



# DÁIL ÉIREANN

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## AN BILLE UM FHAISNÉIS SLÁINTE, 2024 HEALTH INFORMATION BILL 2024

### LEASUITHE COISTE COMMITTEE AMENDMENTS

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# DÁIL ÉIREANN

## AN BILLE UM FHAISNÉIS SLÁINTE, 2024 —ROGHCHOISTE

### HEALTH INFORMATION BILL 2024 —SELECT COMMITTEE

#### *Leasuithe Amendments*

#### SECTION 2

1. In page 6, line 16, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

2. In page 6, to delete line 29 and substitute the following:

“(e) data in relation to care (within the meaning of Regulation (EU) 2025/327 of the European Parliament and of the Council of 11 February 2025 on the European Health Data Space and amending Directive 2011/24/EU and Regulation (EU) 2024/2847);”.

—An tAire Sláinte.

3. In page 7, between lines 35 and 36, to insert the following:

““personal public service number” has the same meaning as it has in section 262 of the Social Welfare Consolidation Act 2005;”.

—An tAire Sláinte.

#### SECTION 5

4. In page 9, lines 8 and 9, to delete “Minister for Public Expenditure, National Development Plan Delivery and Reform” and substitute “the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation”.

—An tAire Sláinte.

#### SECTION 7

5. In page 9, between lines 19 and 20, to insert the following:

#### **“Progress report**

7. The Executive shall, after 18 months and within 24 months of the passing of this Act, submit a report to the Houses of the Oireachtas outlining:

- (a) progress towards system-wide Digital Health Records;
- (b) progress on integrated financial management systems and outstanding requirements;

[SECTION 7]

- (c) progress on digitisation of primary and community care services, including the delivery of technology-assisted care at home;
- (d) progress on digitisation of acute health services;
- (e) engagement with general practitioners, community pharmacists, and other community practicing health and social care professionals on their information technology needs as it relates to system-wide integration or interoperability and the modernisation of service provision;
- (f) engagement with acute hospitals, including voluntary hospitals, on their information technology needs as it relates to system-wide integration or interoperability and the modernisation of service provision;
- (g) resource requirements for the implementation, development and maintenance of major information technology projects;
- (h) the extent of data collected for the purposes of population-based planning and any blockages or inhibitors identified during the period requiring policy change or additional funding to resolve;
- (i) the level of funding made available for digital innovation;
- (j) security risks and the steps taken to mitigate such risks.”.

—David Cullinane, Sorca Clarke.

SECTION 10

6. In page 11, line 5, to delete “every patient a digital health record” and substitute “every patient a national electronic health record”.

—An tAire Sláinte.

7. In page 11, line 6, to delete “a “Digital Health Record” ” and substitute “an “Electronic Health Record” ”.

—An tAire Sláinte.

8. In page 11, line 9, to delete “Digital Health Records” and substitute “Electronic Health Records”.

—An tAire Sláinte.

9. In page 11, line 11, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

SECTION 11

10. In page 11, line 14, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

[SECTION 11]

11. In page 11, lines 24 and 25, to delete “ within the meaning of section 262 of the Social Welfare Consolidation Act 2005”.

—An tAire Sláinte.

12. In page 12, line 25, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

SECTION 12

13. In page 12, between lines 32 and 33, to insert the following:

**“Use of personal public service number**

12. (1) Subject to *subsection (3)*, a health services provider shall record the personal public service number of each of his or her patients and shall associate the personal public service number of the patient with any record that the health services provider makes in relation to the provision of a health service to that patient.
- (2) For the purpose of *subsection (1)*, a health services provider may request a patient to provide his or her personal public service number to the health services provider.
- (3) A health services provider shall not refuse to provide a health service to a patient to which the patient would be otherwise entitled to solely because he or she—
- (a) has not been allocated and issued with a personal public service number, or
- (b) is not in a position to provide the health services provider with his or her personal public service number.
- (4) For the purposes of performing its functions under this Act the Executive may, where appropriate, use a personal public service number to identify a patient in order to identify and link the patient’s health information to his or her Electronic Health Record.
- (5) A relevant person shall, for the purpose of providing health information to the Executive under this Act, provide the personal public service number of a patient to whom the health information relates where the number is requested by the Executive, and the relevant person has the personal public service number in his or her possession.”.

—An tAire Sláinte.

14. In page 12, line 35, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

15. In page 12, line 36, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

[SECTION 12]

16. In page 13, line 9, to delete “Digital Health Record” and substitute “Electronic Health Record”.  
—An tAire Sláinte.
17. In page 13, line 16, to delete “Digital Health Record” and substitute “Electronic Health Record”.  
—An tAire Sláinte.
18. In page 13, line 18, to delete “health services provider” and substitute “health practitioner”.  
—An tAire Sláinte.
19. In page 13, line 20, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.  
—An tAire Sláinte.
20. In page 13, between lines 26 and 27, to insert the following:  
“(6) Nothing in this section shall operate to prevent a health services provider from granting access to a patient to so much of the information sought in relation to his or her Electronic Health Record as may be granted without causing serious harm to the physical or mental health of the patient concerned.”.  
—An tAire Sláinte.
21. In page 13, line 28, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.  
—An tAire Sláinte.
22. In page 13, line 29, to delete “Digital Health Records” and substitute “Electronic Health Records”.  
—An tAire Sláinte.
23. In page 13, line 33, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.  
—An tAire Sláinte.

SECTION 13

24. In page 14, line 16, to delete “Digital Health Record” and substitute “Electronic Health Record”.  
—An tAire Sláinte.
25. In page 14, line 20, to delete “Digital Health Record” and substitute “Electronic Health Record”.  
—An tAire Sláinte.
26. In page 14, line 22, to delete “Digital Health Record” and substitute “Electronic Health Record”.  
—An tAire Sláinte.

[SECTION 13]

27. In page 14, between lines 25 and 26, to insert the following:

“(b) The Executive shall retain, for a prescribed period, a record that the patient or appropriate person acknowledged that he or she had been informed of the matters referred to in *paragraph (a)*\* prior to the restriction of access to all or part of his or her Electronic Health Record in accordance with *subsection (1)*.”.

—An tAire Sláinte.

*[\*This is the correct reference if this amendment is accepted.]*

28. In page 14, lines 26 and 27, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

SECTION 14

29. In page 15, lines 4 and 5, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

30. In page 15, lines 7 and 8, to delete “health services provider” and substitute “health practitioner”.

—An tAire Sláinte.

31. In page 15, line 9, to delete “*section 15*” and substitute “*section 15(3)(j)*\*”.

—An tAire Sláinte.

*[\*This is a reference to a paragraph proposed to be inserted by amendment No. 42.]*

32. In page 15, line 13, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

SECTION 15

33. In page 15, lines 18 and 19, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

34. In page 15, lines 37 and 38, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

35. In page 16, line 2, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

36. In page 16, line 4, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

[SECTION 15]

37. In page 16, line 8, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

38. In page 16, line 10, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

39. In page 16, lines 12 and 13, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

40. In page 16, between lines 14 and 15, to insert the following:

“(h) the form and manner in relation to which, and period during which, a record under *section 13(3)(b)*\* shall be retained by the Executive;”.

—An tAire Sláinte.

*[\*This is a reference to a paragraph proposed to be inserted by amendment No. 27.]*

41. In page 16, line 16, to delete “a health services provider” and substitute “the Executive”.

—An tAire Sláinte.

42. In page 16, between lines 18 and 19, to insert the following:

“(j) measures to permit the Executive to restrict the application of *section 14(1)*;”.

—An tAire Sláinte.

SECTION 16

43. In page 16, line 30, to delete “A Digital Health Record” and substitute “An Electronic Health Record”.

—An tAire Sláinte.

44. In page 16, to delete lines 34 to 36 and substitute the following:

“(b) subject to suitable transparency arrangements being in place, be used by the Executive where it considers that its use is necessary for—

(i) a public interest purpose in the area of public and occupational health, including activities for the protection against serious cross-border threats to health and public health surveillance or activities ensuring high levels of quality and safety of health services, including patient safety, and of medicinal products or medical devices,

(ii) the development of policy and regulatory activities in order to improve, promote and protect the health and welfare of the public, including service planning and performance management in the area of health, or

(iii) the purpose of statistics, including national, multi-national and EU level official statistics, within the meaning of Regulation (EC) No. 223/2009 of

[SECTION 16]

the European Parliament and of the Council of 11 March 2009, related to health or care sectors.”.

—An tAire Sláinte.

SECTION 17

45. In page 17, line 4, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

46. In page 17, line 6, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

47. In page 17, lines 9 and 10, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

48. In page 17, line 14, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

49. In page 17, line 16, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

SECTION 18

50. In page 17, line 29, after “time” where it secondly occurs to insert “, whenever it considers it appropriate,”.

—An tAire Sláinte.

SECTION 20

51. In page 18, line 34, to delete “patients and”.

—An tAire Sláinte.

52. In page 19, line 8, to delete “Digital Health Records” and substitute “Electronic Health Records”.

—An tAire Sláinte.

53. In page 19, line 10, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

54. In page 19, line 13, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

[SECTION 21]

SECTION 21

- 55.** In page 19, line 25, to delete “only”.  
—An tAire Sláinte.
- 56.** In page 20, line 7, after “made,” to insert “and”.  
—An tAire Sláinte.
- 57.** In page 20, to delete lines 8 to 14.  
—An tAire Sláinte.
- 58.** In page 20, line 15, after “request” to insert “such”.  
—An tAire Sláinte.
- 59.** In page 20, lines 16 and 17, to delete “to data to be furnished in a pseudonymised form,” and substitute “to personal data.”  
—An tAire Sláinte.
- 60.** In page 20, line 19, to delete “by anonymised data” and substitute “by anonymised or other data (not being personal data)”.  
—An tAire Sláinte.
- 61.** In page 20, between lines 22 and 23, to insert the following:  
“(5) (a) Where a request under *subsection (1)* relates, in whole or in part, to special categories of personal data, the Executive shall adopt suitable and specific measures to protect the data, which may include:  
(i) limitations on access to the data undergoing processing within the Executive in order to prevent unauthorised consultation, alteration, disclosure or erasure of the data;  
(ii) strict time limits for the erasure of the data and mechanisms to ensure that such time limits are observed;  
(iii) specific targeted training for those involved in processing operations;  
(iv) technical and organisational measures to ensure respect for the principle of data minimisation, including pseudonymisation provided that the purposes of the data processing can be fulfilled in that manner.  
(b) The Executive shall consult the Data Protection Commission on the suitable and specific measures it proposes to adopt under *paragraph (a)*.”.  
—An tAire Sláinte.
- 62.** In page 20, lines 30 and 31, to delete “, including whether or not the information is to be provided in anonymised or pseudonymised form”.  
—An tAire Sláinte.

[SECTION 21]

63. In page 20, line 36, to delete “Subject to *subsection (7)*, a relevant person” and substitute “A relevant person”.

—An tAire Sláinte.

64. In page 21, to delete lines 1 to 3.

—An tAire Sláinte.

SECTION 23

65. In page 22, to delete line 6 and substitute the following:

“(a) on the basis of, and in accordance with, the purposes specified in the request, and”.

—An tAire Sláinte.

TITLE

66. In page 5, line 5, to delete “An Act to provide for” and substitute the following:

“An Act to give further effect to Regulation (EU) 2025/327 of the European Parliament and of the Council of 11 February 2025 on the European Health Data Space and amending Directive 2011/24/EU and Regulation (EU) 2024/2847 and for those and other purposes to provide for”.

—An tAire Sláinte.

67. In page 5, line 7, to delete “creation and assignment” and substitute “creation and assignment by the Health Service Executive”.

—An tAire Sláinte.

68. In page 5, line 8, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

69. In page 5, line 9, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

70. In page 5, line 9, after “Record;” to insert the following:

“to provide that a health services provider shall record the personal public service number of each of his or her patients; to provide that the Health Services Executive may, where appropriate, use a personal public service number to identify a patient;”.

—An tAire Sláinte.

71. In page 5, lines 9 and 10, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

72. In page 5, line 12, to delete “Digital Health Record” and substitute “Electronic Health Record”.

—An tAire Sláinte.

[TITLE]

73. In page 5, line 14, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.

74. In page 5, line 16, to delete “a Digital Health Record” and substitute “an Electronic Health Record”.

—An tAire Sláinte.