

Translation of Important Sections of the Health Act 2007

Section 7: Information related to the health of an individual is considered private information and prohibited from disclosure in a way that may be damaging to the person, except it is the expressed will of the individual to disclose the information, or a specific law authorizes disclosure. Yet in all circumstances, no person can exercise authority or rights under the law on official information or any other laws to request health documents of another person.

Section 8: When providing medical services, public health officials must inform the service receiver of his health condition so that the service receiver is able to make an informed decision to receive or reject the service. In the event the service receiver declines to receive the service, the service provider cannot provide the service.

In the event damages or danger occurs to the service receiver because the service receiver concealed facts known by the service receiver and which should have been revealed to the service provider, or the service receiver provides false information, the service provider will not be held responsible for the damages or danger that may arise. The exception to this is if the service provider provides grossly negligent service. The details under paragraph one do not apply in the following cases: 1) The service receiver's life is in fatal danger and he needs immediate assistance, and 2) The service receiver is not in a state able to receive information and cannot inform legal heirs based on the Civil and Commercial Code, guardians, curators, or the service receiver's custodians, on an individual case basis, at that time.

Section 12: An individual is entitled to make a living will expressing the person's intentions to refrain from receiving medical treatment for the purpose of extending the last phase of a person's life or for ending the suffering arising from the illness.

The living will should be based on the principles and regulations of the Ministerial Regulation.

Public health officials abiding by the living will, based on paragraph one, are not conducting themselves improperly and will not be held responsible.