

Version
as at 30 June 2024



New Zealand Public Health and Disability (Archives) Regulations 2001 (SR 2001/248)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 17th day of September 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 92(1)(f) of the New Zealand Public Health and Disability Act 2000, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Health.

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Regulations

1 Title

These regulations are the New Zealand Public Health and Disability (Archives) Regulations 2001.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Interpretation

In these regulations, **information**—

- (a) means any papers, documents, or records of any kind whatsoever; and
- (b) includes, for example, registers, books, maps, plans, drawings, photographs, visual recordings, and sound recordings; and
- (c) includes copies of any information referred to in paragraphs (a) and (b).

4 Information that must be regarded as public records or public archives

(1) The Public Records Act 2005 applies to—

- (a) information that has been officially made or received—
 - (i) by Health New Zealand in the conduct of its affairs; or
 - (ii) by an employee of Health New Zealand in the course of his or her official duties; and
- (b) health information, as defined in subclause (3), if it is made or received as provided for in subclause (1)(a).

(2) For the purposes of the application of the Public Records Act 2005, information referred to in subclause (1) must be regarded as public records (as defined in section 4 of the Public Records Act 2005).

(3) In this regulation, **health information** means, in relation to an identifiable individual, information—

- (a) about the health of that individual, including that individual's medical history;
- (b) about any disabilities that individual has, or has had;
- (c) about any services that are being provided, or have been provided, to that individual;
- (d) provided by that individual in connection with the donation, by that individual, of any body part, or any bodily substance, of that individual.

Regulation 4: substituted, on 21 April 2005, by section 67(2) of the Public Records Act 2005 (2005 No 40).

Regulation 4(1)(a)(i): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Regulation 4(1)(a)(i): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Regulation 4(1)(a)(ii): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Regulation 4(1)(a)(ii): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

5 Certain health information not to be regarded as public records or public archives

[Revoked]

Regulation 5: revoked, on 21 April 2005, by section 67(2) of the Public Records Act 2005 (2005 No 40).

6 Status of certain health information not affected

[Revoked]

Regulation 6: revoked, on 21 April 2005, by section 67(2) of the Public Records Act 2005 (2005 No 40).

Martin Bell,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 September 2001.

Notes

1 *General*

This is a consolidation of the New Zealand Public Health and Disability (Archives) Regulations 2001 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Public Records Act 2005 (2005 No 40): section 67(2)