



New South Wales

Health Records and Information Privacy Amendment (Exemption) Regulation 2016

under the

Health Records and Information Privacy Act 2002

His 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 exempt persons (such as general practitioners) and organisations (such as public sector agencies) from the application of clause 15 (Linkage of health records) of Schedule 1 to the *Health Records and Information Privacy Act 2002*. The exemption applies only to the extent that the persons or organisations include information about an individual registered for the My Health Record system trial established under Commonwealth legislation in the My Health Record system.

This Regulation is made under the *Health Records and Information Privacy Act 2002*, including section 75 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Health Records and Information Privacy Amendment (Exemption) Regulation 2016*.

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 6B

Insert after clause 6A:

6B Exemption for My Health Record system trial

(1) Clause 15 of Schedule 1 to the Act does not apply to an organisation to the extent that the organisation includes health information about an individual registered for the My Health Record system trial in the My Health Record system.

(2) In this clause:

My Health Record system has the same meaning as in the *My Health Records Act 2012* of the Commonwealth.

My Health Record system trial means any trial of the opt-out model contained in Part 2 of Schedule 1 to the *My Health Records Act 2012* of the Commonwealth that is established by rules under clause 1 of Schedule 1 to that Act.