

Can a lockbox prevent all uses and disclosures of PHI?

No. Under the *Personal Health Information Protection Act*, the hospital may be legally required to use and disclose PHI. The required disclosures are as follows:

- Reporting to the Ontario Ministry for Health for payment or system planning purposes;
- Reporting to an authorized registry such as Cancer Care Ontario (CCO) or the Cardiac Care Network;
- If the hospital is served with a warrant or court order for the locked information;
- When reporting the name of a patient being treated for a gunshot wound to the police;
- When reporting certain diseases to Public Health;
- To report suspected cases of child abuse.

Permitted Uses:

- Hospital administrative uses such as quality assurance activities that improve our services;
- Research conducted by the hospital that does not require further patient contact.

Need More Information

For more information on the hospital's lockbox policy you can contact the Office of Access and Privacy at (905) 472-7373 ext. 6331.

For more information on the Hospital's privacy program, visit the "**Frequently Asked Questions (FAQ's)**" page: www.msh.on.ca/privacy

Comments or Complaints?

To make a comment or complaint regarding your privacy, contact the Office of Access and Privacy at privacy@msh.on.ca.

Information privacy complaints can also be directed to the:
Information and Privacy Commissioner of Ontario
1400-2 Bloor Street East
Toronto ON M4 W 1A8
1-800-387-0073.

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Requesting a Lockbox on Your Hospital Health Record

Patient Brochure



MARKHAM STOUFFVILLE HOSPITAL
A PROUD HERITAGE - AN EXTRAORDINARY FUTURE

What does the term 'lockbox' mean ?

Individuals have the choice to withhold or withdraw their consent to the collection, use or disclosure of their personal health information for a particular purpose, including for the provision of health care.

Under *The Personal Health Information Protection Act (PHIPA)*, individuals may provide express directive to health information custodians not to use or disclose their personal health information for health care purposes without consent as set out in sections 37(1) (a), 38(1)(a) and 50(1)(e) of *PHIPA*.

Section 20(2) of *PHIPA* also states that individuals may withhold or withdraw their consent to the collection, use or disclosure of their personal health information by health information custodians for the purposes of providing or assisting in providing health care.

The term 'lockbox' is not defined in *PHIPA*, however, it serves as an appropriate label for the patient's ability to withdraw or withhold consent for the use or disclosure of their personal health information for health care purposes.

What information can be 'lockboxed' ?

A lockbox or seal can be placed on the patient's health record for the following purposes:

- Not to collect, use or disclose a particular **item** of information contained in their record of personal health information (for example, a particular diagnosis);
- Not to collect, use or disclose the contents of their **entire** record of personal health information;
- Not to **disclose** their personal health information to a particular health information custodian, a particular agent of a health information custodian or a class of health information custodians or agents (e.g. physicians, nurses or social workers); or
- Not to enable a particular health information custodian, a particular agent of a health information custodian or a class of health information custodians or agents (e.g. physicians, nurses or social workers) to **use** their personal health information.

What obligations are imposed on a Health Information Custodian (HIC)?

Once a patient has authorized a lockbox on their personal health information, a HIC can break the seal for the following reasons:

- The individual changes his or her mind and informs the HIC accordingly; or
- The collection, use or disclosure can be made without consent (except as set out in section 37(1)(a), 38(1)(a) and 50(1)(e) of *PHIPA*), such as where the health information custodian believes on reasonable and probable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons, subject to any applicable constitutional restrictions (section 40(1) of *PHIPA*).

How can I make a lockbox request?

To request a lock on your PHI:

- Visit www.msh.on.ca/privacy, to access the Request to Lock Personal Health Information Form,
 - Complete and return the form to the Office of Access and Privacy Health Information Room A1681 - A1683
- **Please note:** the form must be returned in person, along with one piece of government issued ID to be presented.
- Requests will be processed within 30 days upon receipt of the written request from the patient.