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*Alberta's*  
Health  
**INFORMATION**  
Act

**Online Training**

**Introduction**

Department of Medicine  
University of Alberta

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# What is the Health Information Act (HIA)?

- The HIA is provincial privacy legislation designed for the healthcare setting.
- The Act was passed by the Alberta legislature in 1999 and came into effect on April 25, 2001.
- The Health Information Amendment Act (HIAA) was proclaimed in force on September 1, 2010. It amended a number of items in the HIA.

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# Why Do You Need to Know About the Health Information Act?

## *So that...*

- You know what the law expects you to do to adequately protect health information.
- You know how to establish policies and procedures in order to comply with the Act.
- You know how to deal with requests for health information, both from the patient as well as from third parties.

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## *And so that...*

- You know when consent is required to release information.
- You know when you *may* and when you *must* withhold information.
- To avoid a review or investigation by the Privacy Commissioner and to avoid disciplinary actions from your employer.

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# Why Is the Health Information Act Necessary?

- Ensures the privacy and confidentiality of health information, while still allowing the information to be shared and accessed, where appropriate, amongst those with a need to know.
- Creates rules for the collection, use, and disclosure of health information, which are to be carried out in the most limited manner and with the highest degree of anonymity that is possible.

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- It provides consistent methods for patients to access, and if necessary, correct or amend their own health information.
  - It establishes strong and effective remedies for breaches of privacy.
  - It allows the Information and Privacy Commissioner to conduct reviews of decisions made by custodians under the Act and to investigate and resolve complaints.

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- Simply put, the Act makes the rules regarding the collection, use, and sharing of health information ***clear*** and ***consistent*** to both people in the health care system and the general public across Alberta.

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# The Office of the Information and Privacy Commissioner

- The Information and Privacy Commissioner acts as an independent arbiter to review decisions of custodians (health services providers, regional health authorities) and investigate complaints related to the Act.



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# What is Health Information?

***Health information*** includes:

- Diagnostic, treatment and care information. This is information about an individual's health and services provided.
- Registration Information (name, address, telephone number, date of birth, etc).

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## The Act Only Covers:

- Individually *identifying* health information.
- Note that the Act only refers to *recorded* information. It does not include information that is not written, photographed, recorded, or stored in some manner in a record.

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# The Health Information Act in a Nutshell

The HIA establishes rules for the:

- Collection;
- protection;
- use;
- access to
- correction of; and
- the disclosure of health information.

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## Who is Subject to the Act?

- Prior to September 1, 2010, the HIA applied onto to those health services paid partially or fully, directly or indirectly, by the public health system.
- The HIAA expanded the scope of the HIA to all health services, including privately paid health services such as dentist visits and chiropractic services, regardless of who pays.

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## Who is *Not* Subject to the Act?

- Insurance agents, Workers' Compensation Board, and AADAC are *not* subject to the Act. They are covered under their own legislation.

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# Custodians

- ***Custodians*** are those individuals or organizations in the health system that have custody of, or control over, health information.
- Custodians are the “gatekeepers” of health information.
- Custodians are responsible for ***maintaining***, ***protecting***, and ***safeguarding*** health information.

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## ***Custodians also include:***

- The board of approved hospitals other than approved hospitals that are owned and operated under the regional health authority;
- Nursing homes;
- Alberta Health Services;
- Pharmacies and pharmacists (no matter how they are paid);

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- Boards and committees established by custodians;  
and
  - Alberta Health and Wellness.
  - The Minister and Health and Wellness
  - Others may be named in regulation.



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## ***New Custodians defined by the HIAA also include:***

- Optometrists;
- Opticians;
- Chiropractors;
- Midwives;
- Podiatrists;
- Denturists;
- Dentists and Dental Hygienists (as of March 1, 2011)
- Registered Nurses (as of September 1, 2011).

More custodians will be defined under the Health Professions Act, but we don't know which ones yet.

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## **Custodians are authorized to use health information for...**

- Providing health services.
- Determining or verifying a person's eligibility to obtain health services.
- Conducting investigations, discipline hearings, inspections, etc. relating to members of a health profession.
- Conducting ethically approved research or data matching.

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- Providing health service provider education.
  - Carrying our specific purposes identified in other legislation (eg. Hospitals Act).
  - Internal management, including planning, resource allocation, policy development, quality improvement, monitoring, auditing, reporting, and billing for health services.

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# Affiliates

- An **affiliate** is “an individual employed by the custodian” e.g. nurses and support staff.
- They can also be “an appointee, volunteer or student or under a contract or agency relationship with the custodian”. Therefore, medical students and residents are affiliates.
- “A health service provider who is exercising the right to admit and treat patients at a hospital”.
- “An information manager”.
- “A person who is designated under the regulations to be an affiliate”.

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## Affiliates are not

- “An agent as defined in the Health Insurance Premiums Act”; or
- “A health information repository other than a health information repository that is designated in the regulations as an affiliate”.

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## Custodian or Affiliate?

- This means that when a doctor is treating a patient in a clinic and is responsible for keeping the patient's chart, he or she is a ***custodian***.
- If the physician is treating a patient in the hospital or a nursing home, he or she is an ***affiliate***, and the regional health authority is the ***custodian***.

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# Prime Directives

## *Custodians must:*

- Safeguard the health information they hold.
- Only collect and disclose what is needed to do the job, no more.
- Collect and provide anonymous information whenever possible.
- Only provide information to those with a need to know.

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# Custodians and Affiliates

- Custodians are responsible for ensuring their affiliates handle health information appropriately.
- Custodians are responsible for ensuring that health information is **collected**, **protected**, **used** and **disclosed** appropriately.



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## Quiz

1. A patient is treated in emergency by her family doctor, and subsequently admitted to hospital. She later makes a complaint about the physician informing her family members about her diagnosis when she was admitted to hospital.

Who is the custodian in this case?

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## ***Answer:***

- The health authority that runs the hospital would be the custodian. The physician in this case is the affiliate.
- If the patient had a complaint regarding privacy of health information while being treated in ***the doctor's office***, the physician would be the custodian.

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2. HealthWise HomeCare Inc. has its computers stolen which contain identifying patient health information. They are contracted by Alberta Health Services to provide homecare services. There is an investigation by the privacy commissioner following the theft.

Who is the custodian?

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## ***Answer:***

- Alberta Health Services is the custodian as they contract out to HealthWise to perform a health service on their behalf.
- AHS would be required to establish policies and procedures regarding the privacy and security of health information. They are required to inform companies they contract of those policies and procedures, and to ensure that they are adhered to.

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3. A woman discovers that her pharmacy has provided her estranged husband with her prescription history.

Who is the custodian?

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## ***Answer:***

- In this case, ***both*** the pharmacy and the pharmacist are considered custodians. And as you undoubtedly know, they should not have done this without the patient's permission!

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## Last Slide in this Set

Congratulations! You can now move on to the next set of slides – ***Collecting and Using Health Information.***