

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 1684
TO BE ANSWERED ON 27TH JULY, 2018**

DIGITAL HEALTH RECORDS

1684. SHRIMATI RAKSHATAI KHADSE:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether the Government has come up with a draft legislation on healthcare to ensure free flow of digital health records of patients from one hospital to another at the same time safeguarding data security and privacy, if so, the details thereof;
- (b) whether the Government proposes to set up National Electronics Health Authority, an independent regulator to formulate rules, standards and processes for developing and managing Electronic Health Records (EHR); and
- (c) the details thereof ?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SMT. ANUPRIYA PATEL)**

(a): Yes, a Digital Information Security in Healthcare Act (DISHA) has been drafted to provide for establishment of National and State eHealth Authorities and Health Information Exchanges; to standardized and regulate the processes related to collection, storing, transmission and use of digital health data; and to ensure reliability, data privacy, confidentiality and security of digital health data.

Salient features of draft Digital Information Security in Healthcare Act (DISHA) include:

- i. Expressing the ‘ownership’ of ‘digital health data’ (with the person/ patient to whom the digital health data belongs to
 - ii. Establishing a National e-Health Authority and state authorities as a regulatory body for health data standardization in collection, storage, exchange.
 - iii. Providing for establishment of Digital Health Information Exchanges; and
 - iv. Framework to provide for civil and criminal remedies for data breach.
- (b) & (c): MoHFW plans to set up a nodal body in form of “National Digital Health Authority” through this Act of parliament as a statutory body for promotion/ adoption of e-Health standards, to enforce privacy & security measures for electronic health data, and to regulate storage & exchange of Electronic Health Records.

Necessary measures have been incorporated for patient’s data security and privacy in the draft Act. In case of any breach, provisions of penalty/ imprisonment have been made.

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