

10 POINTS ABOUT CONTROLLING AND SEEING YOUR PERSONAL HEALTH INFORMATION

The Personal Health Information Act (PHIA) became law in Manitoba on December 11, 1997. Significant changes were made to it, effective May 1, 2010.

Our office has prepared this information sheet to highlight basic information we think you should know.

YOUR RIGHTS UNDER PHIA

1. PHIA gives you the right to:

- view and get a copy of your personal health information (request access) with limited exceptions;
- name another person to get access to your personal health information on your behalf and to exercise your other PHIA rights;
- request a correction to your personal health information that you think is inaccurate or incomplete; and
- complain to the Manitoba Ombudsman if you have a complaint about the trustee's decision or action concerning an access request, or if you think the trustee did not properly collect, use, disclose (share elsewhere) or protect your personal health information.

Personal health information is recorded information held by a trustee about you, your health, your health care and payment for your health care.

The word "trustee" includes many persons and organizations, for example health care professionals such as doctors, nurses and pharmacists, regional health authorities, hospitals, personal care homes, medical clinics, laboratories, organizations that provide health services in your home, provincial government departments and agencies, municipal governments, school divisions and universities.

TO WHAT EXTENT CAN YOU CONTROL YOUR PERSONAL HEALTH INFORMATION?

2. *You are to be notified that:* A hospital where you have been a patient, a personal care home where you are or have been a resident, or certain trustees under PHIA who are providing or have provided you with services, may share the following personal health information about you with a *charitable fundraising foundation affiliated with the trustee unless you tell the trustee not to:*

- your name and
- your mailing address

This information cannot be shared unless the trustee has clearly notified you either in writing or by a posted notice that the trustee might share your information with a charitable fundraising foundation and you have been given an opportunity to object to the sharing and you have not done so.

3. *You are to be notified that:* A hospital where you are an in-patient or a personal care home where you are a resident, may share the following personal health information about you with a *representative of a religious organization, unless you tell the trustee not to:*

- your name
- your general health status (ex: critical, stable, satisfactory) and
- your location in the facility

This information cannot be shared unless the trustee has clearly notified you either in writing or by a posted notice that the trustee might share your information with a representative of a religious organization and you have been given an opportunity to object to the sharing and you have not done so.

4. *You need to know that: A hospital where you are an in-patient or a personal care home where you are a resident, may share the following personal health information about you with your family, friends and others on request, unless you tell the trustee not to:*

- your name
- your general health status (ex: critical, stable, satisfactory) and
- your location in the facility

5. *You need to know that: A hospital where you are an in-patient or a personal care home where you are a resident, may share the following personal health information about you with your family and friends, unless you tell the trustee not to:*

- information about the care you are currently receiving, if the sharing is made according to good medical or professional practice and the trustee believes it would be acceptable to you

6. *You need to know that: A trustee may share your personal health information with any health care provider who has, is, or will be providing you with health care. If you tell the trustee not to share your personal information with a health care provider, your information is not to be shared with the health care provider under this PHIA provision.*

In addition to these situations, there are a number of other situations described in PHIA where your personal health information can be shared without your consent. However, a trustee must only share personal health information as authorized under PHIA and this must be limited to the minimum amount of information necessary to accomplish the purpose for which it is shared.

ABOUT SEEING YOUR PERSONAL HEALTH INFORMATION

7. A trustee must provide clear, understandable notice to inform you of these PHIA rights:

- to view and get a copy of your personal health information that the trustee holds and about how you can exercise this right; and
- to authorize another person to examine and receive a copy of your personal health information.

8. A trustee must respond to your access request as promptly as required in the circumstances, but not later than:

- **24 hours after receiving your request** if it is about the care you are currently receiving and if you are a hospital in-patient
- **72 hours after receiving your request** if it is about the care you are currently receiving and if you are a hospital out-patient, personal care home resident or receiving care in the community

- **30 days after receiving your request in any other case, unless** the request is transferred to another trustee.

GENERAL

9. It is wise to name, in writing, another person who can exercise your PHIA rights in the event that you are not able to do so.

If you are unable to exercise your rights under PHIA and you do not have a representative recognized under PHIA who is available, PHIA now sets out a list of relatives that ranks and establishes the preferred available person to act on your behalf.

10. If you have concerns about how a trustee has handled your personal health information or your request for access to your personal health information:

- first address your concerns with the trustee
- if you cannot resolve your concerns, contact Manitoba Ombudsman; our office can undertake an independent review of complaints under PHIA.

**Manitoba Ombudsman
750-500 Portage Avenue
Winnipeg MB R3C 3X1
ph: (204)-982-9130 (in Winnipeg) or 1-800-665-0531 (toll free in MB)
www.ombudsman.mb.ca
June 2010**