



New South Wales

Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2008

under the

Health Records and Information Privacy Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Records and Information Privacy Act 2002*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Health Records and Information Privacy Regulation 2006*:

- (a) to prescribe the services of a chaplain in a public hospital or health institution as a health service for the purposes of the *Health Records and Information Privacy Act 2002* where the chaplain is accredited by the chief executive of a public health organisation that controls the hospital or institution, and
- (b) to enable a public health organisation to use, or disclose to an accredited chaplain, health information, without the consent of the individual to whom the information relates, for the purpose of accredited chaplaincy services in a public hospital or health institution controlled by the organisation if the individual would reasonably expect the organisation to use or disclose the information for that purpose.

This Regulation is made under the *Health Records and Information Privacy Act 2002*, including paragraph (l) of the definition of **health service** in section 4 (1), and clauses 10 (1) (k) and 11 (1) (l) of Schedule 1 and section 75 (the general regulation-making power).

2008 No 359

Clause 1 Health Records and Information Privacy Amendment (Accredited
Chaplains) Regulation 2008

**Health Records and Information Privacy Amendment
(Accredited Chaplains) Regulation 2008**

under the

Health Records and Information Privacy Act 2002

1 Name of Regulation

This Regulation is the *Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2008*.

2 Commencement

This Regulation commences on 1 October 2008.

3 Amendment of Health Records and Information Privacy Regulation 2006

The *Health Records and Information Privacy Regulation 2006* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 2 Definitions

Insert in alphabetical order in clause 2 (1):

accredited chaplain, in relation to a public hospital or health institution, means a person:

- (a) who has been accredited for the purposes of providing chaplaincy services in the hospital or institution by the chief executive of a public health organisation that is responsible for controlling that hospital or institution, and
- (b) whose accreditation has not been revoked.

chief executive, in relation to a public health organisation, has the same meaning as in the *Health Services Act 1997*.

health institution, **public health organisation** and **public hospital** have the same meanings as in the *Health Services Act 1997*.

[2] Clause 2 (1A)

Insert after clause 2 (1):

- (1A) A reference in this Regulation to a hospital or health institution controlled by a public health organisation includes a reference to a hospital or health institution that is conducted by or on behalf of such an organisation.

Note. Clause 2 of Part 2 of the Dictionary to the *Health Services Act 1997* contains a similar provision in relation to references in that Act to hospitals, health institutions and services controlled by a public health organisation or other body or person.

[3] Clauses 2A and 2B

Insert after clause 2:

2A Accredited chaplaincy service a “health service”

The service of an accredited chaplain in a public hospital or a health institution controlled by a public health organisation is prescribed as a health service for the purposes of the Act.

2008 No 359

Health Records and Information Privacy Amendment (Accredited
Chaplains) Regulation 2008

Schedule 1 Amendments

**2B Health information may be used or disclosed for purpose of
chaplancy services**

For the purposes of clauses 10 (1) (k) and 11 (1) (l) of Schedule 1 to the Act, an organisation may use or disclose health information for a secondary purpose if:

- (a) the organisation is a public health organisation, and
- (b) the secondary purpose is the service of an accredited chaplain in a public hospital or health institution that is controlled by the organisation, and
- (c) in the case of a disclosure—the person to whom the disclosure is made is an accredited chaplain for the hospital or institution, and
- (d) the individual to whom the health information relates would reasonably expect the organisation to use or disclose the information for the secondary purpose.

BY AUTHORITY
