

Frequently Asked Questions about the proposed Personal Health Information Legislation

Q. What is the Personal Health Information Act?

A. The Personal Health Information Act is a new law that is being considered for the Yukon. This proposed law will set out rules for how your health information is collected, used and disclosed by health care providers in the Yukon.

Q. Do other provinces have similar laws?

A. Yes. Most provinces have health privacy laws in place. PEI and the NWT are currently developing legislation. British Columbia has general privacy laws that protect personal information, including personal health information.

Q. What is personal health information?

A. Personal health information is information that health care providers and government collect to help make decisions about your health care and to administer the health care system (for example, to pay physicians). Examples of health care providers would include doctors, dentists, and hospitals. Your personal health information may include information about diagnosis, treatment, placement in a health care facility, appropriate services, eligibility for services and benefits, and funding of health care. It includes information about your own health, and may also include information about family members' health history. It may include financial information that is collected to find out if you are eligible for a health benefit or service.

Q. My personal information is already protected by various federal and Yukon laws. Why do we need a new law?

A. Although other laws may protect your personal information, there is not one consistent set of rules that applies to personal health information. In some circumstances there is no law to protect your privacy. With a Personal Health Information Act, the Yukon health sector will operate under the same set of rules. The new legislation will better support a system that uses electronic as well as paper health records.

The new law will also provide you with more control over your personal health information. The new law proposes a requirement for "implied, knowledgeable consent" for the collection, use and disclosure of your personal health information. This consent requirement will provide you with an opportunity to control your personal health information to the extent possible. This might include limitations on who may have access to your information and under what circumstances. This control may be limited; however, by the technical capabilities of your health care provider and the information management system being used. There may be times when your interest in controlling your personal health information cannot be fully respected if the information management system does not have the necessary functions available.

Q. What is the status of the law right now?

A. We are discussing the proposed law with Yukoners through to the end of July. Yukon Health and Social Services is inviting feedback on the framework for the legislation. A discussion paper is available to guide you through the key issues and to prompt questions for further thought. We encourage you to provide comments on any of the issues raised in the discussion paper. If you have other concerns about the legislation, you are welcome to submit comments on those also. A link to the paper is noted on the reverse of this page.

Q. How will I benefit from the proposed law?

- A. The proposed Personal Health Information Act will benefit you in many ways, for example:
- ✓ Every health care provider who has access to your personal health information will need to have in place privacy and security practices and policies. The proposed legislation will require your health care provider to have a secure area to store your personal health information. If your health care provider uses electronic health record systems, these would need to include features such as secure passwords and encryption services.
 - ✓ You will be told about any significant privacy breach of your personal health information. You will be notified if there was a theft, loss or unauthorized access of your information.

Q. Would the Personal Health Information Act apply to electronic health records?

- A. Yes. Our existing privacy laws were developed in a system that ran on paper records. However, the Yukon, like all jurisdictions in Canada, is moving forward in implementing electronic health record systems. Electronic health record systems are significantly improving the quality of health care available to Yukoners but the information must be managed to protect privacy while supporting our health care providers to provide quality care.

Q. Would the legislation give me the ability to view or get a copy of my health record?

- A. Yes. You will have a right to view or receive a copy of your health record; however, as is the case today under existing privacy laws, the proposed legislation includes the ability of your health care provider to charge a fee. The proposed legislation also supports your right to request that a correction be made if you think the information is incorrect or incomplete. In some circumstances a notation will be added to your health record when a correction is not possible.

Q. Are there any instances when personal health information would *not* be covered by the proposed legislation?

- A. Yes. If your personal health information is collected for a purpose not related to health care, this proposed law will not protect it. For example, Department of Community Services requires medical information if you are applying for certain motor vehicle licenses. This collection of your personal health information is not covered by this law but would be covered by other privacy laws.

Q. How can I learn more about what is being proposed?

- A. We invite you to read more about the proposed legislation and tell us what you think. Go to the Health and Social Services website at www.hss.gov.yk.ca/healthprivacy.php to download the discussion paper. For a paper copy, contact Health & Social Services at 867.667.5747 or toll free at 1.800.661.0408, extension 5747. If you would like to provide feedback on the proposed legislation, you can submit your comments online, e-mail your comments to healthprivacy@gov.yk.ca or mail your comments by July 31, 2012 to:

Health Privacy Project
Health & Social Services (H-1)
Box 2703
Whitehorse, Yukon
Y1A 2C6

