

Bills Committee on Electronic Health Record Sharing System Bill

**List of follow-up actions arising from the discussion
at the meeting on 26 May 2014**

The Administration was requested to -

- (a) provide a consolidated response to the issues of concern raised by the Privacy Commissioner for Personal Data, and those raised by other deputations in respect of privacy protection of the electronic health records of the registered healthcare recipients; and a separate response to other issues of concern raised by the deputations;
- (b) consider, in the light of the fact that separate storage of sensitive health records with additional access control (viz. a "safe deposit box") was not featured in Stage One of the Electronic Health Record Programme, the suggestion that registered healthcare recipients ("HCRs") should have the right to request the registered healthcare providers not to disclose or upload to the Electronic Health Record Sharing System ("eHRSS") certain health data which fell within the pre-defined sharable scope;
- (c) advise whether mildly mentally handicapped HCRs would be classified as mentally incapacitated within the meaning of section 2(1) of the Mental Health Ordinance (Cap. 136); and if not, how these mildly mentally handicapped HCRs would be able to make a data access or correction request for their health records in eHRSS;
- (d) consider specifying under the proposed section 53(2)(c) the precise composition of members of the Electronic Health Record Research Board, with a view to ensuring that the 10 non-ex officio members to be appointed by the Secretary for Food and Health would be drawn from various fields; and
- (e) provide in the form of a table a summary of the new offences specific to the operation of electronic health record sharing as proposed in the Bill and the existing sanctions relating to protection of personal data as currently provided for under other laws of Hong Kong.