

Privacy Amendment (South Australia My Health Records Access) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 09 December 2021

David Hurley

Governor‑General

By His Excellency’s Command

Michaelia Cash

Attorney‑General

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1 Name

This instrument is the *Privacy Amendment (South Australia My Health Records Access) Regulations 2021*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 14 December 2021 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Privacy Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Privacy Regulation 2013

1 At the end of section 8

Add:

(5) For the purposes of subsection 6F(1) of the Act:

(a) the Department of the Premier and Cabinet of South Australia is prescribed; and

(b) the modification set out in subsection (6) of this section is prescribed.

(6) The Act applies in relation to the Department of the Premier and Cabinet of South Australia as if paragraph 7(1)(ee) of the Act were modified by substituting the following paragraph:

“(ee) an act done, or a practice engaged in, by the Department of the Premier and Cabinet of South Australia in relation to:

(i) access to information from the My Health Record system (within the meaning of the *My Health Records Act 2012*); or

(ii) information it obtains under subparagraph (i);

for the purposes of managing risks from the coronavirus known as COVID‑19, other than an exempt act or exempt practice (see sections 7B and 7C);”.