

PERSONAL HEALTH INFORMATION PROTECTION ACT (PHIPA) Frequently Asked Questions (FAQ's) Office of Access and Privacy

The purpose of PHIPA is to protect and govern the individual's right to retain control over the collection, use and disclosure of his/her personal information.

What is the Personal Health Information Protection Act (PHIPA)?

The *Personal Health Information Protection Act, 2004* (PHIPA) is Ontario's health-specific privacy legislation. PHIPA governs the manner in which personal health information may be collected, used and disclosed, within the health care system. It also regulates individuals and organizations that receive personal information from health care professionals.

What is personal health information?

Personal health information is "**identifying information**" collected about an individual.

It is information about an individual's health or health care history in relation to:

- The providing of health care to the individual, including the identification of a person as a provider of health care to the individual;
- A plan of service within the meaning of the *Long-Term Care Act, 1994*, for the individual;
- To payments or eligibility for health care in respect of the individual;
- To the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance;
- Individual's health number, or
- An individual's substitute decision-maker

What is NOT personal information?

Any data that has been collected in which all personal identifiers have been removed (making determination of identity impossible) is not considered personal information, nor is the name, title, business address or business telephone number of an employee of an organization.

What does Markham Stouffville Hospital use my health information for?

Markham Stouffville Hospital uses your information for the delivery of patient care, administration of the healthcare system, research, teaching, statistics, fundraising, and to meet legal and regulatory requirements.

Who does Markham Stouffville Hospital give my health information to?

The Hospital is required to disclose patient information to several other organizations. This includes the Ministry of Health, The Canadian Institute for Health Information (CIHI), Public Health, and Cancer Care Ontario. Information may also be disclosed to other physicians directly involved in the administering of care to our patients. The Hospital places appropriate safeguards on the transmission of all information disclosed to other organizations and seeks to ensure that health information protection measures are in place and in accordance with the *Personal Health Information Protection Act, 2004*.

Does Markham Stouffville Hospital ever sell patient information to drug companies, or anyone else?

Markham Stouffville Hospital does not sell patient information to drug companies or to anyone else.

Can I access my health information?

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Where do I go to access my health record?

To get a copy of your health records, you can:

Submit your request, in writing, to Markham Stouffville Hospital's Health Information Department. Your written request for a copy of your health records should include: your name, address and date of birth; your signature or the signature of a legal representative (if applicable) the date and the signature of a witness.* **Please note the Hospital will only accept original letters. Faxes are not acceptable.***

- Or, alternatively, you may go to the Hospital's Health Records Department and request a "Consent to Release Personal Health Information" form.

Please allow a reasonable amount of time for the Hospital to process your request. Should you wish to receive photocopies of your health records a reasonable fee will be charged.

Can the husband/wife of a patient access their spouse's records?

No, unless the patient's husband or wife is designated as the substitute decision maker.

Can all Markham Stouffville Hospital staff access my patient record?

Only Markham Stouffville Hospital staff involved in your care may access your patient record. All Markham Stouffville Hospital staff are bound by a strict confidentiality agreement, which is signed as a condition of their employment. This agreement seeks to ensure staff access patient information only on a need to know basis.

What if I am unable to give consent to release my personal health information?

If you are unable to give consent for a friend or family member to access your health records due to reasons of competency or consciousness, the consent decision falls to the appointed substitute decision maker such as a parent or guardian. This person is bound by law to act on your behalf and must make decisions based on their belief of what you would wish done if you were able to decide.

Will my family or friends be able to call the hospital to get information about me over the phone?

Markham Stouffville Hospital's clinical care team has no way to verify the identity of the caller. Therefore, in order to protect patient privacy, minimal information is disclosed over the phone.

What is a breach of privacy?

Breach of privacy, confidentiality or security refers to the unauthorized access, collection, use, or disclosure of any personal information or personal health information.

What is a "lock-box"?

The "lock-box" is a term used to describe the right of an individual to instruct a health information custodian not to disclose specified personal health information to another custodian.

How does the "lock-box" work?

When an individual requests a health information custodian not to disclose his/her personal health information to another custodian, the custodian is obliged to inform the recipient custodian that some personal health information is inaccessible as a result of it having been "locked" by the individual. The custodian who receives "locked" personal health information may choose to explore this matter with the individual. The custodian would need to obtain the express consent of that individual to access and use that information.

A custodian, however, is permitted to disclose the information to a recipient custodian where in his/her professional opinion, the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to the patient.

What if some of the information in my health record is incorrect?

An individual who believes that his/her personal health information is incomplete or inaccurate may request a health information custodian to correct his/her record. It is the responsibility of the custodian to ensure that personal health information is complete and accurate.

How does an individual correct error or omissions to their records?

An individual seeking to correct his/her personal health information is required to submit a written request to the health information custodian. The custodian must respond within 30 days of receiving a correction request.

PHIPA provides limited grounds for extending this 30-day time frame. For example, extensions are permitted where replying within 30 days would unreasonably interfere with the custodian's activities, or where the time necessary to undertake the consultations associated with the request would exceed 30 days.

Can the hospital refuse to correct an individual's personal health information?

The hospital is obligated to correct personal health information where an individual demonstrates, to the satisfaction of the hospital, that the record is in fact inaccurate or

incomplete and the individual gives the custodian the necessary information to correct the record.

The hospital, however, may refuse to correct personal health information that is a professional opinion or an observation of the health care provider.

How is my personal health information protected?

- **Administrative Safeguards:** Markham Stouffville Hospital's Privacy Policy governs the way in which all hospital employees manage and access patient information. In addition, all hospital employees must sign a Confidentiality Agreement as a condition of their employment.
- **Physical Safeguards:** Markham Stouffville Hospital has a number of physical safeguards and measures to protect patient records including facility access controls, workstation security and mobile device security requirements.
- **Technical Safeguards:** Markham Stouffville Hospital's Information Technology department upgrades the security capabilities of the patient information system on an ongoing basis. By implementing role based access controls; the Technology department ensures staff only have access to electronic information on a need to know basis. Furthermore, Markham Stouffville Hospital's patient information system also uses passwords as an additional measure to protect the system from inappropriate access from within; and a firewall to protect our system from users externally on the Internet.

How does an individual initiate a complaint?

An individual who feels his/her privacy rights under PHIPA has been violated has the right to submit a written complaint to **Markham Stouffville Hospitals Office of Access and Privacy**. All privacy complaints will be handled in a confidential manner.

An individual may also submit a written complaint to the Information Privacy Commissioner of Ontario.

Information and Privacy Commissioner / Ontario

2 Bloor Street East, Suite 1400

Toronto, Ontario

Canada M4W 1A8

1-416-326-3333

1-800-387-0073

<http://www.ipc.on.ca>



Where can I find out more about information privacy rights and protection at Markham Stouffville Hospital?

You can get more information from the following sources:

- Email: You can email the Chief Privacy Officer at privacy@msh.on.ca
- Telephone: You can call the Office of Access and Privacy at (905) 472-7373 ext. 6004.