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OFFERYNNAU STATUDOL CYMRU

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**2001 Rhif 833 (Cy.38)**

**Y GWASANAETH IECHYD GWLADOL, CYMRU**

**Rheoliadau Diwygio Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Gwasanaethau Meddygol Cyffredinol) (Cymru) 2001**

*Wedi'u gwneud* - - - *8 Mawrth 2001*  
*Yn dod i rym* - - - *1 Ebrill 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 29 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(1) drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn, dehongli a chymhwyso**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diwygio'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) (Cymru) 2001 a deuant i rym ar 1 Ebrill 2001.

(2) Yn y Rheoliadau hyn ystyr “Rheoliadau 1992” yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992(2).

(3) Bydd y Rheoliadau hyn yn gymwys i Gymru yn unig.

**Diwygio Rheoliadau 1992**

2. Yn Atodlen 2 i Reoliadau 1992 (Telerau Gwasanaeth), yn lle paragraff 36 rhoddir y paragraff canlynol—

**“Records**

**36.—(1)** In this paragraph, “computerised records,” means records created by way of entries on a computer.

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- (1) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) (“Deddf 1990”), adran 26(2)(g) a (i) i gael y diffiniadau o “prescribed” a “regulations”. Cafodd adran 29 ei hymestyn gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 17; a'i diwygio gan Ddeddf Gwasanaethau Iechyd 1980 (p.53), adrannau 1 a 7 ac Atodlen 1, paragraff 42(b); gan Ddeddf Iechyd a Gwasanaethau Cymdeithasol a Dyfarniadau Nawdd Cymdeithasol 1983 (p. 41), Atodlen 6, paragraff 2; gan Ddeddf Feddygol 1983 (p.54), adran 56(1) ac Atodlen 5, paragraff 16(a); gan O.S.1985/39, erthygl 7(3); gan Ddeddf yr Awdurdodau Iechyd 1995 (p.17), Atodlen 1, paragraff 18; a chan Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46), Atodlen 2, paragraff 8. Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2); a chan Ddeddf Iechyd 1999 (p. 8), Atodlen 4, paragraff 37(6). Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 29 a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 eu trosglwyddo i Gynulliad Cenedlaethol Cymru o dan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) (O.S.1999/672) ac Atodlen 1 iddo.
- (2) O.S.1992/635 y ceir diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) A doctor shall keep adequate records of the illnesses and treatment of his or her patients, and shall do so—

- (a) on forms supplied to the doctor for the purpose by the Health Authority; or
- (b) subject to sub-paragraphs (3) and (4), by way of computerised records,

or in a combination of these two ways

(3) Where a doctor proposes to keep computerised records, he or she shall first obtain the written consent of the Health Authority.

(4) The Health Authority shall consent to a doctor's application to keep computerised records if it is satisfied that—

- (a) the computer system upon which the doctor proposes to keep them has been accredited by the National Assembly for Wales or another person or body on its behalf in accordance with the principles set out in "General Medical Practice Computer Systems - Requirements for Accreditation - RFA99 (Wales)"**(3)**;
- (b) the security and the audit trail measures incorporated into the computer system as accredited in accordance with sub-paragraph (a) have been enabled; and
- (c) the doctor is aware of, and has signed an undertaking, that he or she will have regard to, the guidelines contained in "Good Practice Guidelines for General Practice Electronic Patient Records (Wales)"**(4)**,

and the Health Authority may withdraw its consent if it ceases to be so satisfied.

(5) Where a doctor keeps computerised records he or she shall, as soon as possible following a request from the Health Authority, allow the Health Authority access to the information recorded on his or her computer system including access to the audit trail measures referred to in paragraph 4(b).

(6) A doctor shall send the records relating to a patient to the Health Authority—

- (a) as soon as possible, at the request of the Health Authority; or
- (b) where a person on the doctor's list dies, before the end of the period of 14 days beginning with the date upon which the doctor was informed by the Health Authority of the death, or (in any other case) before the end of the period of one month beginning with the date on which he or she learned of the death.

(7) To the extent that a patient's records are computerised records, a doctor complies with sub-paragraph (6) if he or she sends to the Health Authority a copy of those records—

- (a) in written form; or
- (b) with the written consent of the Health Authority, in any other form.

(8) The Health Authority shall consent to the transmission of information other than in written form for the purposes of paragraph (7)(b) if it is satisfied with the following matters—

- (a) the doctor's proposals as to how the records will be transmitted;
- (b) the doctor's proposals as to the format of the transmitted records;
- (c) how the doctor will ensure that the records received by the Health Authority are identical to those transmitted; and
- (d) how a written copy of the records can be produced by the Health Authority,

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(3) Gellir cael copïau drwy ysgrifennu at Gangen Datblygiadau Gwybodaeth Glinigol, Yr Is-adran Technoleg a Rheoli Gwybodaeth, Cyfarwyddiaeth yr NHS, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

(4) Gellir cael copïau drwy ysgrifennu at Gangen Datblygiadau Gwybodaeth Glinigol, Yr Is-adran Technoleg a Rheoli Gwybodaeth, Cyfarwyddiaeth yr NHS, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

and the Health Authority may withdraw its consent if it ceases to be satisfied as to any of the above matters.

(9) Where a doctor keeps computerised records he or she shall not disable, or attempt to disable, either the security or the audit trail measures referred to in paragraph (4)(b).”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru(5))

8 Mawrth 2001

*D. Elis Thomas*  
Llywydd y Cynulliad Cenedlaethol

**Statws** This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

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## EXPLANATORY NOTE

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio ymhellach ar Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Cyffredinol) 1992 ([O.S.1992/635](#)), sy'n rheoleiddio'r telerau y mae Gwasanaethau Meddygol Cyffredinol yn cael eu darparu arnynt o dan Ddeddf y Gwasanaeth Iechyd Gwladol 1977.

Mae'r telerau gwasanaeth ar gyfer meddygon a geir yn Atodlen 2 i'r Rheoliadau hynny yn cael eu diwygio er mwyn galluogi meddygon i gadw cofnodion meddygol sy'n ymwneud â'u cleifion naill ai ar bapur neu ar gyfrifiadur neu ar y ddau.

Pan fydd am gadw cofnodion naill ai yn gyfan gwbl ar gyfrifiadur neu yn rhannol ar gyfrifiadur, rhaid i'r meddyg sicrhau cydsyniad yr Awdurdod Iechyd yn gyntaf.

Pan yw'n ofynnol i'r meddyg anfon copiâu o'i gofnodion i'r Awdurdod Iechyd, dim ond os yw'r Awdurdod Iechyd wedi rhoi ei gydsyniad y caiff y meddyg eu darparu ar ffurf heblaw ffurf ysgrifenedig.

Ym mhob achos, bydd yr Awdurdod Iechyd yn rhoi ei gydsyniad os yw wedi'i fodloni gan y meddyg ynghylch amryw o faterion a bennir yn y rheoliadau hyn.