not reasonably practicable
- Prejudice the safety of the individual
- Individual not identified
- Information publicly available

Rule 3

Health Information Privacy Code What to tell an individual

When an agency directly collects health information, it has to take reasonable steps to make sure that person concerned knows things like:

- why it is being collected
- who will see the information
- whether the person is required to give the information or whether it is voluntary
- what will happen if the information isn't provided

Rule 4

Health Information Privacy Code Manner of Collection

Rule 4 Health information must not be collected by unlawful means or by means that, in the circumstances, are unfair or unreasonably intrusive.

Rule 5

Health Information Privacy Code Storage and security

Rule 5 requires agencies to take reasonable security safeguards to protect against:

- loss
- unauthorised access, use, modification or disclosure; and
- other misuse

Rule 6

Health Information Privacy Code Access

People have the right to ask for access to personal information about themselves.

Agencies can refuse to give access in some limited situations, for instance, where giving the information would:

- endanger a person's safety
- prevent the detection and investigation of criminal offences, or
- involve an unwarranted breach of someone else's privacy

Rule 7

Health Information Privacy Code Correction

Rule 7 provides individuals with the right to request correction of information.

When an agency receives a request for correction and it does not want to make that correction, it must inform the individual of three things:

1. the reason for the refusal
2. the individual's right to request that a statement of correction be attached to the disputed information, and
3. the individual's right to complain to the Privacy Commissioner

Rule 8

Health Information Privacy Code Accuracy

Before using health information, an agency must take reasonable steps to ensure it is:

- accurate
- up-to-date
- complete
- relevant
- not misleading

Rule 9

Health Information Privacy Code Retention

Agencies must not keep health information for too long. They can only keep it for as long as is necessary for any lawful purpose of use.

The Health (Retention of Health Information) Regulations 1996 require health information to be retained for at least 10 years from the last date of treatment or care unless the information is transferred to another provider or given to the individual.

Rule 10

Health Information Privacy Code Use

Health information obtained for one purpose must not be used for another purpose unless the agency believes, on reasonable grounds, that an exception applies. Examples of exceptions are where:

- the other use was authorised by the individual or their representative, or
- the other purpose is directly related to the purpose for which the information was originally collected

Rule 11

Health Information Privacy Code Disclosure

Unless another law overrides the HIPC, health agencies must not disclose personal information unless an exception applies.

An agency can disclose information if it reasonably believes, for example, that:

- disclosure is one of the purposes for which the agency obtained the information
- disclosure is necessary to uphold or enforce the law
- disclosure is necessary for court or tribunal proceedings
- the person concerned authorised the disclosure, or
- the information is going to be used in a form that does not identify the person concerned

Activity 2

Health Information Privacy Code Disclosures

Consider some examples in pharmacy where disclosure of information may occur

Rule 12

Disclosure of Health information outside NZ

Outlines what can and can't be disclosed based on the Act.

Rule 13

Health Information Privacy Code Unique identifiers

Rule 13 restricts the use of unique identifiers. An agency may only assign a unique identifier if:

- this is necessary to enable it to carry out its functions, and
- the person's identity is clearly established

Data Breach

Health Information Privacy Code

What to do if a data breach occurs

1. Containment and preliminary assessment
2. Evaluation of risks associated with the breach
3. Notification of affected parties
4. Prevention of future breaches

13 Rules

Health Information Privacy Code

Rule 1 – purpose for collection	Only collect information when you need it for a lawful purpose connected with your agency.
Rule 2 – source of information	Obtain the information directly from the person concerned if possible.
Rule 3 – what to tell an individual	Tell the person what you are doing
Rule 4 – manner of collection	Do not use unfair or unreasonably intrusive means of collecting the information.
Rule 5 – storage and security	Take care of the information once you have obtained it
Rule 6 - access	The person can ask to see the information
Rule 7 - correction	The person can ask you to correct the information.
Rule 8 - accuracy	Make sure that the information is accurate before you use (process) it.
Rule 9 - retention	Dispose of the information once you have finished with it.
Rule 10 - use	Only use the information for the purpose for which it was obtained.
Rule 11 - disclosure	Only disclose the information if this was the reason for which you obtained it
Rule 12 – foreign entities	Limits disclosure to foreign persons or entities.
Rule 13 – unique identifiers	Only use unique identifiers in place of person’s name where necessary.