

**DEMOCRATIC REPUBLIC OF EAST TIMOR**  
**GOVERNMENT**  
**DECREE-LAW 09/2005**

**SYSTEM OF EPIDEMIOLOGICAL SURVEILLANCE**

Law nr: 10, of November 24th, 2004, Law of Health System, sets forth as its priority the promotion of health and prevention of diseases, establishing the creation, according to a special law, of a system of epidemiological surveillance providing a systematic collection of data for diseases to enable the adoption of more appropriate measures for its prevention and management.

This system of epidemiological surveillance is integrated in a wider system of health data, but it is autonomous because it is mandatory, for all health professionals and public or private health institutions, when providing relevant data and applying the consequent recommendations.

The present law sets forth the general classification of the system of epidemiological surveillance of diseases of mandatory statement. The system will gradually and adaptively be under development related to disease and health problems with great importance in East Timor. This is made to enable the systematic knowledge about its features and the adequately consequent answer with the means at any time available.

Therefore, the government decrees under item p) of Article 115 of the Constitution of the Republic and under nr. 2 of Article 10 and Article 26 of Law nr: 10 of November 24th, 2004 to be enacted as follows:

**Article 1**  
**Object**

1. The present law creates the system of epidemiological surveillance so as to enable the adoption of appropriate prevention and management measures and ready and efficient acting on the risk factors causing undesirable situations of diseases to improve the levels of health of populations.

2. The system of epidemiological surveillance consists of an organized, systematic, continued and mandatory set of activities for the collection and analysis of data related to diseases or other human health problems, interpretation of outcomes and transmission of data to those in need of it.

## **Article 2**

### **Scope**

1. The system of epidemiological surveillance encompasses all the diseases or health problems of mandatory statement determined in the law of the Minister of Health.
2. The choice of diseases or health problems of mandatory statement to become part of the system of epidemiological surveillance shall be prioritarily based upon the transmitted diseases selected in accordance with the following criteria:
  - a) Diseases causing or which may cause significant morbidity or mortality in the population, especially in the cases in which the prevention requires a global approach of coordination;
  - b) Diseases to which there are efficient and preventive measures to the benefit of the public health.
  - c) Diseases related to those which the information exchange can enable the rapid alert in case of threat to the public health;
  - d) New, rare and severe diseases, which would not be recognized nationwide and related to those which the knowledge-sharing allows for the formulation of hypotheses, from a wider base of knowledge.

## **Article 3**

### **General Principles**

The system of epidemiological surveillance shall be guided by the following principles:

- a) Guarantee of confidentiality of personal data collected for this purpose, pursuant to the laws in force, without prejudice to the duty of mandatory notification and professional duty for protection of the right to life and physical integrity of third parties;
- b) General duty for cooperation of all the entities and agents engaged in the epidemiological surveillance and acceptance of the guidelines provided;
- c) Use of sources of data and several instruments of observation;
- d) Promptness and efficiency of the procedures to be used.

#### **Article 4** **Ministry Laws**

The laws of the Minister of Health under nr: 1 of Article 1, which establish which are the diseases of mandatory statement, shall also indicate:

- a) The definition of case for each disease covered;
- b) The models of reports of notification;
- c) The terms and forms for the mailing of reports of notification;
- d) The terms of retention of data collected;
- e) The appointment of the services of the Ministry of Health in charge of fighting each disease or group of diseases.

#### **Article 5** **General Structure**

1. The epidemiological surveillance is managed at the federal level by the Permanent Secretary of the Ministry of Health in active cooperation with the National Director for Health Care and is composed of:

- a) The heads of the departments in charge of several groups of diseases under epidemiological surveillance;
- b) The Head of the Information Systems Department, Monitoring and Evaluation;

2. The district heads of health supported by the public health technician of the respective district health care services are part of the epidemiological surveillance at the district level.

3. All the health professionals of hospitals, health centers, health care units and mobile clinics, as well as the health professionals of private institutions which are capable of recollecting, transmitting or handling the relevant data are part of the epidemiological surveillance at the local level, specifically:

- a) The doctors and nurses diagnosing the diseases or health problems of mandatory statement;
- b) The technical health personnel, namely, from laboratory and radiology units who detects complementary exams for a positive diagnosis for the diseases under surveillance.

**Article 6**  
**Competences of the Entities at the Federal Level**

- 1) It falls to the Permanent Secretary:
  - a) To recommend a three-year plan of epidemiological surveillance to the Minister of Health;
  - b) To recommend the groups of diseases subject to the epidemiological surveillance;
  - c) To watch over the good performance of the system of epidemiological surveillance, answering before all competent entities as regards the issues related to it;
  - d) To prepare on a yearly basis a report about the epidemiological surveillance as a whole, major advances and deficiencies;
  - e) To approve the guidelines and technical and operational definitions related to the diseases of mandatory statement.
  
- 2) It falls to the heads of department in charge of fighting the diseases subject to the epidemiological surveillance:
  - a) To prepare a three-year work plan related to each group of diseases;
  - b) To analyze the data sent by the Head of Department of Information Systems, Monitoring and Evaluation, interpret the outcomes and transmit the information relevant to all the entities, services and health professionals in need of it;
  - c) To monitor and evaluate the execution of the plan and evolution of the system and recommend some alterations and measures of management deemed as necessary;
  - d) To recommend the approval of guidelines and technical and operational definitions related to the diseases of mandatory statement, make them public and provide technical counseling for all the entities requesting it for the good performance of the system of epidemiological surveillance to the Permanent Secretary;
  - e) To prepare the annual report of each group of diseases under surveillance;
  
- 3) It falls to the Head of the Department of Health Information System:
  - a) To create a database for each one of the groups of diseases under epidemiological surveillance;
  - b) To collect information recorded in the reports of notification of diseases of mandatory statement and proceed with the permanent and systematic updating of the respective database;

- c) To grant the heads of department in charge of fighting the diseases of mandatory statement the information received as frequently as it is defined or whenever the situations deemed as urgent so require it.

### **Article 7** **Competences of the District Health Heads**

- 1) It falls to the District Health Heads:
  - a) To receive and handle all the data collected by the health professionals referred to in nr. 3 of Article 5 in the capacity of contact for all the mandatory notifications;
  - b) To transmit these data to the district health head of the area of residence of the patient, whenever they are different from the area where the disease has been detected;
  - c) To send the Department of Information, Monitoring and Evaluation Systems the reports of notification received as frequently as it is defined;
  - d) To receive and transmit to all the professionals and public or private health institutions of the district the guidelines and technical and operational definitions related to the diseases of mandatory statement.

### **Article 8** **Mandatory Notifications**

- 1) The health professionals referred to in nr. 3 of Article 5 shall fill in a report of notification whenever:
  - a) It is diagnosed a new case of one of the diseases of mandatory statement, in life or after the death of the patient;
  - b) The outcomes of the complementary exams for diagnosis confirm the clinical diagnosis of any of the diseases of mandatory statement.
- 2) The report of notification shall be sent to the district health heads of the districts where the diseases have been detected by the forms and terms indicated in the laws of the Minister of Health establishing the diseases of mandatory statement.
- 3) The health professionals of the centers of health shall hand in the report of notification to the respective director, who is in charge of its mailing to the district health head.

### **Article 9**

## **Responsibility**

Without prejudice to criminal, civil or disciplinary liability before employers, the actions or omissions of the health professionals and agents of epidemiological surveillance are deemed as an illicit disciplinary action for all intents and purposes of the enforcement of the Decree-Law nr: 14, of September 1<sup>st</sup>, 2004 as regards the Performance of Health Professionals and of the Government Decree nr: 1, of March 31<sup>st</sup>, 2005 about the Disciplinary Code of Health Professionals which:

- a) Breach the rules related to mandatory notification of the diseases subject to epidemiological surveillance;
- b) Breach the rules related to data handling and transmission according to the terms and periods of time provided for in the laws of the Minister of Health related to epidemiological surveillance;
- c) Breach the guidelines and definitions by competent entities of the Ministry of Health related to the diseases of mandatory statement;
- d) Breach the general principles and special rules of confidentiality of the personal data provided for in the present law or in the respective ministry laws.

## **Article 10 Entry into Force**

1. The present law becomes effective on the following day of its publication.
2. Until the entry into force of the ministry laws defining which diseases of mandatory statement, the Procedures currently used are kept in place, which shall be progressively suited as provided for in the laws in force.

Passed in the Council of Ministers on October 5th, 2005

The Prime Minister

Signed: (Mari Bim Amude Alkatiri)

The Minister of Health

Signed: (Rui Maria de Araújo)

Enacted on December 8th, 2005

Published.

The President of the Republic

Signed: (Kay Rala Xanana Gusmão)