

**Health Information Act – Info for Health PEI Physicians and Staff**

LEGISLATION	<p>The <i>Health Information Act</i> is a new law for PEI that came into effect on July 1, 2017. This law balances the right to privacy with the need for personal health information to flow appropriately in support of the provision of care.</p> <p>The <i>Health Information Act</i> applies to:</p> <ul style="list-style-type: none"> <li>• personal health information, which includes the individual’s identifiers, health history, family medical history, care or treatment received, genetics, organ and tissue donation and more</li> <li>• all persons or organizations who collect, use or disclose personal health information for the purposes of providing health care, including Health PEI and the private health care sector</li> </ul>
WHAT STAYS THE SAME?	<p>Privacy and confidentiality are not new concepts for Health PEI. We have been following privacy rules established by the <i>Freedom of Information and Protection of Privacy (FOIPP) Act</i>, our policies and professional standards. Many of these rules remain the same, including:</p> <ul style="list-style-type: none"> <li>• Limits on the collection, use and disclosure of personal health information</li> <li>• Our obligation to protect personal health information in our possession</li> <li>• An individual’s right to receive a copy of their own chart, request a correction and request a review by the PEI Information and Privacy Commissioner if they have a privacy concern</li> <li>• Our authority to disclose personal health information to law enforcement and as required by law</li> </ul>
WHAT CHANGES?	<p>The <i>Health Information Act</i> establishes new rules to better protect personal health information and to permit the sharing of information for the purposes of care. These include:</p> <ul style="list-style-type: none"> <li>• In most cases, Health PEI may rely on implied consent for the collection, use or disclosure of personal health information for the purposes of providing care</li> <li>• Unless the individual has asked us not to, Health PEI may share personal health information with persons or organizations (including those in the private sector) involved in the individual’s circle of care for the purposes of providing care</li> <li>• Personal representatives or family members may consent on behalf of individuals who are deceased or unable to consent due to incapacity</li> <li>• Mandatory reporting and disclosure of privacy breaches</li> <li>• Mandatory privacy impact assessments on new or significantly changed collection, use or disclosure of personal health information</li> </ul>
<p><b>Collection, use and disclosure of personal health information must always be limited to what is necessary for the purposes of providing care to the individual (or for another purpose authorized by the <i>Health Information Act</i>) and on a need-to-know basis.</b></p> <p><b>Accessing an individual’s personal health information without the need to know, even if it is not shared with anyone else, is a privacy breach.</b></p>	
MORE INFORMATION	<p>Several Health PEI policies and procedures are currently being updated to align with the <i>Health Information Act</i>.</p> <p>For more information:</p> <ul style="list-style-type: none"> <li>• Participate in <i>Health Information Act</i> education at your team or staff meeting</li> <li>• Check out the HIA Staff Education toolkit available on the staff resource centre</li> <li>• Speak with your Supervisor or Manager</li> <li>• Review the updated/new policies as they are circulated</li> <li>• Email your question to <a href="mailto:healthprivacy@ihis.org">healthprivacy@ihis.org</a></li> </ul>