

Bills Committee on Electronic Health Record Sharing System Bill

**List of follow-up actions arising from the discussion
at the meeting on 29 July 2014**

The Administration was requested to -

- (a) in respect of clause 38 on access to and correction of data or information contained in the electronic health record ("eHR") of a registered healthcare recipient ("HCR"),
 - (i) provide inference of cases that the authorization in writing for a person to make a data access request ("DAR") or a data correction request ("DCR") for a registered HCR might give rise to possible abuse by dishonest employers or insurers;
 - (ii) provide information on the safeguards against abuse by dishonest persons of the authorization in writing for a person to make a DAR or DCR as currently provided for under the laws of Hong Kong; and
 - (iii) given that it was out of the Guardianship Board's jurisdiction to grant an order to enable parents to become guardians of their mentally handicapped grown-up children who did not fall within the definition of "mentally incapacitated person" in the Mental Health Ordinance (Cap. 136) for the purpose of making a DAR or DCR in respect of their children's health records and the latter did not have the capacity to authorize their parents to do so, advise how the Administration would address the issue so as to enable these parents to make these requests on behalf of their children;
- (b) provide an assessment on the technical feasibility for the Electronic Health Record Sharing System ("eHRSS") to accommodate an HCR or a substitute decision maker of an HCR's opting out from being taken as having given a sharing consent to the Department of Health and to the Hospital Authority when giving a joining consent to facilitate members' further consideration of whether clause 16 should be so amended; and

- (c) provide the proposed draft Committee Stage amendments to the Bill on the following for discussion at the next meeting -
 - (i) add a provision to reflect the "need-to-know" spirit that among the staff employed by a prescribed healthcare provider ("HCP") with sharing consent, only relevant healthcare professionals could have access to the relevant parts of eHR kept in eHRSS;
 - (ii) amend clause 20 to subject Government bureaux or departments to similar criteria on the provision of healthcare as required of other HCPs for registration for eHRSS under clause 17; and
 - (iii) subject to the availability of adequate safeguards referred to in (a)(ii) above, delete clause 38 to avoid modifying the definition of "relevant person" under section 17A of the Personal Data (Privacy) Ordinance (Cap. 486) so that a registered HCR might authorize a person in writing to make a DAR or DCR in respect of his/her eHR kept in eHRSS.

Council Business Division 2
Legislative Council Secretariat
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