



**SEANAD ÉIREANN**

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**AN BILLE UM AITHEANTÓIRÍ SLÁINTE, 2013  
HEALTH IDENTIFIERS BILL 2013**

**LEASUITHE A RINNE AN DÁIL  
AMENDMENTS MADE BY THE DÁIL**

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# SEANAD ÉIREANN

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## AN BILLE UM AITHEANTÓIRÍ SLÁINTE, 2013 [BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

### HEALTH IDENTIFIERS BILL 2013 [SEANAD BILL AMENDED BY THE DÁIL]

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*Leasuithe a rinne an Dáil  
Amendments made by the Dáil*

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*[The page and line references in this list of amendments  
are to the text of the Bill as passed by Seanad Éireann]*

#### SECTION 2

1. In page 6, line 5, “*section 3(3) and (5)*” deleted and “*section 3(3) and (8)#*” substituted.

*[#This is a reference to the subsection inserted by amendment 7.]*

2. In page 8, line 16, “*section 3(5)*” deleted and “*section 3(8)#*” substituted.

*[#This is a reference to the subsection inserted by amendment 7.]*

3. In page 10, lines 19 and 20 deleted and the following substituted:

“(d) the carrying out of health research that is the subject of a research ethics approval (or any cognate expression) under an enactment or European act prescribed for the purposes of this paragraph,”.

4. In page 10, lines 25 and 26 deleted and the following substituted:

“(g) any—

- (i) processing of relevant information (individuals) required to protect or prevent injury or other damage to the health or safety of an individual,
- (ii) processing of relevant information (individuals) required by or under an enactment, rule of law or equity or order of a court,
- (iii) processing of relevant information (individuals) that is in accordance with the Data Protection Acts 1988 and 2003 and required for—
  - (I) the purposes of obtaining legal advice,
  - (II) the purposes of, or in the course of, legal proceedings, or
  - (III) the purposes of, or in the course of, alternative dispute resolution procedures agreed between a service provider and an individual as a means of resolving a dispute,

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or

- (iv) subject to *section 3(4)#* and *(8)#*, processing of relevant information (individuals) relating to health that is prescribed for the purposes of this subparagraph;”.

[#These are references to the subsections inserted by amendment 7.]

5. In page 10, line 30, “*section 3(4)* and *(5)*” deleted and “*section 3(5)#* and *(8)#*” substituted.

[#These are references to the subsections inserted by amendment 7.]

SECTION 3

6. In page 11, line 3, “The Minister shall not” deleted and “Subject to *subsection (9)#*, the Minister shall not” substituted.

[#This is a reference to the subsection inserted by amendment 7.]

7. In page 11, lines 8 to 19 deleted and the following substituted:

“(4) Subject to *subsection (9)*, the Minister shall not prescribe a processing of relevant information (individuals) relating to health for the purposes of *subparagraph (iv)#* of *paragraph (g)* of the definition of “secondary purpose” in *section 2(1)* unless he or she is satisfied that it is in the public interest that that processing be a secondary purpose for the purposes of this Act.

(5) Subject to *subsection (9)*, the Minister shall not prescribe a person, or a class of persons, for the purposes of *paragraph (c)* of the definition of “specified person” in *section 2(1)* unless the Minister is satisfied that it is in the public interest that that person, or a person who falls within that class of persons, as the case may be, be a specified person for the purposes of this Act.

(6) Subject to *subsection (9)*, the Minister shall not prescribe a class of specified persons and a class of relevant information (individuals) for the purposes of *paragraph (b)##* of *section 10(2)* unless he or she is satisfied that it is in the public interest that a specified person who falls within that class of specified persons not have access, pursuant to *paragraph (a)##* of *section 10(2)*, to relevant information (individuals) that falls within that class of relevant information (individuals).

(7) (a) Subject to *subsection (9)*, the Minister shall not prescribe a class of relevant information (individuals) to which *paragraph (c)###* of *section 11(6)* does not apply unless he or she is satisfied that it is in the public interest that that paragraph not apply to that class of relevant information (individuals).

(b) Subject to *subsection (9)*, the Minister shall not prescribe a class of relevant information (individuals) to which *paragraph (e)###* of *section 11(6)* does not apply unless he or she is satisfied that it is in the public interest that that paragraph not apply to that class of relevant information (individuals).

(c) Subject to *subsection (9)*, the Minister shall not prescribe a class of secondary

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purposes to which *paragraph (e)###* of *section 11(6)* does not apply unless he or she is satisfied that it is in the public interest that that paragraph not apply to that class of secondary purposes.

- (8) The Minister may, after consultation with the Data Protection Commissioner—
- (a) prescribe a person, or a class of persons, for the purposes of *paragraph (b)* of the definition of “authorised disclosee” in *section 2(1)*,
  - (b) prescribe particulars for the purposes of *paragraph (n)* of the definition of “other identifying particulars” in *section 2(1)*,
  - (c) prescribe a processing of relevant information (individuals) relating to health for the purposes of *subparagraph (iv)#* of *paragraph (g)* of the definition of “secondary purpose” in *section 2(1)*,
  - (d) prescribe a person, or a class of persons, for the purposes of *paragraph (c)* of the definition of “specified person” in *section 2(1)*,
  - (e) prescribe a class of persons and a class of relevant information (individuals) for the purposes of *paragraph (b)##* of *section 10(2)*,
  - (f) prescribe a class of relevant information (individuals) to which *paragraph (c)###* of *section 11(6)* does not apply, or
  - (g) prescribe a class of relevant information (individuals) or a class of secondary purposes to which *paragraph (e)###* of *section 11(6)* does not apply, or both.
- (9) When determining whether or not a matter referred to in *subsection (3)*, *(4)####*, *(5)#####*, *(6)#####* or *(7)#####* is in the public interest, the Minister shall have due regard to protecting the privacy of individuals and securing the effective achievement of one or more than one relevant purpose.”.

[#This is a reference to the subparagraph inserted by amendment 4.]

##These are references to the paragraphs inserted by amendment 8.]

###These are references to the paragraphs inserted by amendment 9.]

####These are references to the subsections inserted by this amendment.]

SECTION 10

8. In page 14, lines 7 and 8 deleted and the following substituted:

- “(2) (a) Subject to *paragraph (b)*, a specified person may access the National Register of Individual Health Identifiers for a relevant purpose.
- (b) Subject to *section 3(6)#* and *(8)#*, a specified person who falls within a class of specified persons prescribed for the purposes of this paragraph (which may be all specified persons) shall not, pursuant to *paragraph (a)*, access the National Register of Individual Health Identifiers in so far as the Register contains any relevant information (individuals) that falls within a class of relevant information (individuals) prescribed for the purposes of this paragraph as a class of relevant information (individuals) which may not be so accessed by that class of specified

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persons.”.

[#These are references to the subsections inserted by amendment 7.]

SECTION 11

9. In page 15, lines 25 to 36 deleted and the following substituted:

- “(b) The Minister may provide an individual’s relevant information (individual) to an authorised disclosee in order to enable the authorised disclosee to process that information for a secondary purpose.
- (c) Subject to *paragraph (d)#*, a specified person may, for a relevant purpose, process or further process an individual’s relevant information (individual) that the specified person has obtained pursuant to, and in accordance with, a provision of this Act, including by providing such information to the Minister or another specified person in order to enable the Minister or other specified person, as the case may be, to process the relevant information (individual) for a relevant purpose.
- (d) Subject to *section 3(7)(a)##* and *(8)##*, *paragraph (c)#* does not apply to any relevant information (individuals) that falls within a class of relevant information (individuals) prescribed as a class of relevant information (individuals) to which that paragraph does not apply.
- (e) Subject to *paragraph (f)#*, a specified person may provide an individual’s relevant information (individual) that the specified person has obtained pursuant to, and in accordance with, a provision of this Act to an authorised disclosee in order to enable the authorised disclosee to process the relevant information (individual) for a secondary purpose.
- (f) Subject to *section 3(7)(b)##* and *(c)##* and *(8)##*, *paragraph (e)#* does not apply to any, or any combination, of the following:
  - (i) any relevant information (individuals) that falls within a class of relevant information (individuals) prescribed as a class of relevant information (individuals) to which that paragraph does not apply;
  - (ii) a secondary purpose that falls within a class of secondary purposes prescribed as a class of secondary purposes to which that paragraph does not apply.”.

[#These are references to the paragraphs inserted by this amendment.]

[##These are references to the subsections inserted by amendment 7.]

SECTION 20

10. In page 22, line 39, after “service”, “or relevant communication” inserted.