



香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong

LC Paper No. CB(2)2078/13-14(01)

Our Ref.: PCPD(O)115/156/45

17 July 2014

By Fax (2185 7845) & By Post

Ms Maisie LAM

Clerk to Bills Committee on Electronic Health Record Sharing System Bill

Legislative Council Secretariat

Legislative Council Complex

1 Legislative Council Road

Central

Hong Kong

Dear Ms Lam,

Electronic Health Record Sharing System Bill

Thank you for your letter dated 14 July 2014 seeking our comment on the adequacy of the safeguards for the protection of patient privacy under the Public Private Interface-Electronic Patient Record (“PPI-ePR”) pilot project.

Based on the brief information provided by the Administration under item (a) in LC Paper No. CB(2)2045/13-14(03), we have not found any features in the pilot project which may be regarded as causing undue privacy intrusion.

Please note, however, that it is not entirely appropriate to make reference to the PPI-ePR pilot project for the purpose of understanding the operation of Electronic Health Record Sharing System (“eHRSS”) under the Electronic Health Record Sharing System Bill. Otherwise we will be comparing apples to oranges.

For example, based on the information provided in the Administration's paper and our subsequent clarification with them, we have identified the following differences between the two systems: -

- (i) Patient's consent is provided to individual healthcare professionals under the PPI-ePR as opposed to a healthcare provider (which may be a hospital employing various healthcare professionals) under the eHRSS.
- (ii) Under the PPI-ePR, an SMS will notify the patient of every access of his data by the healthcare professional to whom access consent was given whereas the SMS notification generated under the eHRSS will only specify the authorized healthcare provider but not the healthcare professional who has actually gained access.

In short, our doubts on whether access to patients' data will be made under the eHRSS on a "need-to-know" basis, as explained in our previously submitted LC Paper No. CB(2)1580/13-14(03) and LC Paper No. CB(2)2045/13-14(01) under "Sharable scope of data/ Need-to-know principle" have not been allayed.

Yours sincerely,



Allan CHIANG

Privacy Commissioner for Personal Data

c.c. Secretary for Food and Health
(Attn: Mr Sidney CHAN Shuen-yiu, JP)