

NHIA leak requires all-out response

Written by Wang Yu-pei 王渝培

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Several employees of the National Health Insurance Administration (NHIA) are suspected of leaking people's personal information. The news caused a public outcry and highlighted that there are big loopholes in government institutions' information security. In view of this situation, the government should take the following steps:

First, the NHIA should as soon as possible draw up statutory regulations governing the protection of personal information. The National Health Insurance (NHI) database includes sensitive information about all insured people in Taiwan, including their health status and medical records.

However, the Constitutional Court's Judgement No. 13 last year said that the National Health Insurance Act (全民健康保險法) lacks clear regulations regarding the subject, purpose, conditions, scope and methods of the NHI data storage, the external transmission, provision and use of the data, and about related organizational and procedural monitoring and protection mechanisms, as well as other important matters.

The judgement said that this is contrary to the intent of Article 23 of the Constitution, which embodies the principle of legal reservation, meaning laws should not unnecessarily restrict constitutionally protected rights and freedoms, as well as Article 22, which implicitly safeguards citizens' right of private communication.

The court instructed the NHIA to amend the act and other related laws, or to enact a special law, to clearly define the matters within three years.

Considering the serious implications of the latest leak, the NHIA should speed up the drafting process of legislative amendments or a new law to bolster the regulation of personal information.

Second, the NHIA and other agencies should review and update their data security management systems. There are many public agencies that store and use people's personal information. Besides the NHIA, these include police departments, and household registration and tax offices. The Regulations on Classification of Cyber Security Responsibility Levels

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(□□□□□□□□□□) define government agencies' cybersecurity responsibility levels on a five-tier scale according to the sensitivity of their purview, the type of information they store and process, and the scale of their communication systems.

The NHIA has the highest cybersecurity responsibility level.

In June 2019, the Ministry of Civil Service, which also has the highest level, discovered a leak of civil servants' personal information. A Control Yuan investigation found out that the ministry had not fully evaluated its online operations and document management systems, which store information about the qualifications and pay grades of all civil servants, in accordance with relevant regulations, compromising the security standards of the systems.

In view of the repeated occurrence of such incidents, the Ministry of Digital Affairs should immediately help government agencies comprehensively review the level of their internal information systems and operational processes to see whether there are any deficiencies and loopholes, and make improvements as soon as any such problem is discovered to prevent subsequent cybersecurity risks.

Third, government agencies should bolster the education of civil servants with regard to law, discipline and cybersecurity. The large number of personnel involved in the NHIA case shows that civil servants in general have an insufficient grasp of law and discipline, as well as inadequate awareness of cybersecurity.

The government should make improvements in those three aspects, so that the catchphrase “cybersecurity is national security” can be more than a mere slogan.

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