



Office of the Information
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The Health Information Act **At a Glance** **For Custodians**

The *Health Information Act* (the “Act”) sets out the rules respecting the collection, use and disclosure of health information by ‘custodians’. Custodians under the Act include the Minister of Alberta Health & Wellness, regional health authorities, boards such as the Alberta Cancer Board and provincial health boards, pharmacies and pharmacists, and health service providers paid by the Alberta Health Care Insurance Plan such as physicians. Most custodians are probably already following similar rules to the rules set out in the Act, based upon professional and health care facility standards.

The word ‘individual’ is used here to include reference to persons who are authorized to exercise rights on behalf of an individual patient. Examples include a parent on behalf of a child, a guardian or trustee on behalf of a mentally incompetent patient and a personal representative on behalf of a deceased individual.

General Rules

- Custodians must safeguard the health information they hold.
- Only disclose what is needed to do the job, no more.
- Provide anonymous information whenever possible.
- Only provide information to those with a need to know.

Collection of Health Information

- Collect only what is needed to provide care.
- Collect directly from the individual whenever possible.

Individual Access to Their Own Health Information

- Individuals have a legal right to see or obtain copies of their personal health information without being asked why.

- Custodians have a duty to help individuals with their requests. Custodians must explain abbreviations and terms to individuals.
- In some circumstances, custodians can refuse access, for example when access may cause harm.
- Custodians have to respond to access requests within 30 days.
- If an individual disagrees with a custodian's decision, the individual can appeal to the Information and Privacy Commissioner.
- Custodians can charge a fee for access, according to the fee schedule in the regulations.

Corrections to Health Information

- Individuals have a right to ask for a correction or amendment to their information.
- Custodians can refuse to correct, for example where the correction involves a professional opinion.
- Individuals can ask the Information and Privacy Commissioner to review the custodian's decision or to append a statement of disagreement to their record.

Use of Health Information

- Custodians can use health information without consent for the following purposes:
 - Providing health services,
 - Determining eligibility for health services,
 - Conducting formal investigations including investigations, disciplinary proceedings, practice reviews and inspections,
 - Conducting authorized research,
 - Providing health service provider education,
 - Complying with another piece of legislation, and
 - Managing internal operations such as planning and allocating resources, quality improvement, evaluation and obtaining payment for services.

Regional health authorities, provincial health boards, the Alberta Cancer Board, the Department and the Minister can also use health information without consent for purposes of planning, resource allocation, health system management, public health surveillance and health policy development.

Disclosure of Health Information

- Custodians can disclose an individual's health information with consent.
- Custodians must make sure they are disclosing information to the correct individual.
- Custodians must be reasonably sure the information is accurate.
- Keep a log of the disclosures made. A simple notation in the chart is acceptable.
- Custodians can disclose without consent to the following persons for certain purposes (note that the Act creates discretionary disclosure and does not require custodians to disclose in these situations, although in some of these situations other legislation does create mandatory disclosure) including to:
 - Continuing treatment and care providers,
 - Health professional bodies, auditors and quality assurance committees,
 - Researchers subject to ethics review,
 - Entities authorized to obtain information or disclosures required by other legislation, e.g., courts and subpoenas,
 - Family members in certain circumstances,
 - Individuals or authorized representatives of individuals,
 - Persons acting in the best interests of an incompetent individual,
 - Police when investigating a life threatening injury to the individual,
 - Any person to avert or minimize an imminent danger,
 - Another custodian to prevent fraud or detect abuse of health services, and
 - Another custodian or successor of a custodian.

There are also specific exceptions for disclosure without consent that apply to registration information and health service provider information.

Custodians will be able to handle many requests as in the past, using common sense and professional standards. For more information about the Act, check the Alberta Health and Wellness website at www.health.gov.ab.ca or The Office of the Information and Privacy Commissioner's website at www.oipc.ab.ca. The telephone number for the Office of the Information and Privacy Commissioner is 780-422-6860 and the number for the Alberta Health and Wellness help desk is 780-427-8089.