

Privacy and Access Odds & Ends: “Releasing Information without Consent” Edition

When is consent not required??

- 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 outlines several reasons or circumstances where disclosure of PHI without consent is either permitted or required.
- Some examples of when disclosure without consent is permitted or required by the HIA are:
 - For the provision of care (unless the individual has expressly asked us not to disclose).
 - For investigations, audits or disciplinary purposes.
 - For health and safety purposes.
 - To comply with subpoenas, warrants, etc.
- There is also other legislation that require us to disclose PHI without the consent of the individual, such as:
 - Child Protection Act
 - Adult Protection Act
 - Child & Youth Advocate Act
 - PEI Ombudsperson Act
 - And many others...



What are some ways to know disclosure is permitted?

- When you receive a request to disclose information, review the request carefully. The request will typically include information, such as:
 - The name of the person or person(s) that the information is about.
 - The specific information being requested.
 - The name and contact information of the person making the request.
 - The reason the request is being made.
 - An explanation or description of the legislation that permits them to access the information, including the section of the relevant *Act*.
- Use professional judgment and if you feel you need more information about the request, including what information is necessary to meet the need (consider the “Need to Know” & the minimum amount of PHI), reach out to the requestor for clarification about the request.
- If you are still concerned or unsure after reviewing the request and speaking to the requestor, talk with your supervisor or reach out to the ATIP team at healthprivacy@ihis.org.

When disclosing information without consent, the *HIA* requires that we record the following:

- ✓ Name of the person to whom the PHI is being disclosed.
- ✓ The date of the disclosure.
- ✓ The purpose of the disclosure.
- ✓ A description of the PHI that was disclosed.

