



November 20, 2009

Emergency Health Services Amendment Act Raises Concerns

Information and Privacy Commissioner Frank Work has some major concerns about Bill 62, the *Emergency Health Services Amendment Act*, which was introduced in the Legislature on November 18. The amendments deal with the sharing of information between ambulance attendants and police.

Bill 62 authorizes an ambulance attendant to disclose personal and health information related to the scene of an incident without the consent of the individual the information is about. Work supports the disclosure of personal and health information to police that is necessary to protect public safety, but says "this law goes too far and strips away oversight of decisions made to disclose the information to police."

The Commissioner feels there is no evidence to clearly show why this Bill is necessary. He points out that the *Health Information Act* (HIA) already allows for the sharing of information with police to avert imminent harm and to protect public safety. Work says "I have heard law enforcement people say that there are "many" examples of how privacy laws "adversely" affect investigations into "serious" crimes". This is not evidence.

The Commissioner adds, "This bill may leave ambulance attendants wondering what their priorities should be...treating victims or gathering evidence for police".

Work is also very concerned that the Bill trumps both the *Health Information Act* and *Freedom of Information and Protection of Privacy Act*. Work points out that over-ride provisions should only be used in reconciling conflicting legislation, and he says in this case there is no such conflict. Work says that an over-ride clause of this type has consequences for everyday Albertans. "What the over-ride would do is remove an individual's right to get information about the disclosure and to have an independent review of responses to any related access requests or to file a privacy complaint in relation to information disclosed by attendants to the police.

Work says he has recently seen this done in Bill 59, the *Mental Health Amendment Act*, which also contains a provision that over-rides the HIA. Work says "Government appears to be subjecting privacy laws to death by a thousand cuts by removing accountability safeguards with respect to disclosure of patient information". This is contrary to the purposes and objectives of FOIP and HIA.

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*Promoting a society where personal information is respected and public
bodies are open and accountable*

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