
CATEGORY:	ORGANIZATIONAL - INFORMATION MANAGEMENT
SUB-CATEGORY:	RELEASE OF INFORMATION
GROUP:	
DISTRIBUTION:	ALL STAFF
TITLE:	PERSONAL INFORMATION- IDENTIFYING PURPOSES OF COLLECTION

PURPOSE

To help employees identify the purposes for which personal health information may be collected.

POLICY

General

All information related to an identified client of Western Health must be treated as confidential. This information may be in a written, verbal or electronic format.

Employees of Western Health must collect only the minimum amount of personal health information necessary.

Employees of Western Health must make every effort to collect information directly from clients/patients/residents.

Prior to collecting personal health information about clients/patients/residents, employees of Western Health must consider if the purpose for which the information is required can be achieved using information that does not personally identify individuals.

Determining Need for Information

If personal information that identifies individuals is required, employees must determine:

1. the law permits or requires collecting the personal health information.
2. the purpose for collecting personal health information relates directly to and is necessary for one or more of the following:
 - a) For the purpose that the information was collected or created and for all the functions reasonably necessary to carry out that purpose;

- b) For another purpose to which the client/patient/resident, his/her next of kin/substitute decision maker, or legal guardian has consented;
- c) To provide treatment/care/service to the client/patient/resident within Western Health;
- d) To refer the client/patient/resident to another health organization for a purpose that is consistent with the initial purpose for collecting their personal health information;
- e) To plan or deliver health care programs or services;
- f) To allocate resources to health care programs or services;
- g) To monitor and evaluate programs or services;
- h) To prevent unauthorized receipt of programs or services;
- i) To obtain payment or process, monitor, verify or reimburse claims for payment for health care or goods/services related to health care;
- j) To determine and / or verify the individual's eligibility for a program of Western Health for which the individual has applied;
- k) For risk management or activities to improve the quality of care;
- l) For a proceeding where Western Health actually is or may be either a witness or party to the proceeding. Note that in these cases, the information must relate to the proceeding;
- m) For a research project approved by Western Health's Research Ethics Board;
- n) As permitted or required by law (eg. *Child, Youth and Family Services Act, Mental Health Care and Treatment Act*);
- o) To prevent or lessen the risk of serious harm to the mental or physical health of or safety of the client/patient/resident the information is about or another individual;
- p) To prevent or lessen the risk of serious harm to public health or public safety;
- q) To engage in planning and resource allocation;
- r) To engage in health system management, public health surveillance, and health policy development.

Providing Information to Clients/Patients/Residents about Collection of Personal Health Information

Employees and physicians of Western Health must inform clients/patients/residents of:

- (1) the purpose(s) for which information is collected,
- (2) the ways information is used, and
- (3) the means by which personal information is stored and secured.

This must take place at or before the time the information is collected. To communicate this information to clients/patients/residents, the *Protecting Your Privacy* brochure and poster must be made available in all reception/waiting areas within Western Health. At the discretion of the program/service, employees may provide a copy of the brochure to individual clients/patients/residents and review the information contained in it with them.

Employees/managers within each program/service are expected to answer client/patient/resident questions concerning the collection, use and/or disclosure of personal health information. When employees/managers are unable to answer these questions, they must provide clients/patients/residents with the contact information for Western Health's Regional Manager, Information Access and Privacy, as listed in the *Protecting Your Privacy* brochure.

Personal health information must only be for the purposes that are identified to clients/patients/residents at or before the time the information is collected. It is not necessary to provide the brochure information to clients/patients/residents every time they present for treatment/care/service at Western Health. However, employees and physicians must always obtain consent from the client/patient/resident or the legal guardian/substitute decision maker to use information for a purpose that was not identified when the information was collected, unless the new purpose is required by law. Consent may be obtained when the information is collected.

DEFINITIONS

Custodian: A custodian means a health professional, health service provider or public body that collects or maintains personal health information, a person who provides health care in the province and a body designated as a custodian in the regulations, but does not include a body designated as excluded from the application of this Act in the regulations.

Disclosure: The term disclosure refers to information that is released using a [Consent to Release/Obtain Information form \(# 12 – 475\)](#). Please refer to policy on [Release of Information – Consent \(#9 – 02 – 45\)](#).

Use: The term use refers to information that is shared among health care providers for the primary purpose of providing treatment/care to clients/patients/residents.

Personal Health Information: Personal health information means identifying information in oral or recorded form about an individual that relates to:

- (a) the physical or mental health of the individual, including information respecting the individual's health care status and history and the health history of the individual's family;

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- (b) the provision of health care to the individual, including information respecting the person providing the health care;
 - (c) the donation by an individual of a body part or bodily substance, including information derived from the testing or examination of a body part or bodily substance;
 - (d) registration information;
 - (e) payments or eligibility for a health care program or service in respect of the individual, including eligibility for coverage under an insurance or payment arrangement with respect to health care;
 - (f) an individual's entitlement to benefits under or participation in a health care program or service;
 - (g) information about the individual that is collected in the course of, and is incidental to, the provision of a health care program or service or payment for a health care program or service;
 - (h) a drug as defined in the *Pharmacy Act*, a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care professional; or
 - (i) the identity of a person referred to in section 7.
- (2) For the purpose of paragraph (1)(b), "information respecting the person providing health care" means, in relation to that person, the following information as applicable:
- (a) the name, business title, address and telephone number;
 - (b) licence number; and
 - (c) profession, job classification and employment status.
- (3) In addition to the matters referred to in paragraphs (1)(a) to (i), personal health information includes identifying information about an individual that is contained in a record that contains personal health information within the meaning of that subsection.
- (4) Notwithstanding subsection (3), personal health information does not include identifying information contained in a record that is in the custody or under the control of a custodian where
- (a) the identifying information contained in the record relates primarily to an employee or agent of the custodian; and
 - (b) the record is created or maintained primarily for a purpose other than the provision of health care or assistance in providing health care to the employee or agent.

(5) For the purpose of this section, "identifying information" means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized either alone or together with other information to identify an individual.

LEGISLATIVE CONTEXT

Access to Information and Protection of Privacy Act (ATIPPA), 2004.

<http://www.hoa.gov.nl.ca/hoa/statutes/a01-1.htm>

A Bill - An Act to Provide for the Protection of Personal Health Information (2008). Available at: <http://www.assembly.nl.ca/business/bills/Bill0807.htm>

REFERENCES

Western Health poster - *Protecting Your Privacy*
 Western Health brochure – *Protecting Your Privacy*
 Policy [Release of Information – Consent \(# 9 – 02 – 45\)](#)

KEYWORDS

Identifying purposes, personal health information, collecting client information

Approved By: Chief Executive Officer	Maintained By: Regional Manager, Information Access and Privacy
Effective Date: 26/October/2008	<input type="checkbox"/> Reviewed: <input type="checkbox"/> Revised: <i>(Date of most recent changes to the policy)</i>
Review Date: 26/October/2011	<input checked="" type="checkbox"/> Replaces: (WHCC) AD-R-200 Release of Information from Clinical Records (WHCC) RR-A-200 Authorization for Release of Information – Standard/Form (WH) 18 – 06 – 25 Release of Information (WH) 12 – 1200 Consent to Release/Obtain Information <input type="checkbox"/> New