



Health Records and Information Privacy Amendment (Information Transfer) Regulation 2012

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*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Health Records and Information Privacy Regulation 2012* to allow an organisation that holds health information from the organ donor register maintained by Roads and Maritime Services to use and disclose that information for the purpose of providing that information to the Australian Organ Donor Register or the NSW Organ and Tissue Donation Service.

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

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Health Records and Information Privacy Act 2002

1 Name of Regulation

This Regulation is the *Health Records and Information Privacy Amendment (Information Transfer) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Health Records and Information Privacy Regulation 2012

Clause 6A

Insert after clause 6:

6A Health information may be disclosed for purpose of organ donor registers

- (1) For the purposes of clauses 10 (1) (k) and 11 (1) (l) of Schedule 1 to the Act, an organisation may use and disclose health information if:
 - (a) the information relates to whether a person had, during the person's lifetime, given his or her consent or expressed an objection to the removal after that person's death of tissue from that person's body (including, in the case of consent, details and any conditions of the consent), and
 - (b) the information was obtained from, or comprised part of, the organ donor register administered by Roads and Maritime Services, and
 - (c) the information is disclosed for the purpose of providing that information to:
 - (i) the Australian Organ Donor Register, or
 - (ii) the NSW Organ and Tissue Donation Service.

- (2) In this clause:

Australian Organ Donor Register means the Australian Organ Donor Register administered by the Commonwealth and referred to in Schedule 1 to the *Human Services (Medicare) (Medicare Programs) Specification 2011* (of the Commonwealth).

NSW Organ and Tissue Donation Service means the NSW Organ and Tissue Donation Service of the South Eastern Sydney Local Health District.

tissue has the same meaning as in the *Human Tissue Act 1983*.