
Content

Title : Regulations Governing Investigation of Inmates' Health Information in Prisons and Detention Centers **CH**

Announced Date : 2020.07.15

Legislative : 1.Promulgated on July 15, 2020

Article 1 These Regulations are established in accordance with Paragraph 3, Article 56 of the Prison Act and Paragraph 3, Article 50 of the Detention Act.

Article 2 The terms used in these Regulations are defined as follows:
1. Authority: referring to prison or detention center under the Agency of Corrections, Ministry of Justice, including any branch or female unit set up by the prison, and any branch or female unit set up by the detention center.
2. Inmate: Referring to a prisoner or a detained defendant.
3. Senior official: Referring to the head of an Authority under Subparagraph 1 and person authorized thereby.

Article 3 The scope of investigation of inmate' s health information includes:
1. Medical records: Referring to the data set forth in Paragraph 2, Article 67 of the Medical Care Act.
2. Medical data: Referring to the medical records or data arising from check-up and treatment by doctors or other medical personnel with purpose to treat, correct, and prevent diseases, injuries, or physical disabilities; or data arising from prescription, medical treatment, surgery, or other treatments based on the result of the abovementioned diagnosis.
3. Health check data: Referring to data arising from medical check-up not targeting any particular illness, and without any purpose of conducting diagnosis or treatment.
4. Health assessment data: Referring to the data arising from the assessment by the authority to the inmates with purpose to understand their state of health.

Article 4 Authorities may collect, process, and use inmates' health information before the admission of the inmates or during their stay in the institution, and conduct investigation with purpose to get an understanding over inmates' health or their physical and mental conditions.
The health information before the admission of the inmates under the preceding paragraph is limited to the necessary information within certain period of time as assessed by doctors.

Article 5 When authorities collect health information from relevant institutions (organizations), legal persons, groups, or individuals in accordance with Paragraph 2, Article 56 of the Prison Act and Paragraph 2, Article 50 of the Detention Act, the collection, process, and use shall not exceed the necessary level for the protection and understanding of inmates' physical and mental conditions and they shall be reasonably relevant.

Article 6 Authorities shall assess inmates' health at least once per year.
Authorities shall assess inmates' health at their admission, and may do this at proper time after evaluating the assessment set forth in the preceding paragraph.
Authorities may appoint medical institutions or other professional institutions (organizations), groups or individuals to perform the tasks set forth in the preceding two paragraphs.

In any of the following circumstances, Institutions may request in writing for medical

Records and medical data from relevant institutions (organizations), legal persons, groups or individuals:

1. Doctors deem it necessary after inmates' health checkup.
2. Doctors deem it necessary after inmates have received medical treatments
3. Senior Officials deem it necessary in order for the authorities to get understanding of inmates' health conditions.

Relevant institutions, legal persons, groups or individuals set forth in the preceding paragraph shall assist and provide the data.

Article 8 If the individual treatment plan or the rehabilitative plan need to be changed after medical personnel' s evaluation regarding inmate' s disease, the inmate' s health information shall be submitted to the authority' s investigation meeting or document-reviewers appointed by the senior officials for review, so as to be taken as reference for changes.

Article 9 Authorities shall appoint specific personnel to manage inmates' health information, and the information shall not be provided to the other institutions (organizations), legal persons, groups or individuals, or shall not be used for other purposes except required by laws and regulations.

Article 10 These Regulations may apply mutatis mutandis to the health information investigation conducted on people under observation or rehabilitation, people under drug rehabilitation treatment, people subjected to compulsory labor, people subjected to reformatory education, juvenile inmates and people under custody.

Article 11 These Regulations shall take effect as of July 15, 2020.
