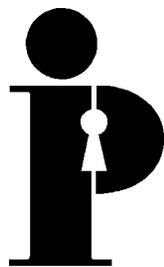


The Personal Health Information Protection Act

and

Your Privacy



Information and Privacy
Commissioner/Ontario

Ann Cavoukian, Ph.D.
Commissioner

Introduction

The *Personal Health Information Protection Act, 2004* is a new provincial law that governs the collection, use and disclosure of personal health information within the health care system. The object is to keep personal health information confidential and secure, while allowing for the effective delivery of health care services.

Under this legislation, health care providers and others who deliver health care services are collectively known as health information “custodians.”

What is personal health information?

Personal health information includes any identifying information about an individual’s health or health care history, such as your family medical history, details of a recent visit to your doctor, or your Ontario health card number.

Do health information custodians need my permission to access my personal health information?

Custodians are permitted to collect, use and disclose your personal health information, on the basis of implied consent, for the purpose of providing your health care.

An example where implied consent would be sufficient is if a family physician refers you to a medical specialist for consultation or to a laboratory for testing and discloses your personal health information for that purpose.

Can I prevent health information custodians from collecting, using or disclosing my personal health information?

Yes. You have the right to withdraw your consent at any time.

In addition, custodians must respond to inquiries and complaints about the personal health information they hold about you.

The information practices of custodians must be available in written form, as well as information on how to contact them.

As a patient, do I have the right to see my personal health information?

Yes. You have a right to access your health information records under the new law. You may be asked to make the request in writing, and custodians are allowed, depending on the circumstances, 30 to 60 days to respond to your request. You may be charged a reasonable fee to cover the costs.

Certain limited exceptions to access exist, but where custodians deny access to your records, they must explain the grounds for doing so, and you have the right to complain about denials or other access decisions to the Office of the Information and Privacy Commissioner/Ontario (IPC) within six months of the decision.

What if the personal health information filed about me is inaccurate or incorrect?

You can request that your health information be corrected. However, health information custodians may require that you make the correction request in writing and, depending on the circumstances, they are given 30 to 60 days to respond.

Custodians are not required to correct professional *opinions*, however, you may require that a statement of disagreement be attached to your health records, and that your disagreement be communicated to others involved in your treatment and care.

Where a correction is refused, custodians must give reasons. You can then complain about a refusal to correct your health information to the IPC (within six months of the decision).

What do I do if I have a complaint?

Complaints about the actions of health care providers in their handling of your personal health information can be filed with the IPC. These include the improper collection, use or disclosure of your personal health information. Complaints should be filed within one year of you becoming aware of a problem.

The IPC will attempt to mediate your complaint to resolve the dispute wherever possible. Otherwise, the IPC may issue an order.

About the Commissioner

The Information and Privacy Commissioner, Dr. Ann Cavoukian, is appointed by the Ontario Legislature and is independent of the government of the day. She was recently re-appointed for a second term.

There is extensive information about the *Personal Health Information Protection Act, 2004*, including Frequently Asked Questions, and a user *Guide* for health information custodians, on the IPC website: www.ipc.on.ca.

For more information about any of these Acts or the role of the IPC, please call, write or email:

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