

# Privacy and Access Odds & Ends: Appropriate Use Edition

## Review of the 'Need to Know'

- The *Health Information Act* (HIA) is a piece of legislation on PEI that governs the collection, access, use, and disclosure of personal health information (PHI).
- The HIA establishes a 'Need to Know' principle when it comes to collecting, accessing, using, and disclosing PHI.
- It is a common misconception that being part of a patient/client/resident's 'Circle of Care' at some point in time means permitted access and use of that person's information at any time for any reason. This is **NOT** the case and in fact is **NOT PERMITTED** by legislation.
- We need to transition our Health PEI way of thinking to follow the 'Need to Know' principle, as per the HIA.

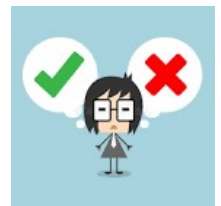


## Need to Know and Use of PHI

- It is often easier for staff to understand how the Need to Know applies to collection, access, and disclosure of PHI.
- Most health care professionals understand that they cannot disclose the PHI of a patient unless it is required for the purposes of care or their job duties. For example, they know it is against the law to go home after working at the hospital and share identifiable details about a patient and their health history with their spouse.
- It can be challenging, however, to understand how the Need to Know applies to using PHI. We sometimes see staff using PHI learned through their work for personal reasons, which is not permitted. Please review the considerations below to help you decide whether use is appropriate or inappropriate. We've also included some examples of **inappropriate** use in the blue box below to help staff understand the difference.

## Struggling with Appropriate Use of PHI? Consider the following:

- ✓ PHI learned through your role must only be used as required to carry out your job duties
- ✓ PHI obtained through your work must not be used for personal reasons
- ✓ Discussing patient information with colleagues when it is not required is considered inappropriate use



### Examples of **INAPPROPRIATE USE** of Personal Health Information

- ❌ A staff member working in an Island hospital sees a friend's child's name on a patient list. The staff member sends a text to their friend telling them they saw that the child was in hospital and hopes everything is okay.
- ❌ A note is left on an inpatient menu by the patient's neighbour, who works in the kitchen of the hospital. The note says hello and that they will come by to visit them later.
- ❌ Two employees are having break together and discuss their respective patients with one another, even though it is not necessary for their work.
- ❌ An admitting clerk processes hospital admission paperwork for their cousin and sends a bouquet of flowers to them on the inpatient unit.
- ❌ A physician observes a friend in the waiting room of the Emergency Department and later goes to visit them at home to ask why they were there and if they need anything.