

c2021-187A
GOVT--Government

LEGISLATIVE COUNCIL

Customer Service Legislation Amendment Bill 2021

Second print

Proposed amendments

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- No. 1 **Health information—emergencies**
Page 4, Schedule 1.4[2], lines 23 and 24. Omit all words on those lines. Insert instead—
the use of the information for the secondary purpose meets the following conditions—
(i) the secondary purpose is to assist in a stage of an emergency,
(ii) the use of the information is reasonably necessary to assist in the stage of the emergency,
(iii) it is impracticable or unreasonable for the organisation to seek the consent of the individual to whom the information relates to the use of the information for the secondary purpose, or
- No. 2 **Health information—emergencies**
Page 4, Schedule 1.4[3], lines 28 and 29. Omit all words on those lines. Insert instead—
the disclosure of the information for the secondary purpose meets the following conditions—
(i) the secondary purpose is to assist in a stage of an emergency,
(ii) the disclosure of the information is reasonably necessary to assist in the stage of the emergency,
(iii) it is impracticable or unreasonable for the organisation to seek the consent of the individual to whom the information relates to the disclosure of the information for the secondary purpose, or
- No. 3 **Health information—emergencies**
Page 4, Schedule 1.4. Insert after line 29—
[4] Schedule 1, clause 16
Insert after clause 15—
16 Use and disclosure of health information in emergencies
If health information is used or disclosed under clause 10(1)(b1) or 11(1)(b1)—

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- (a) the organisation must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained, and
 - (b) if the organisation is a law enforcement agency—the agency must not use the information for the purpose of prosecuting an offence.

No. 4 **Personal information—emergencies**

Page 12, Schedule 1.14, lines 12 and 13. Omit all words on those lines. Insert instead—
information if—

- (a) the collection, use or disclosure of the information is reasonably necessary to assist in a stage of an emergency, and
- (b) the collection, use or disclosure is only for the purpose of assisting in the stage of the emergency, and
- (c) it is impracticable or unreasonable to seek the consent of the individual to whom the information relates to the collection, use or disclosure for the purpose of assisting in the stage of the emergency.

No. 5 **Personal information—emergencies**

Page 12, Schedule 1.14. Insert after line 18—

- (3) If personal information is collected, used or disclosed under this section—
 - (a) the public sector agency must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained, and
 - (b) if the public sector agency is a law enforcement agency—the agency must not use the information for the purpose of a prosecuting an offence.