

Health Information Act Training Day

Department of Medicine
University of Alberta
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Agenda

- What is the HIA?
- The HIA Amendments
 - What they mean to you
- New PIA Requirements
- Portable devices



Health Information Act

- Alberta's access and privacy law for health information
 - Proclaimed 2001, amended 2006 and 2010
 - Enables electronic health records
 - Regulates Albertans' rights:
 - to access their own health information and
 - to request corrections
 - Regulates collection, use and disclosure of health information whenever a health service is provided
 - Confidentiality of health information
 - Reasonable measures to protect health information
 - Provides independent oversight
 - Information and Privacy Commissioner



HIA Jurisdiction

- HIA applies to health information in custody or control of custodians
- Health information is information about a health service recorded in any form or medium
- A health service is a service provided to an individual to:
 - Protect, promote or maintain health
 - Prevent or diagnose illness
 - Rehabilitation
 - Care for health of ill, disabled, injured or dying
- Custodians are responsible for compliance with HIA
 - Custodians must respond to access and correction requests from individuals about their own health information
 - Custodians must protect the privacy of health information

OIPC

Office of the Information & Privacy Commissioner



- Commissioner - Frank Work
 - an officer of the Legislative Assembly
 - independent of government
- Has a broad range of responsibilities and powers, including oversight of:
 - Freedom of Information and Protection of Privacy Act
 - Personal Information Protection Act
 - HIA



What I do...

- Portfolio Officer, OIPC
 - Investigate and mediate access and privacy complaints
 - Review Privacy Impact Assessments
 - Provide advice and education on access and privacy issues in health sector

Health Information Act

2010 Amendments





HIA Amendments

- Health Information Amendment Act (HIAA)
- Proclaimed in force September 1, 2010
- Health Information Regulation also amended
 - New custodians
- New Regulation
 - Alberta Electronic Health Record Regulation



Custodians expanded

- Still custodians:
 - Minister of Health and Wellness
 - Alberta Health and Wellness
 - Alberta Health Services
 - Health Quality Council of Alberta
 - Physicians
 - Pharmacists & Pharmacies
 - Nursing Homes
 - Boards and committees established by custodians
 - Others may be named in regulation
- New custodians (as of September 1):
 - Optometrists
 - Opticians
 - Chiropractors
 - Midwives
 - Podiatrists
 - Denturists



More new custodians

- 6 months after proclamation (March 2011)
 - Dentists
 - Dental Hygienists
- 1 year after proclamation (September 2011)
 - Registered Nurses
- More to come...
 - Will be professionals under Health Professions Act
 - We don't know which ones yet



HIA Scope change

- Before September 1, HIA applied to the health services paid for in public health system
- Now HIA applies to health services, regardless of who pays



When does the HIA apply?

- HIA applies to health information in the custody or control of custodians
- The HIA may apply to records if:
 - You are (or working for) one of the custodians listed in the HIAand
 - The records include health information that was generated by providing a health service

Does the HIA apply at the Department of Medicine?



- The University of Alberta is not a custodian
 - Normally, FOIP applies

BUT

- The Department of Medicine may provide health services
- When health services are provided by a custodian, yes the HIA applies

Does the HIA apply at Department of Medicine (examples)?



- Scenario 1
 - Information generated when patient seeks medical care at University of Alberta Hospital
 - Yes, HIA applies
- Scenario 2
 - Information generated when Department of Medicine staff seeks medical treatment through employee benefits plan and treatment is paid for by plan
 - Yes, HIA applies, if service was provided by a custodian
- Scenario 3
 - Information about medical students related to their education at Department of Medicine
 - No, FOIP applies



Other changes to HIA

- Alberta EHR regulation
 - Sets rules and governance for Netcare
 - Specifies audit requirements for electronic health records
- Professional colleges have new roles
 - Consultation on putting members' information into Netcare
 - Policy development for electronic health records
- Health Information Repositories
 - Stay tuned – regulations not released yet



HIAA – further reading

- Health Information Amendment Act
 - Queen's printer>Laws Online: www.qp.ab.ca
- New Regulations
 - Queens printer>Legislative Publications>Orders in Council> July 2010>Health and Wellness
 - Health Information Regulation is 10263
 - Alberta EHR Regulation is 10264
- OIPC's Practical Guide to the HIA
 - http://www.oipc.ab.ca/Content_Files/Files/Publications/HIA_Guide_August_2010.pdf

Privacy Impact Assessment

New Requirements



A PIA is...

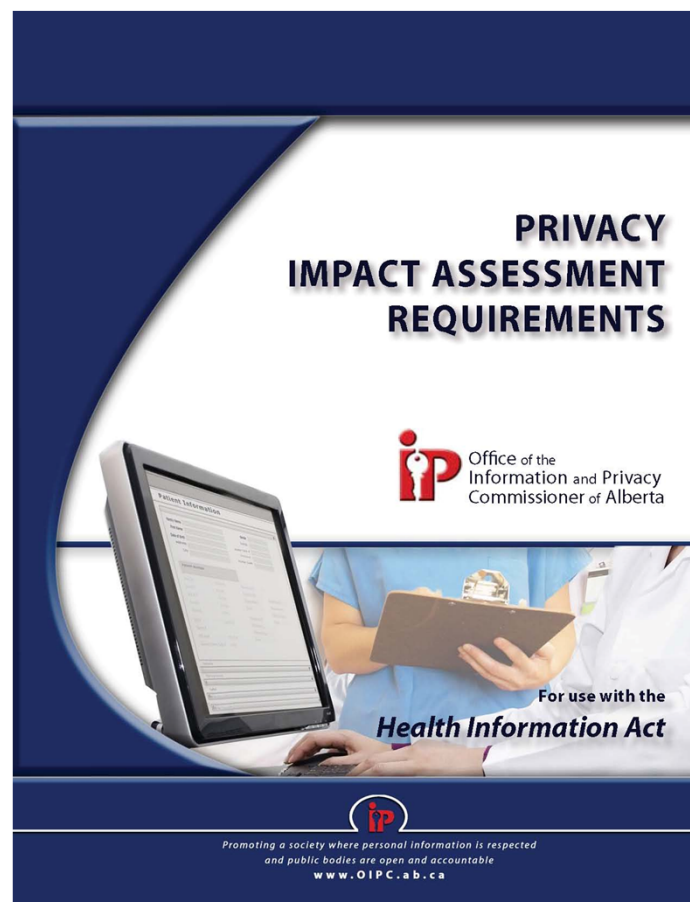


- An assessment of privacy risk for a new project
 - Describes project
 - Analyses flows of health information
 - Confirms legal authority to collect, use and disclose health information
 - Identifies risks to confidentiality, integrity and availability of health information
 - Describes measures to mitigate risk
 - Describes plans to ensure on-going compliance
- Mandatory for custodians under HIA when implementing new information systems or business practices that will collect, use or disclose health information



New PIA Requirements

- Effective April 15
- 6 month grace period expired September 15
- Download from our website, or buy from Queen's Printer





Why new requirements?

- First PIA questionnaire developed in 2001
- Privacy field has matured
- Based on experience, we know what we need to see in PIAs
- First-time submitters needed more guidance
- PIA Requirements ask for the same information as old questionnaire

PIA Requirements



- Must use Requirements for PIAs under Health Information Act
 - Can be used as guidance for PIAs under other legislation
- Prescriptive
 - We tell you what we are looking for, rather than asking general questions
- Covers all the same topics from former PIA questionnaire
 - Part A, Part B, etc.

Mobile Devices





Mobile Devices

- Mobile device includes:
 - Laptop computers
 - Tablets (iPads)
 - USB memory sticks
 - Cellphones, smartphones
 - Portable hard drives
 - MP3 players
 - PDAs
 - Anything that stores data and is designed to be portable

Why pay special attention to mobile devices?



- Personal or health information may be stored on them
- Often used outside of secure or controlled environment
- They are easy to lose
- They are easy to steal

Investigation report on stolen laptop



- Laptop stolen from Calgary Health Region in 2006
- Contained records from 1094 mental health patients
- Data was protected by Windows password, but not encrypted
- www.oipc.ab.ca H2006-IR-002

H2006-IR-002 established mobile device standard for Alberta



- Do not store health information on mobile device unless necessary – consider secure, remote access instead
- Perform a privacy impact assessment before deploying mobile devices that will store health information
- Keep amount of health information stored on device to a minimum, based on business need
- Properly implemented encryption must protect health information – password alone not enough
- Train staff on how to protect mobile devices
- Periodically review your practices

Questions and Answers



- Thank you!

Brian Hamilton

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