



New South Wales

# Health Records and Information Privacy Amendment (Disclosure of Health Information) Regulation 2022

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*.

BRAD HAZZARD, MP  
Minister for Health

## Explanatory note

The object of this Regulation is to extend an exemption authorising the disclosure of health information to immediate family members for compassionate reasons so that it applies to health information about persons who are deceased.

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

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### **1 Name of Regulation**

This Regulation is the *Health Records and Information Privacy Amendment (Disclosure of Health Information) Regulation 2022*.

### **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 2022**

#### **Section 7A**

Insert after section 7—

#### **7A Disclosure for compassionate reasons**

For the Act, Schedule 1, clause 11(1)(l), an organisation may disclose health information for a secondary purpose if —

- (a) the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons, and
- (b) the disclosure is limited to the extent reasonable for those compassionate reasons, and
- (c) the individual is deceased, and
- (d) the disclosure is not contrary to a wish expressed by the individual, and not withdrawn, before the death of the individual of which the organisation was aware or could make itself aware by taking reasonable steps, and
- (e) if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information.