

Title: Collection of Personal Health Information Policy

Effective Date: December 1, 2011

1. **PURPOSE:**

- 1.1. To ensure that personal health information is collected only for a lawful purpose connected with a function or activity of the Trustee and the collection of the information is necessary for that purpose.
- 1.2. To ensure that individuals are notified about what personal health information including demographic information is being collected and why.
- 1.3. To ensure that personal health information is collected in accordance with [*The Personal Health Information Act*](#) (“PHIA”) and in a manner that protects the confidentiality, privacy, security and integrity of that information.

2. **DEFINITIONS:**

- 2.1. Access: The right of an individual, or a person permitted to exercise the rights of that individual, to examine (view) and receive a copy of the individual’s personal health information maintained by the trustee.
- 2.2. Confidentiality: The obligation of a trustee to protect the personal health information entrusted to it, to maintain the secrecy of the information and not misuse or wrongfully disclose it.
- 2.3. Demographic Information: An individual’s name, address, telephone number, and email address.
- 2.4. Disclosure of Personal Health Information: Revealing the personal health information outside the trustee, i.e. to other trustees, to family and friends of the individual, or to other persons legally entitled to have personal health information released to them.
- 2.5. Health Care: Any care, service or procedure provided to diagnose, treat or maintain an individual’s health; provided to prevent disease or injury or promote health care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
- 2.6. Health Care Facility: A hospital, personal care home, psychiatric facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which health care is provided and that is designated in the PHIA regulations.
- 2.7. Health Professional: A person who is licensed or registered to provide health care under an Act of the Legislature or who is a member of a class of persons designated as health professionals in the PHIA regulations.
- 2.8. Health Services Agency: An organization that provides health care such as community or home-based health care pursuant to an agreement with the trustee.
- 2.9. Individual: A person receiving health care services. For the purpose of access, correction, use and disclosure of personal health information includes persons permitted to exercise the rights of the individual. For clarity, health care services means occupational therapy services provided to clients in any setting.

- 2.10. Integrity of Personal Health Information: The preservation of its content throughout storage, use, transfer and retrieval so that there is confidence that the information has not been tampered with or modified other than as authorized.
- 2.11. Maintain: In relation to personal health information, to have custody or control of the information.
- 2.12. Personal Health Information: Recorded information about an identifiable individual that relates to:
- the individual's health, or health care history, including genetic information about the individual;
 - the provision of health care to the individual; or
 - payment for health care provided to the individual;
- and includes:
- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an individual; and
 - any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care.
- 2.13. PHIA: *The Personal Health Information Act* (Manitoba).
- 2.14. PHIN: The personal health identification number assigned to an Individual by the minister to uniquely identify the individual for health care purposes.
- 2.15. Personal Representative:
- an executor/executrix or joint executor/executrix named in a deceased individual's will; or
 - a court appointed administrator or joint administrator of a person's estate.
- 2.16. Persons Permitted to Exercise the Rights of an Individual includes:
- 2.16.1. (a) any person with written authorization from the Individual to act on the individual's behalf;
- (b) a proxy appointed by the individual under *The Health Care Directives Act*;
- (c) committee appointed for the individual under *The Mental Health Act* if the committee has the power to make health care decisions on the individual's behalf;
- (d) a substitute decision maker for personal care appointed for the individual under *The Vulnerable Persons Living with a Mental Disability Act* if the exercise of the right relates to the powers and duties of the substitute decision maker;
- (e) the parent or guardian of an individual who is a minor, if the minor does not have the capacity to make health care decisions;
- (f) if the individual is deceased, his or her personal representative.
- 2.16.2. If it is reasonable to believe that no person listed in any clause of 2.6.1 exists or is available, the adult person listed first in the following who is readily available

and willing to act may exercise the rights of an individual who lacks the capacity to do so:

- (a) the individual's spouse, or common-law partner, with whom the individual is cohabiting;
- (b) a son or daughter;
- (c) a parent, if the Individual is an adult;
- (d) a brother or sister;
- (e) a person with whom the Individual is known to have a close personal relationship;
- (f) a grandparent;
- (g) a grandchild;
- (h) an aunt or uncle;
- (i) a nephew or niece.

Ranking: The older or oldest of two or more relatives described in any clause of 2.6.2 is to be preferred to another of those relatives.

- 2.17. **Privacy:** The fundamental right of the individual to control the collection, use and disclosure of their personal health information.
- 2.18. **Record or Recorded Information:** A record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.
- For clarity, a record means information, however recorded (e.g. written, audio, video, computer disk), generated by the occupational therapist or an person supervised by the occupational therapist. This includes but is not limited to assessments and evaluations, therapy goals, progress towards goals, attendance and remuneration records. When the record belongs to the occupational therapist it may also include items not generated by the occupational therapist such as, but not limited to, a referral, correspondence, and reports prepared by others.
- 2.19. **Representative:** In relation to an individual, means persons permitted to exercise the rights of an individual.
- 2.20. **Security:** The process of protecting the personal health information by assessing threats and risks to information and taking steps to mitigate these threats and risks. The result is the consistent application of standards and controls to protect the integrity and privacy of the information during all aspects of its use, processing, disclosure, transmittal, transport, storage, retention including conversion to a different medium and destruction.
- 2.21. **Trustee:** A health professional, health care facility, public body, or health services agency that collects or maintains personal health information. For clarity, an occupational therapist is a trustee under the PHIA if he or she is a registered occupational therapist and is self employed or employed by a non-trustee. Health professionals employed by a trustee, such as a hospital government agency, etc are not considered trustees; however as employees of these facilities, occupational trustees must comply with the PHIA.

- 2.22. Use: Involves revealing personal health information to someone within the trustee's own organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of personal health information.

3. **POLICY:**

3.1. **Source of Personal Health Information** [Section 14\(1\)](#)

Personal health information shall be collected directly from the individual the information is about unless: [Section \(14\)\(2\)](#)

- the individual has authorized another method of collection;
- collection of information directly from the Individual could reasonably be expected to endanger the mental or physical health or safety of the individual or another person;
- collection of the information is in the interest of the individual and time or circumstances do not permit collection directly from the individual;
- the information may be disclosed to the trustee under subsection 22(2); or
- collection of the information directly from the individual could reasonably be expected to result in inaccurate information being collected;
- the information is collected for the purpose of:
 - compiling an accurate family or genetic health care history of the individual; or
 - determining or verifying the individual's eligibility to participate in a program of or receive a benefit or services from the trustee or from the government, and is collected in the course of processing an application made by or on behalf of the individual; or
- another method of collection is authorized or required by a court order or an enactment of Manitoba or Canada.

3.2. **Restrictions on collection** [Section 13\(2\)](#)

Collection of personal health information shall be limited to the minimum amount reasonably necessary to accomplish the purpose for which it is collected. The type and amount of information collected is determined by the nature of the health care being provided.

3.3. **Notice of Collection Practices**

- 3.3.1. A trustee collecting personal health information shall, before it is collected or as soon as possible afterwards, inform the individual of the purpose for collecting the information. This may be done by posting notices within the health care facility and/or providing individuals with a brochure. [Section 15\(1\)](#)
- 3.3.2. Notification to an individual need not be repeated as long as the individual has recently been provided with this information and the collection relates to the same or a related purpose as originally identified. [Section 15\(2\)](#)

4. **PROCEDURE:** N/A

5. REFERENCES:

- 5.1. *The Personal Health Information Act.*
- 5.2. *The Personal Health Information Regulation.*
- 5.3. Health Information Access and Privacy- A Guide to The Personal Health Information Act.

Collection of Personal Health Information Policy - Guidelines

The standard operating procedure for collecting Personal Health Information (PHI) at this company is:

1. Personal Health Information is collected directly from the Individual the information is about unless PHIA authorizes another method of collection.
2. Collection of Personal Health Information is limited to the minimum amount reasonably necessary to accomplish the purpose for which it is collected.
3. Individuals are informed of the purpose for collecting the Personal Health Information.

For further clarification on any point, please refer to the full policy.