

The Personal Health Information Act

The *Personal Health Information Act (PHIA)* came into force in June 2013.

This new provincial health information privacy and access legislation is intended to ensure that personal health information management rules in the health sector are clear, consistent and relevant to all records of personal health information, including the electronic health information systems being implemented in Nova Scotia.

PHIA balances your right to have your privacy protected with the need of the health sector – including our organization – to collect, use and disclose it to provide appropriate care and service to you.

As a “custodian” of personal health information under *PHIA*, we have an obligation to protect the privacy of the information we collect, use and disclose about you. This brochure is a summary of the purposes for our management of your personal health information.

What is “personal health information”?

Personal health information is identifying information about you, and includes demographic information (name, address, date of birth), your health card number, information

related to your physical and mental health care, and financial information related to your application and eligibility for health care services. Personal health information can be recorded and unrecorded, and continues to be protected after you are deceased.

Why do you collect my personal health information?

We collect it for several purposes:

- to inform our decisions related to appropriate health care for you
- to disclose to other providers involved in your health care
- to ensure that all custodians receive appropriate payment for delivering care (e.g. services that are insured for you through the Department of Health and Wellness)
- to conduct research approved under *PHIA*
- to plan and manage health care services for you and others in Nova Scotia
- for other purposes required or permitted by law

When do you disclose my personal health information to others?

The personal health information we collect from you is used within our organization to provide appropriate care to you. Anyone in our organization who is required to review your personal health information would have access to it.

We may disclose it to health professionals outside of our organization if they are in the “circle of care” for your illness or injury. This information would enable them to provide appropriate care to you.

Do I need to consent to this disclosure?

This disclosure is carried out under the principle of “*knowledgeable implied consent*”. This means that we have to provide you sufficient information about the purposes for collecting, using and disclosing your personal health information, and about your right to give or withhold consent. In addition to the information contained in this brochure, you may ask for additional information about the management of your personal health information.

If you continue to seek our services, we can assume your consent to our use and disclosure of your personal health information for your health care.

Can I decide who can and can't have access to my personal health information?

You have the right to request that your personal health information not be used or disclosed by a specific health professional or organization. We are required to:

- take reasonable steps to comply with your request
- advise you of any consequences of your request (e.g. one of your health professionals may not be confident that they have sufficient information to provide care to you)
- advise anyone to whom your personal health information is disclosed that the information is not complete
- advise you that we cannot comply with your request where the information is required by law to collect, use or disclose

How do I request that my personal health information not be used or disclosed?

A form is available from our *PHIA*/Privacy contact person.

Can I request a copy of my personal health information?

Yes –you have the right to request a copy of your personal health information, or request an opportunity to view your personal health information. There are limited exceptions to what you cannot access, including information what was collected during an investigation or

information that includes the personal information of another person.

We are permitted to charge you a prescribed fee for providing you with a copy of your record or an opportunity to view your record. We can provide you with the fee schedule.

Can I request that something in my personal health information be corrected?

Yes – you may make the request to our *PHIA*/privacy contact person. There are limited exceptions to your right to a correction of your record, including when the information you request to be corrected is part of a professional opinion of a health practitioner.

What happens if you lose my personal health information or someone who isn't authorized to see it gains access to it?

If your personal health information is breached and we believe that this breach may cause you harm or embarrassment, we are required to notify you of the breach. If we don't notify you, we are required to notify the Review Officer for *PHIA*.

Can I make a complaint if I think you have not followed the rules in *PHIA*?

Yes – our organization has a *PHIA* complaints process. Our *PHIA*/privacy contact person can provide you with the necessary information and form.

What if I am not happy with the way your organization has handled my complaint?

You may request a review under *PHIA*. The Review Officer for *PHIA* can be reached at:

Review Officer

Personal Health Information Act

P.O. Box 181

Halifax, Nova Scotia B3J 2M4

Phone: 902-424-4684

Toll-free: 1-866-243-1564

Fax: 902-424-8303

Who do I contact for more information?

You can reach our *PHIA*/Privacy Contact person at:

Deanne Ortman,
Program Coordinator

(902) 487-0809