

MANITOBA OMBUDSMAN PRACTICE NOTE

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Manitoba Ombudsman
750 – 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
Phone: (204) 982-9130 Toll free 1-800-665-0531
Fax: (204) 942-7803
Web site: www.ombudsman.mb.ca

CONSIDERATIONS FOR USE OF PERSONAL INFORMATION UNDER *THE PERSONAL HEALTH INFORMATION ACT (PHIA)*

OVERVIEW OF USE UNDER PHIA

Two of the purposes of PHIA as defined under section 2 are to protect individuals against unauthorized use of recorded personal health information by trustees and to control the use of an individual's personal health information number (PHIN).

It is important for trustees to differentiate between the concepts of use and disclosure. Our office provided working definitions of use and disclosure in our 2005 annual report:

- Use is the treatment and handling of personal health information within the trustee.
- Disclosure is the release of personal health information to any person or organization outside the trustee.

REQUIREMENTS OF TRUSTEES

Prior to the use of personal health information by trustees, they must ensure that the information is accurate, up to date, complete and not misleading (section 16).

Under section 18, a trustee is required to adopt security safeguards to ensure confidentiality, security, accuracy, and integrity when personal health information is used. PHIA regulations detail the minimum security safeguards a trustee must take when protecting personal health information.

Trustees are also responsible for ensuring:

- that all uses of recorded personal health information are authorized (subsection 20(1))
- that every use must be limited to the minimum amount of information necessary to accomplish the purpose for which it is used (subsection 20(2))
- that use of personal health information by employees of the trustee must be limited to those who need to know (subsection 20(3))

RESTRICTIONS ON USE OF INFORMATION

Under section 21 trustees shall not use personal health information for any purpose other than for which it was collected or received unless:

- the other purpose is directly related (clause 21(a))
- the individual has consented to the use (clause 21(b))
- the use is necessary to prevent or lessen a serious and immediate threat to the health or safety of any individual or to public health or safety (clause 21(c))
- the trustee is a public body or health care facility and the information is used to deliver, monitor or evaluate programs that relates to the provision or payment for health care or for research and planning that relates to the provision or payment of health care (clause 21(d))
- the purpose is one for which the information may be disclosed to a trustee under section 22 (clause 21(e))
- use of the information is authorized by an enactment of Manitoba or Canada (clause 21(f))

USE OF PHIN

A person other than a trustee may use another person's PHIN:

- for purposes related to the provision of publicly funded health care (clause 26(2)(a))
- for purposes of a health research project approved under section 24 (clause 26(2)(b))