

## **The *Personal Health Information Act* Abbreviated Version**

*This overview is presented for the convenience of reference only. Nothing in this overview should be construed as legal advice. You should consult the Act and your own solicitors for all purposes of interpretation.*

- The *Personal Health Information Act* (PHIA) was passed by the House of Assembly in 2008.
- The Act establishes rules related to the collection, use and disclosure of personal health information (PHI). It also provides a right for an individual to access and request correction of their own PHI subject to limited and specific exceptions.
- PHIA applies to all PHI held by custodians regardless of the format of that information or whether it is held in the public or private system.
- PHIA allows for both express and implied consent so health care providers can share information with each other as part of the circle of care.
- Custodians of PHI are defined in the Act as having custody or control of PHI and include public and private health facilities, health care professionals, ambulance services, pharmacies, the Centre for Health Information, Schools of Nursing, Memorial University Faculty of Medicine, School of Pharmacy and School of Human Kinetics and Recreation, rights advisors under the Mental Health Care and Treatment Act and others.
- The Act requires that custodians establish policies and procedures to protect the privacy of PHI and to protect the confidentiality of individuals as it relates to collection, storage, transfer, copying, modification, use, and disposition of PHI.
- The custodian must ensure that their employees, agents, contractors, volunteers and other health professionals with rights to work within their business are aware of their responsibilities under PHIA and sign an oath or affirmation of confidentiality.
- Custodians are required to designate a person to make decisions under the Act;
- Custodians are required to provide their clients/patients information on PHIA including a contact number to obtain more information.
- Under the Act, individuals have the right to limit the PHI disclosed to other health care providers. In situations where an individual has placed conditions on the disclosure of PHI, the person receiving the PHI must be told that restrictions have been placed on the disclosure.
- If PHI is stolen, lost, disposed of in an unauthorized way or disclosed or accessed by an unauthorized person, the custodian, with some exceptions, is required to notify the person who is the subject of the PHI.
- If a material breach occurs, the custodian is required to inform the individual(s) affected and the Privacy Commissioner.
- Proclamation of the Act is expected in early 2010.

### **Privacy is everyone's responsibility.**

The Act is available on the Government of Newfoundland & Labrador website at:

<http://www.assembly.nl.ca/legislation/sr/statutes/p07-01.htm>

For more information please contact Legislative & Regulatory Affairs, Department of Health & Community Services at 729-7007.