

Adopted in Helsinki on 31 October 2008

## **Act**

### **on the National Institute for Health and Welfare (668/2008)**

In accordance with the decision of Parliament the following is enacted:

#### **Section 1**

##### **Sphere of activity**

The purpose of the National Institute for Health and Welfare is to promote health and welfare, prevent diseases and social problems, and to develop social welfare and health care activities and services. The Institute is subordinated to the Ministry of Social Affairs and Health.

#### **Section 2**

##### **Duties**

It is the Institute's duty to:

- 1) study and monitor the welfare and health of the population, the factors affecting and problems related to the welfare and health of the population, the prevalence of these problems and opportunities for preventing them, and to develop and promote measures that further welfare and health and reduce welfare and health problems;
- 2) study, monitor, assess, develop and guide social welfare and health care activities and to provide expert assistance for the implementation of policies, procedures and practices that promote welfare and health;
- 3) engage in research and development work relevant to the field and to promote innovation, and put forward initiatives and proposals for developing social welfare and health care activities and services and for promoting the health and welfare of the population;
- 4) function as a statistical authority as referred to in section 2(2) of the Statistics Act (280/2004), to maintain data files and registers relevant to the field as separately provided by law and to take care of the knowledge base of its field of activity and the utilisation of that knowledge base;
- 5) develop and maintain key terminology, definitions and classifications related to the social welfare and health care sector; and
- 6) engage in international co-operation within its sphere of activity.

In addition, the Institute must attend to all duties allocated to it by law or by virtue of the law, or which the Ministry of Social Affairs and Health assigns to it. The Institute may also provide forensic and health care services when such activities are directly relevant to its research, expert or development activities.

### **Section 3**

#### **Management and power of decision**

The Institute is headed by a director general. Within the Institute, the director general resolves matters for decision that have not been assigned to any other person in the Institute's service by law or by the rules of procedure.

The Institute operates a National Institute for Health and Welfare council. The Institute may also have advisory boards, the role of which is to promote the Institute's purpose and the scientific research falling within its sphere of activity, and co-operation between the Institute and its stakeholders. The Institute appoints the council and decides on the appointment of advisory boards.

The Institute has rules of procedure that are approved by the director general and that set out provisions on the organisation of the Institute, its internal division of labour, the processing and resolving of matters, and other organisational aspects concerning the Institute's activities.

### **Section 4**

#### **Offices**

Provisions on the Institute's offices and their location are laid down in the rules of procedure.

### **Section 5**

#### **Collection and use of data and samples**

Separate provisions apply to data collected for statistical tasks and for the national health care personal data files maintained by the Institute, and to the assignment and confidentiality of such data.

Notwithstanding confidentiality provisions and other limitations on access to information, the Institute is entitled to receive free of charge the information it needs to carry out the statistical, research, planning and investigation tasks that fall within its sphere of activity from the Social Insurance Institution of Finland regarding the benefits that the Social Insurance Institution of Finland provides by law and the use of these benefits.

To carry out the research and investigation tasks assigned to it in section 2 of this Act or elsewhere in the law, the Institute may gather and process personal data and blood and tissue samples.

If research and research material conducted and held by universities, other research institutions, individual researchers or research groups or by a social welfare and health care unit is of special importance to the welfare and health of the population and to the study of the population's welfare and health, the material may, notwithstanding confidentiality provisions, be transferred to the National Institute for Health and Welfare by agreement for use in its research activities. The condition for transferring such research material is that a competent ethics committee approves the transfer of the material. The provisions laid down in this Act and elsewhere in the law concerning the use of this kind of material will otherwise apply to the use of transferred material.

## **Section 6**

### **Agreements**

The Institute may conclude agreements on conducting research projects and programmes and carrying out tasks and studies associated with its activities in the capacity of commissioning party or implementing party. Within the limits of its budget, the Institute may use outside experts. The Institute is not permitted to provide municipalities or joint municipal authorities with chargeable consultation services concerning those municipal social welfare and health care development tasks that the Institute is to conduct under a ministry order referred to in section 2(2) of this Act or a performance agreement.

## **Section 7**

### **Fees**

The fees charged for services provided by the Institute are subject to the Act on Criteria for Charges Payable to the State (150/1992). Further provisions on fees will be issued by Ministry of Social Affairs and Health decree.

## **Section 8**

### **Acceptance of donations**

The Institute may accept donations towards its activities.

The Institute may also accept donations in the form of collections of samples and in the form of material and personal data files significant for scientific research and the Institute's activities. The provisions of section 5(3) and 5(4) apply to materials received as donations.

## **Section 9**

### **Further provisions**

Further provisions on the Institute's duties, senior public servants, qualification requirements and employment procedures will be issued by Government decree.

### **Section 10**

#### **Entry into force**

This Act enters into force on 1 January 2009.

This Act repeals the Act on the National Public Health Institute (828/1981) and the Act on the National Research and Development Centre for Welfare and Health (1073/1992), as amended.

### **Section 11**

#### **Transitional provisions**

Any reference to the National Public Health Institute, the National Research and Development Centre for Welfare and Health or the National Board of Health and Welfare made in another act or decree or in a Government or ministry decision will, after the entry into force of this Act, be a reference to the National Institute for Health and Welfare.

Matters pending within, and agreements and commitments made by, the National Public Health Institute and the National Research and Development Centre for Welfare and Health at the time this Act enters into force, and any rights and obligations arising from these, will be transferred to the National Institute for Health and Welfare. Statistics and registers, and samples, research and other materials gathered on the basis of consent or otherwise, which are in the possession of the National Public Health Institute and the National Research and Development Centre for Welfare and Health will be transferred to the National Institute for Health and Welfare.

For the purposes of the duties referred to in this Act and for developing products and services that promote the welfare and health of the population, the National Institute for Health and Welfare may keep and use information and tissue and other samples referred to in subsection 2 that have been in the possession of the National Public Health Institute or the National Research and Development Centre for Welfare and Health under the same conditions and limitations to which their use has been subject in the two organisations referred to, unless otherwise provided by law.

On 1 January 2009, the public post of director general will be established at the National Institute for Health and Welfare and will be subject to the provisions of the Public Servants Act (750/1994). On the same date, the public posts of director general at the National Public Health Institute and the National Research and Development Centre for Welfare and Health, which are itemised in the State budget, will be terminated. The

termination of these posts does not require particular grounds to be given or the consent of the public servants in question. The public-service employment relationships associated with these public posts will terminate without notice when the posts are terminated.

Before this Act enters into force, the Ministry of Social Affairs and Health may establish senior public posts immediately subordinate to the director general of the National Institute for Health and Welfare and appoint public servants to these posts when they are filled for the first time.

Other personnel members of the National Public Health Institute and the National Research and Development Centre for Welfare and Health who have a public-service employment relationship or a contractual employment relationship, and the corresponding public posts and employment positions, will be transferred to the National Institute for Health and Welfare when this Act enters into force. All temporary personnel will be transferred for the duration of their fixed-term employment relationship. The transfer of a public post or employment position within the same journey-to-work area does not require the consent of the public servant or employee in question. Personnel who are transferring will retain the rights, duties and euro-denominated salary associated with their employment relationship at the time of transfer. If the duties of a public post change significantly and a new post is established to replace it, the new post may be filled without declaring it for application.

Measures necessary for the implementation of this Act may be taken before the Act's entry into force.

Government Bill 124/2008  
Social Affairs and Health Committee Report 13/2008  
Parliament's Response 97/2008

Helsinki, 31 October 2008

President of the Republic of Finland  
**TARJA HALONEN**

Minister of Health and Social Services  
**Paula Risikko**