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A Compendium of Canadian Legislation Respecting the Protection of Personal Information in Health Research

Canadian Institutes of Health Research

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A Compendium of
Canadian Legislation Respecting
the
Protection of Personal
Information
in Health Research

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Preface

This Compendium is a revised and updated version of the Compendium¹ published by the Canadian Institutes of Health Research (CIHR), formerly the Medical Research Council of Canada, in January, 2000, as edited by Patricia Kosseim.

The first edition of this Compendium was commissioned by the Medical Research Council of Canada (as it then was), Standing Committee on Ethics, Sub-Committee on Legislation (the “Sub-Committee”). It was specifically designed to provide the Sub-Committee with a panoramic view of the legislative privacy landscape across the country with a focus on provisions relating to health research.

There have been significant changes in the privacy legislative landscape across the country since the date of publication of the original version of the Compendium. Notably, the *Personal Information Protection and Electronic Documents Act*, Canada’s private sector privacy legislation, was enacted and is now in full force, and the provinces of Alberta and British Columbia have each enacted provincial privacy statutes. In addition, health privacy legislation is also now in force in Alberta, Saskatchewan and Ontario. (Manitoba’s health privacy statute was in force at the time of publication of the original document). There have also been numerous amendments to statutes cited in the initial Compendium.

¹ P. Kosseim, ed. *Compendium of Canadian Legislation Respecting the Protection of Personal Information in Health Research* (Ottawa: Public Works and Government Services Canada, 2000)

CIHR decided to update the original Compendium in light of extensive changes in privacy legislation and requests CIHR received from stakeholders in the health research arena. The updated Compendium also serves as a companion document to CIHR's *Best Practices for Protecting Privacy in Health Research*, which includes a detailed statutory table of concordance.

Similar to the original edition, this Compendium has been organized by theme and by jurisdiction to allow for comparisons to be drawn and certain trends to be deduced. Cross-links between relevant sections of various privacy laws and regulations have been parenthetically noted for easy reference.

The Compendium is intended as a tool for stakeholders in the health research field to survey, at least in a preliminary fashion, the applicable privacy laws on various aspects of privacy and data protection in any given jurisdiction, and selected research-related provisions dealing with clinical records and registries in other legislation. This document has been expanded to include territorial privacy legislation as well as codes of ethics/conduct for particular health service professionals that have been incorporated into statutes. In light of the increase in content, the document has been reformatted for readability purposes.

There are important limitations to this document that potential users should bear in mind.

First, this Compendium does not purport to be an all-inclusive statement of the law on any one topic, in any one jurisdiction. The Compendium focuses on privacy legislation across the country and (save for a few exceptions) does not include reference to any jurisprudence.

Second, to facilitate comparison and analysis, statutory provisions necessarily had to be extracted from a whole. To interpret any one of these extracts meaningfully, it should properly be considered in its complete legislative context.

Third, whether or not a provision applies to a specific stakeholder, carrying on a specific activity, in a specific circumstance and in a specific sector, will ultimately and critically depend on the given law's scope of application. Such a determination extends beyond the purview of this Compendium and requires a separate legal analysis on a case-by-case basis. Since other applicable legislation has only been considered in part, readers need to consider the applicability of other legislation depending on their particular circumstances. We have, however, included a summary chart briefly outlining the scope of application of privacy statutes cited in this text.

We highlight that not all of the legislation included in this Compendium is in effect. Laws not yet assented to or not yet proclaimed in force are so indicated at the top of the relevant column in each of the tables.

The document is current through to June 2005. There have been a number of amendments to various statutes, and private sector privacy legislation has been introduced in the Manitoba legislature. Readers are encouraged to use the hyperlinks in the Annex to obtain up-to-date versions of legislation.

Finally, we note that compliance with the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, 1998 (with

2000, 2002, 2005 amendments)² is mandatory for all research funded through the three main federal research funding agencies: CIHR, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada.

The editors would like to acknowledge the significant efforts of Patricia Kosseim in developing and publishing the initial edition of the Compendium. The original Compendium was the first comprehensive compilation of privacy legislation designed for health researchers and is regarded as an important contribution to the privacy law arena. The original Compendium was widely distributed and well received in the Canadian health research sector and, more generally, by privacy law practitioners.

The editors would also like to extend our gratitude to Sheila Chapman, Senior Ethics Policy Advisor at the CIHR Ethics Office, for her very insightful comments and support. As our primary contact at CIHR, Ms. Chapman played an invaluable role in the project, and it was a pleasure working with her throughout the process.

Moreover, we extend our appreciation to Sylvie Burion, Project Officer, CIHR Ethics Office, who assisted greatly in the coordination and preparation of the document. Finally, we would also like to acknowledge the assistance of Melanie Crouch, Adam Goodman, Matt Diskin, Catherine Bouchard, Marie-Andrée Thibault and Félix Lalonde, at Heenan Blaikie LLP, for their invaluable research assistance in updating this text.

² This document is online at www.pre.ethics.gc.ca.

All annotations in this Compendium are those of the editors alone. Any revisions to the annotations in this 2nd edition do not necessarily reflect the views or the opinions of the original editor.

Adam Kardash, partner, Heenan Blaikie LLP

Antonella Penta, associate, Heenan Blaikie LLP

1. Application of selected Canadian privacy legislation

The following summary chart provides a general overview of the scope of application of legislation referred to in this Compendium.

APPLICATION OF CANADIAN PRIVACY LEGISLATION

Jurisdiction	Legislation	Entities covered by Legislation
Federal	<i>Privacy Act</i> , R.S.C. 1985, c. P-21	<ul style="list-style-type: none"> Federal government institutions (any department or ministry of state of the Government of Canada listed in the schedule to the Act or any body or office listed in the schedule to the Act).
	<i>Personal Information Protection and Electronic Documents Act</i> , S.C. 2000, c. 5	<ul style="list-style-type: none"> Organizations that collect, use and disclose personal information in the course of a commercial activity (e.g., health care providers in private practice, pharmacies, pharmaceutical companies, etc.)³ which takes place within a province unless the province has enacted legislation deemed by the Governor in Council to be substantially similar to the Act.⁴ Federal works, undertakings and businesses that collect, use or disclose personal information, including personal information about employees in any province or territory. All personal information collected, used or disclosed in cross-border commercial transactions. Does not apply to government institutions subject to the <i>Privacy Act</i>.
British Columbia	<i>Freedom of Information and Protection of Privacy Act</i> , R.S.B.C. 1996, c. 165	<ul style="list-style-type: none"> Public bodies (e.g., governmental bodies, health authorities, hospitals, mental health facilities and universities).
	<i>Personal Information Protection Act</i> , S.B.C. 2003, c. 63	<ul style="list-style-type: none"> All organizations (e.g., health care providers in private practice, pharmacies, pharmaceutical companies, not-for-profit organizations). Does not apply to personal information if <i>Freedom of Information and Protection of Privacy Act</i> applies.
Alberta	<i>Health Information Act</i> , R.S.A. 2000, c. H-5	<ul style="list-style-type: none"> Applies to custodians with respect to health information (e.g., health professionals, health care facilities, regional health authorities, provincial health boards). Legislation also impacts ethics committees and researchers.

³ The precise application of the *Personal Information Protection and Electronic Documents Act* ("PIPEDA") to the health care sector has not yet been considered by a court of law. See Industry Canada's "PIPEDA Awareness Raising Tools (PARTs) Initiative for the Health Sector" ([http://ecom.ic.gc.ca/epic/internet/incec-ceac.nsf/vwapj/PARTS_Qanda-e.pdf/\\$FILE/PARTS_Qanda-e.pdf](http://ecom.ic.gc.ca/epic/internet/incec-ceac.nsf/vwapj/PARTS_Qanda-e.pdf/$FILE/PARTS_Qanda-e.pdf))

⁴ Note that the *Personal Information Protection Act* (Alberta), the *Personal Information Protection Act* (British Columbia) and *An Act respecting the Protection of personal information in the private sector* (Quebec) have each been deemed substantially similar. The provincial health privacy legislation in each of Alberta, Saskatchewan and Manitoba have not been deemed substantially similar. As of December 14, 2005, Ontario's *Personal Health Information Protection Act* has been deemed substantially similar. Note also that PIPEDA will always apply to federal undertakings (e.g., broadcasting or telecommunications, banks, etc.) and to an organization's transfer of personal information outside the province.

Alberta	<i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i>	<ul style="list-style-type: none"> Public bodies (e.g., government departments, educational bodies, health care bodies and designated agencies, boards and commissions). Does not apply to health information in records of a public body that is a custodian as defined in the <i>Health Information Act</i>.
	<i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i>	<ul style="list-style-type: none"> All organizations, including not-for-profit, corporations, professional regulatory associations. Does not apply to health information (as defined in the <i>Health Information Act</i>) where the information is collected, used or disclosed by an organization for health care purposes including health research and management of the health care system.
	<i>Municipal Government Act, R.S.A. 2000, c. M-26</i>	<ul style="list-style-type: none"> Municipalities.
Saskatchewan	<i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i>	<ul style="list-style-type: none"> Trustees with respect to personal health information (e.g., government institutions, regional health authorities, health professionals, health care organizations, professional regulatory bodies). Legislation also impacts researchers.
	<i>The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01</i>	<ul style="list-style-type: none"> Government institutions (e.g., government departments, Crown Corporations, designated provincial boards, bodies and agencies). Does not apply to information that constitutes personal health information as defined in <i>The Health Information Protection Act</i>.
	<i>The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1</i>	<ul style="list-style-type: none"> Local authorities (e.g., municipalities, universities, regional health authorities, special care homes, designated boards, commissions and bodies). Does not apply to information that constitutes personal health information as defined in <i>The Health Information Protection Act</i>.
Manitoba	<i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i>	<ul style="list-style-type: none"> Trustees with respect to personal health information (e.g., health professionals, health care facilities, public bodies (including government departments and universities), health services agencies). Legislation also impacts health information privacy committees, the institutional research review committees and researchers.
	<i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i>	<ul style="list-style-type: none"> Public bodies (e.g. universities, certain hospitals, regional health authorities, municipalities, government departments and agencies). Does not apply to personal health information to which <i>The Personal Health Information Act</i> applies.
Ontario	<i>Personal Health Information Protection Act, S.O. 2004, c. 3</i>	<ul style="list-style-type: none"> Health information custodians, and agents of health information custodians, with respect to personal health information (e.g., Ontario Ministry of Health and Long-Term Care, public health units, hospitals, health care practitioners who provide health care, long-term care

Ontario		<p>facilities, pharmacies, medical laboratories, ambulances, community health and mental health programs whose primary purpose is health care, Canadian Blood Services).</p> <ul style="list-style-type: none"> • Legislation also provides rules for research ethics boards, health data institutes, prescribed registries, persons who provide goods and services that enable a custodian to use electronic means to collect, use, modify, disclose, retain or dispose of personal health information, recipients of health information (e.g. researchers, employers and insurers). • The legislation also applies to all persons with respect to the collection, use and disclosure of the health number.
	<i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F-31</i>	<ul style="list-style-type: none"> • Institutions (e.g., ministries, agencies, boards and most commissions of the government of Ontario, community colleges). • Where a health information custodian is also an institution under the <i>Freedom of Information and Protection of Privacy Act</i> ("FIPPA") or a part of an institution under FIPPA, FIPPA continues to apply to such a health information custodian only in some circumstances. • Where a FIPPA institution is not a health information custodian, only FIPPA applies, even where information at issue is health information.
	<i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i>	<ul style="list-style-type: none"> • Institutions (e.g. municipalities, boards of health, designated agencies, boards, commissions, corporations or other bodies)
Quebec	<i>An Act respecting Access to documents held by public bodies and the protection of personal information, R.S.Q., c. A-2.1</i>	<ul style="list-style-type: none"> • Public bodies (e.g., universities, cegeps, health care facilities, government departments and agencies).
	<i>An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1</i>	<ul style="list-style-type: none"> • Persons carrying on an enterprise (e.g., health care providers in private practice, pharmacies and private research companies).
New Brunswick	<i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i>	<ul style="list-style-type: none"> • Public bodies (e.g., government departments, school boards, regional health authorities).
Nova Scotia	<i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, C. 5</i>	<ul style="list-style-type: none"> • Public bodies (e.g., universities, hospitals, government departments and agencies).
	<i>Municipal Government Act, S.N.S. 1998, c. 18</i>	<ul style="list-style-type: none"> • Municipalities.

Prince Edward Island	<i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i>	<ul style="list-style-type: none"> Public bodies (e.g., government departments, agencies, boards, designated education and health bodies).
Newfoundland and Labrador	<i>Access to Information and Protection of Privacy Act⁵, S.N.L. 2002, c. A-1.1</i>	<ul style="list-style-type: none"> Public bodies (e.g., universities, health boards, municipalities, government departments).
Yukon	<i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i>	<ul style="list-style-type: none"> Public bodies (e.g., government departments, agencies, boards, commissions and corporations).
Northwest Territories	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i>	<ul style="list-style-type: none"> Public bodies (e.g., government departments, agencies, boards).
Nunavut	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i>	<ul style="list-style-type: none"> Public bodies (e.g., government departments, agencies, boards).

⁵ Part IV to be proclaimed.

2. Definitions of *Personal Health Information* and *Personal Information*

Canadian privacy statutes vary considerably in the detail of their respective definitions of personal (health) information. However, one universal feature of the statutory treatment of the term is that each definition, in some manner, defines personal (health) information broadly as information relating to an “identifiable individual”. This concept of “identifiability” is crucial, as it greatly expands the breadth of the term “personal (health) information” and, accordingly, the scope of protection afforded by privacy legislation.

The notion of “identifiability” can generally be understood as the capability of an organization to identify the individual to whom particular information relates. As such, the definitions of personal (health) information encompass both (i) information that identifies an individual and (ii) information about individuals that an organization may be able to identify. In this regard, information that has been “de-identified” but which an organization could readily “re-identify” with one or more individuals would generally be caught by the ambit of these legislative frameworks.

Practically, data will vary within what is often referred to as a “spectrum of identifiability”, and the precise determination of whether

information is personal (health) information for the purposes of a privacy statute must be made on a case-by case basis. As the following tables illustrate, the definitions in private sector and health sectoral statutes are generally technologically neutral, in that they encompass information in both electronic and non-electronic form. Notably, however, many public sector statutes limit the definition of “personal information” to information that is in recorded form.

Most of the statutes are silent on the issue of whether “work product” information about an identifiable individual is personal information of such individual. “Work product” information is generally considered to relate to information about an individual in his or her professional capacity, and in the health context would include information such as prescribing and other treatment patterns of a physician. If “work product” information is considered to be personal (health) information, such information would be caught within the ambit of the relevant privacy statute and would be subject to the consent and other legislative protections. The issue of whether “work product” information is personal (health) information has yet to be resolved conclusively, but is critical for the health research community given the volume of this type of information involved in health research activities.

We highlight that the definition of “personal health information” under the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”) has not been included in the tables as that definition was only included in the statute for the purposes of a one year deferral in the application of PIPEDA to the health care sector. The one year time period expired January 1, 2005, and thus the definition no longer serves any purpose in the statute.

DEFINITIONS OF *PERSONAL HEALTH INFORMATION* AND *PERSONAL INFORMATION*

Federal	<p><i>Privacy Act, R.S.C. 1985, c. P-21</i></p>	<p>INTERPRETATION</p> <p>S. 3 “personal information” means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,</p> <p>(a) information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual,</p> <p>(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,</p> <p>(c) any identifying number, symbol or other particular assigned to the individual,</p> <p>(d) the address, fingerprints or blood type of the individual,</p> <p>(e) the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations,</p> <p>(f) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence,</p> <p>(g) the views or opinions of another individual about the individual,</p> <p>(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by an institution or a part of an institution referred to in paragraph (e), but excluding the name of the other individual where it appears with the views or opinions of the other individual, and</p> <p>(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,</p> <p>but, for the purposes of sections 7, 8 and 26 of the <i>Access to Information Act</i>, does not include</p> <p>[...]</p> <p>(m) information about an individual who has been dead for more than 20 years;</p> <p>[...]</p> <p>[Note: Sections 7 and 8 have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p>
	<p><i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5</i></p>	<p>PART 1 - PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR</p> <p>Interpretation</p> <p>S. 2(1) “personal information” means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.</p>

British Columbia	<i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i>	<p>SCHEDULE 1</p> <p>“personal information” means recorded information about an identifiable individual other than contact information;</p> <p>“contact information” means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;</p>
	<i>Personal Information Protection Act, S.B.C. 2003, c. 63</i>	<p>Part 1 — Introductory Provisions</p> <p>S. 1 In this Act: [...]</p> <p>“personal information” means information about an identifiable individual and includes employee personal information but does not include</p> <p>(a) contact information, or</p> <p>(b) work product information; [...]</p> <p>“contact information” means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual; [...]</p> <p>“employee” includes a volunteer;</p> <p>“employee personal information” means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment;</p> <p>“work product information” means information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information.</p>
Alberta	<i>Health Information Act, R.S.A. 2000, c. H-5</i>	<p>Part 1 Introductory Matters</p> <p>S. 1(1)(f) In this Act, [...]</p> <p>(k) “health information” means any or all of the following:</p> <p>(i) diagnostic, treatment and care information;</p> <p>(ii) health services provider information;</p> <p>(iii) registration information; [...]</p> <p>(i) “diagnostic, treatment and care information” means information about any of the following:</p> <p>(i) the physical and mental health of an individual;</p> <p>(ii) a health service provided to an individual;</p> <p>(iii) the donation by an individual of a body part or bodily substance, including information derived from the testing or examination of a body part or bodily substance;</p> <p>(iv) a drug as defined in the <i>Pharmaceutical Profession Act</i> provided to an individual;</p>

<p>Alberta</p>		<p>(v) a health care aid, device, product, equipment or other item provided to an individual pursuant to a prescription or other authorization;</p> <p>(vi) the amount of any benefit paid or payable under the <i>Alberta Health Care Insurance Act</i> or any other amount payable in respect of a health service provided to an individual,</p> <p>and includes any other information about an individual that is collected when a health service is provided to the individual but does not include information that is not written, photographed, recorded or stored in some manner in a record; [...]</p> <p>(o) “health services provider information” means the following information relating to a health services provider:</p> <ul style="list-style-type: none"> (i) name; (ii) business and home mailing addresses and electronic addresses; (iii) business and home telephone numbers and facsimile numbers; (iv) gender; (v) date of birth (vi) unique identification number that <ul style="list-style-type: none"> (A) is assigned to the health services provider by a custodian for the purpose of the operations of the custodian, and (B) uniquely identifies the health services provider in relation to that custodian; (vii) type of health services provider and licence number, if a licence has been issued to the health services provider; (viii) date on which the health services provider became authorized to provide health services and the date, if any, on which the health services provider ceased to be authorized to provide health services; (ix) education completed, including entry level competencies attained in a basic education program and post-secondary educational degrees, diplomas or certificates completed; (x) continued competencies, skills and accreditations, including any specialty or advanced training acquired after completion of the education referred to in subclause (ix), and the dates they were acquired; (xi) restrictions that apply to the health services provider’s right to provide health services in Alberta; (xii) decisions of a health professional body, or any other body at an appeal of a decision of a health professional body, pursuant to which the health services provider’s right to provide health services in Alberta is suspended or cancelled or made subject to conditions, or a reprimand or fine is issued; (xiii) business arrangements relating to the payment of the health services provider’s accounts; (xiv) profession; (xv) job classification; (xvi) employment status; (xvii) number of years the health services provider has practised the profession; (xviii) employer; (xix) municipality in which the health services provider’s practice is located, <p>but does not include information that is not written, photographed, recorded or stored in some manner in a record; [...]</p> <p>(u) “registration information” means information relating to an</p>
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<p>Alberta</p>		<p>individual that falls within the following general categories and is more specifically described in the regulations:</p> <ul style="list-style-type: none"> (i) demographic information, including the individual's personal health number; (ii) location information; (iii) telecommunications information; (iv) residency information; (v) health service eligibility information; (vi) billing information, <p>but does not include information that is not written, photographed, recorded or stored in some manner in a record; [...]</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>S. 1(1) In this Act, [...]</p> <p>(n) “personal information” means recorded information about an identifiable individual, including</p> <ul style="list-style-type: none"> (i) the individual's name, home or business address or home or business telephone number, (ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations, (iii) the individual's age, sex, marital status or family status, (iv) an identifying number, symbol or other particular assigned to the individual, (v) the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics, (vi) information about the individual's health and health care history, including information about a physical or mental disability, (vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given, (viii) anyone else's opinions about the individual, and (ix) the individual's personal views or opinions, except if they are about someone else;
	<p><i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i></p>	<p>S. 1 In this Act, [...]</p> <p>(k) “personal information” means information about an identifiable individual; [...]</p> <p>(j) “personal employee information” means, in respect of an individual who is an employee or a potential employee, personal information reasonably required by an organization that is collected, used or disclosed solely for the purposes of establishing, managing or terminating</p> <ul style="list-style-type: none"> (i) an employment relationship, or (ii) a volunteer work relationship between the organization and the individual but does not include personal information about the individual that is unrelated to that relationship; <p>(n) “volunteer work relationship” means a relationship between an organization and an individual under which a service is provided for or in relation to or is undertaken in connection with the organization by an individual who is acting as a volunteer or is otherwise unpaid with respect to that service and includes any similar relationship involving an organization and an individual where, in respect of that relationship, the individual is a participant or a student.</p>

Saskatchewan	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>PART I PRELIMINARY MATTERS</p> <p>S. 2 In this Act: [...]</p> <p>(m) “personal health information” means, with respect to an individual, whether living or deceased:</p> <ul style="list-style-type: none"> (i) information with respect to the physical or mental health of the individual; (ii) information with respect to any health service provided to the individual; (iii) information with respect to the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual; (iv) information that is collected: <ul style="list-style-type: none"> (A) in the course of providing health services to the individual; or (B) incidentally to the provision of health services to the individual; or (v) registration information; [...] <p>(q) “registration information” means information about an individual that is collected for the purpose of registering the individual for the provision of health services, and includes the individual’s health services number and any other number assigned to the individual as part of a system of unique identifying numbers that is prescribed in the regulations; [...]</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01</i></p>	<p>PART IV PROTECTION OF PRIVACY</p> <p>S. 24(1) Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:</p> <ul style="list-style-type: none"> (a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual; (b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; [...]; (c) any identifying number, symbol or other particular assigned to the individual, other than the individual's health services number as defined in <i>The Health Information Protection Act</i>; (d) the home or business address, home or business telephone number or fingerprints of the individual; (e) the personal opinions or views of the individual except where they are about another individual; (f) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual; (g) the views or opinions of another individual with respect to the individual; (h) information that was obtained on a tax return or gathered for the purpose of collecting a tax;

<p>Saskatchewan</p>		<p>(j) information that describes an individual's finances, assets, liabilities, net worth, bank balance, financial history or activities or credit worthiness; or</p> <p>(k) the name of the individual where:</p> <p>(i) it appears with other personal information that relates to the individual; or</p> <p>(ii) the disclosure of the name itself would reveal personal information about the individual.</p> <p>(1.1) "Personal information" does not include information that constitutes personal health information as defined in <i>The Health Information Protection Act</i>.</p> <p>(2) "Personal information" does not include information that discloses: [...]</p> <p>(c) the personal opinions or views of an individual employed by a government institution given in the course of employment, other than personal opinions or views with respect to another individual;</p> <p>(d) financial or other details of a contract for personal services;</p> <p>(e) details of a licence, permit or other similar discretionary benefit granted to an individual by a government institution;</p> <p>(f) details of a discretionary benefit of a financial nature granted to an individual by a government institution;</p> <p>(g) expenses incurred by an individual travelling at the expense of a government institution.</p>
	<p><i>The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1</i></p>	<p>PART IV PROTECTION OF PRIVACY</p> <p>S. 23(1) Subject to subsections (1.1) and (2), "personal information" means personal information about an identifiable individual that is recorded in any form, and includes:</p> <p>(a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;</p> <p>(b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;</p> <p>(c) information that relates to health care that has been received by the individual or to the health history of the individual;</p> <p>(d) any identifying number, symbol or other particular assigned to the individual;</p> <p>(e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;</p> <p>(f) the personal opinions or views of the individual except where they are about another individual;</p> <p>(g) correspondence sent to a local authority by the individual that is implicitly or explicitly of a private or confidential nature, and replies to the correspondence that would reveal the content of the original correspondence, except where the correspondence contains the views or opinions of the individual with respect to another individual;</p> <p>(h) the views or opinions of another individual with respect to the individual;</p> <p>(i) information that was obtained on a tax return or gathered for the purpose of collecting a tax;</p> <p>(j) information that describes an individual's finances, assets, liabilities,</p>

Saskatchewan		<p>net worth, bank balance, financial history or activities of credit worthiness; or</p> <p>(k) the name of the individual where:</p> <ul style="list-style-type: none"> (i) it appears with other personal information that relates to the individual; or (ii) the disclosure of the name itself would reveal personal information about the individual. <p>(1.1) On and after the coming into force of subsections 4(3) and (6) of <i>The Health Information Protection Act</i>, with respect to a local authority that is a trustee as defined in that Act, “personal information” does not include information that constitutes personal health information as defined in that Act.</p> <p>(2) “Personal information” does not include information that discloses:</p> <ul style="list-style-type: none"> (a) the classification, salary, discretionary benefits or employment responsibilities of an individual who is or was an officer or employee of a local authority; (b) the personal opinions or views of an individual employed by a local authority given in the course of employment, other than personal opinions or views with respect to another individual; (c) financial or other details of a contract for personal services; (d) details of a licence, permit or other similar discretionary benefit granted to an individual by a local authority; [...] (f) expenses incurred by an individual travelling at the expense of a local authority; (g) the academic ranks or departmental designations of members of the faculties of the University of Saskatchewan or the University of Regina; or (h) the degrees, certificates or diplomas received by individuals from the Saskatchewan Institute of Applied Science and Technology, the University of Saskatchewan or the University of Regina. <p>(3) Notwithstanding clauses (2)(d) and (e), “personal information” includes information that:</p> <ul style="list-style-type: none"> (a) is supplied by an individual to support an application for a discretionary benefit; and (b) is personal information within the meaning of subsection (1).
Manitoba	<p><i>The Personal Health Information Act,</i> C.C.S.M., c. P-33.5</p>	<p>PART 1 INTRODUCTORY PROVISIONS</p> <p>S. 1(1) “personal health information” means recorded information about an identifiable individual that relates to</p> <ul style="list-style-type: none"> (a) the individual’s health, or health care history, including genetic information about the individual, (b) the provision of health care to the individual, or (c) payment for health care provided to the individual, <p>and includes</p> <ul style="list-style-type: none"> (d) the PHIN and any other identifying number, symbol or particular assigned to an individual, and (e) 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; [...] <p>“health care” means any care, service or procedure</p>

<p>Manitoba</p>		<p>(a) provided to diagnose, treat or maintain an individual's health, (b) provided to prevent disease or injury or promote health, or (c) that affects the structure or a function of the body,</p> <p>and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription; [...]</p> <p>“PHIN” means the personal health identification number assigned to an individual by the minister to uniquely identify the individual for health care purposes; [...]</p> <p>“record” or “recorded information” means 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;</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>PART 1 INTRODUCTORY PROVISIONS</p> <p>Definitions</p> <p>“personal health information” means recorded information about an identifiable individual that relates to</p> <p>(a) the individual's health, or health care history, including genetic information about the individual, (b) the provision of health care to the individual, or (c) payment for health care provided to the individual, and includes (d) the PHIN as defined in <i>The Personal Health Information Act</i> and any other identifying number, symbol or particular assigned to an individual, and (e) 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;</p> <p>“personal information” means recorded information about an identifiable individual, including</p> <p>(a) the individual's name, (b) the individual's home address, or home telephone, facsimile or e-mail number, (c) information about the individual's age, sex, sexual orientation, marital or family status, (d) information about the individual's ancestry, race, colour, nationality, or national or ethnic origin, (e) information about the individual's religion or creed, or religious belief, association or activity, (f) personal health information about the individual, (g) the individual's blood type, fingerprints or other hereditary characteristics, (h) information about the individual's political beliefs, association or activity, (i) information about the individual's education, employment or occupation, or educational, employment or occupational history, (j) information about the individual's source of income or financial circumstances, activities or history,</p>

Manitoba		<p>(k) information about the individual's criminal history, including regulatory offences,</p> <p>(l) the individual's own personal views or opinions, except if they are about another person,</p> <p>(m) the views or opinions expressed about the individual by another person, and</p> <p>(n) an identifying number, symbol or other particular assigned to the individual;</p> <p>[...]</p>
Ontario	<p><i>Personal Health Information Protection Act, S.O. 2004, c. 3</i></p>	<p>PART I INTERPRETATION AND APPLICATION</p> <p>PURPOSES, DEFINITIONS AND INTERPRETATION</p> <p>S. 4(1) In this Act, “personal health information”, subject to subsections (3) and (4), means identifying information about an individual in oral or recorded form, if the information,</p> <p>(a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family,</p> <p>(b) relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,</p> <p>(c) is a plan of service within the meaning of the Long-Term Care Act, 1994 for the individual,</p> <p>(d) relates to payments or eligibility for health care in respect of the individual,</p> <p>(e) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,</p> <p>(f) is the individual’s health number, or</p> <p>(g) identifies an individual’s substitute decision-maker.</p> <p>[...]</p> <p>(3) Personal health information about an individual includes identifying information about the individual that is not personal health information described in subsection (1) but that is contained in a record that contains personal health information described in that subsection about the individual.</p> <p>(4) Personal health information does not include identifying information contained in a record that is in the custody or under the control of a health information custodian if,</p> <p>(a) the identifying information contained in the record relates primarily to one or more employees or other agents of the custodian; and</p> <p>(b) the record is maintained primarily for a purpose other than the provision of health care or assistance in providing health care to the employees or other agents.</p> <p>S. 2 In this Act, [...] “health care” means any observation, examination, assessment, care, service or procedure that is done for a health-related purpose and that,</p> <p>(a) is carried out or provided to diagnose, treat or maintain an individual’s physical or mental condition,</p> <p>(b) is carried out or provided to prevent disease or injury or to promote health, or</p> <p>(c) is carried out or provided as part of palliative care,</p>

<p>Ontario</p>		<p>and includes, (d) the compounding, dispensing or selling of a drug, a device, equipment or any other item to an individual, or for the use of an individual, pursuant to a prescription, and (e) a community service that is described in subsection 2(3) of the Long-Term Care Act, 1994 and provided by a service provider within the meaning of that Act; [...] “health number” means the number, the version code or both of them assigned to an insured person within the meaning of the Health Insurance Act by the General Manager within the meaning of that Act; [...] S. 4(2) “identifying information” means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F-31</i></p>	<p>S. 2(1) “personal information” means recorded information about an identifiable individual, including, (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved, (c) any identifying number, symbol or other particular assigned to the individual, (d) the address, telephone number, fingerprints or blood type of the individual, (e) the personal opinions or views of the individual except where they relate to another individual, (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence, (g) the views or opinions of another individual about the individual, and (h) the individual’s name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; [...]</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i></p>	<p>S. 2(1) In this Act, [...] “personal information” means recorded information about an identifiable individual, including, (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved, (c) any identifying number, symbol or other particular assigned to the individual, (d) the address, telephone number, fingerprints or blood type of the individual, (e) the personal opinions or views of the individual except if they relate</p>

Ontario		<p>to another individual,</p> <p>(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,</p> <p>(g) the views or opinions of another individual about the individual, and</p> <p>(h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;</p> <p>[...]</p> <p>(2) Personal information does not include information about an individual who has been dead for more than thirty years.</p>
	<i>Municipal Freedom of Information and Protection of Privacy Act, General Regulation, O. Reg. 823</i>	S. 1 A record capable of being produced from machine readable records is not included in the definition of "record" for the purposes of the Act if the process of producing it would unreasonably interfere with the operations of an institution.
Quebec	<i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i>	<p>CHAPTER III</p> <p>PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION I</p> <p>CONFIDENTIALITY OF NOMINATIVE INFORMATION</p> <p>S. 54 In any document, information concerning a natural person which allows the person to be identified is nominative information.</p>
	<i>An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1</i>	<p>DIVISION I</p> <p>APPLICATION AND INTERPRETATION</p> <p>S. 2 Personal information is any information which relates to a natural person and allows that person to be identified.</p> <p>S. 22(2) A nominative list is a list of the names, addresses or telephone numbers of natural persons.</p>
New Brunswick	<i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i>	<p>S. 1(1) In this Act</p> <p>[...]</p> <p>"personal information" means information about an identifiable individual, recorded in any form;</p> <p>[...]</p> <p>(2) Information that relates to an identifiable individual but is collected, used or disclosed in a form in which the individual is not identifiable is not personal information when so collected, used or disclosed.</p> <p>(3) An individual is identifiable for the purposes of this Act if</p> <p>(a) information includes his or her name,</p> <p>(b) information makes his or her identity obvious, or</p> <p>(c) information does not itself include the name of the individual or make his or her identity obvious but is likely in the circumstances to be combined with other information that does.</p>
Nova Scotia	<i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i>	<p>S. 3 In this Act,</p> <p>[...]</p> <p>(i) "personal information" means recorded information about an identifiable individual, including</p>

Nova Scotia		<ul style="list-style-type: none"> (i) the individual's name, address or telephone number, (ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations, (iii) the individual's age, sex, sexual orientation, marital status or family status, (iv) an identifying number, symbol or other particular assigned to the individual, (v) the individual's fingerprints, blood type or inheritable characteristics, (vi) information about the individual's health-care history, including a physical or mental disability, (vii) information about the individual's educational, financial, criminal or employment history, (viii) anyone else's opinions about the individual, and (ix) the individual's personal views or opinions, except if they are about someone else; [...]
	<p><i>Municipal Government Act, S.N.S. 1998, c. 18</i></p>	<p>S. 461 In this Part, [...]</p> <p>(f) “personal information” means recorded information about an identifiable individual, including</p> <ul style="list-style-type: none"> (i) the individual's name, address or telephone number, (ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations, (iii) the individual's age, sex, sexual orientation, marital status or family status, (iv) an identifying number, symbol or other particular assigned to the individual, (v) the individual's fingerprints, blood type or inheritable characteristics, (vi) information about the individual's health-care history, including a physical or mental disability, (vii) information about the individual's educational, financial, criminal or employment history, (viii) anyone else's opinions about the individual, and (ix) the individual's personal views or opinions, except if they are about someone else; [...]
Prince Edward Island	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>S. 1 In this Act, [...]</p> <p>(i) “personal information” means recorded information about an identifiable individual, including</p> <ul style="list-style-type: none"> (i) the individual's name, home or business address or home or business telephone number, (ii) the individual's race, national or ethnic origin, colour or religious or political beliefs or associations, (iii) the individual's age, sex, marital status or family status, (iv) an identifying number, symbol or other particular assigned to the individual, (v) the individual's fingerprints, blood type or inheritable characteristics, (vi) information about the individual's health and health care history, including information about a physical or mental disability; (vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given; (viii) anyone else's opinions about the individual; and

Prince Edward Island		(ix) the individual's personal views or opinions, except if they are about someone else; [...]
Newfoundland and Labrador	<i>Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1</i>	<p>[Part IV to be Proclaimed]</p> <p>PART I INTERPRETATION</p> <p>S. 2 In this Act [...]</p> <p>(o) "personal information" means recorded information about an identifiable individual, including</p> <ul style="list-style-type: none"> (i) the individual's name, address or telephone number, (ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations, (iii) the individual's age, sex, sexual orientation, marital status or family status, (iv) an identifying number, symbol or other particular assigned to the individual, (v) the individual's fingerprints, blood type or inheritable characteristics, (vi) information about the individual's health care status or history, including a physical or mental disability, (vii) information about the individual's educational, financial, criminal or employment status or history, (viii) the opinions of a person about the individual, and (ix) the individual's personal views or opinions; <p>[...]</p>
Yukon	<i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i>	<p>PART 1 INTRODUCTORY PROVISIONS</p> <p>S. 3 In this Act, [...]</p> <p>"personal information" means recorded information about an identifiable individual, including</p> <ul style="list-style-type: none"> (a) the individual's name, address, or telephone number, (b) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations, (c) the individual's age, sex, sexual orientation, marital status, or family status, (d) an identifying number, symbol, or other particular assigned to the individual, (e) the individual's fingerprints, blood type, or inheritable characteristics, (f) information about the individual's health care history, including a physical or mental disability, (g) information about the individual's educational, financial, criminal, or employment history, (h) anyone else's opinions about the individual, and (i) the individual's personal views or opinions, except if they are about someone else; <p>[...]</p> <p>"record" includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other process or mechanism</p>

Yukon		that produces records; [...]
Northwest Territories	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i>	<p>S. 2 In this Act, [...]</p> <p>"personal information" means information about an identifiable individual, including</p> <ul style="list-style-type: none"> (a) the individual's name, home or business address or home or business telephone number, (b) the individual's race, colour, national or ethnic origin or religious or political beliefs or associations, (c) the individual's age, sex, sexual orientation, marital status or family status, (d) an identifying number, symbol or other particular assigned to the individual, (e) the individual's fingerprints, blood type or inheritable characteristics, (f) information about the individual's health and health care history, including information about a physical or mental disability, (g) information about the individual's educational, financial, criminal or employment history, (h) anyone else's opinions about the individual, (i) the individual's personal opinions, except where they are about someone else; <p>[...]</p> <p>"record" means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include a computer program or other mechanism that produces records; [...]</p>
Nunavut	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i>	<p>S. 2 In this Act, [...]</p> <p>"personal information" means information about an identifiable individual, including</p> <ul style="list-style-type: none"> (a) the individual's name, home or business address or home or business telephone number, (b) the individual's race, colour, national or ethnic origin or religious or political beliefs or associations, (c) the individual's age, sex, sexual orientation, marital status or family status, (d) an identifying number, symbol or other particular assigned to the individual, (e) the individual's fingerprints, blood type or inheritable characteristics, (f) information about the individual's health and health care history, including information about a physical or mental disability, (g) information about the individual's educational, financial, criminal or employment history, (h) anyone else's opinions about the individual, (i) the individual's personal opinions, except where they are about someone else; <p>[...]</p> <p>"record" means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include a computer program or other mechanism that produces records; [...]</p>

3. Collection of personal (health) information

All privacy statutes contain provisions limiting the manner in which organizations collect personal (health) information. These “limiting of collection” provisions are supplementary to any consent requirements, and require organizations to collect only the information necessary to fulfill the purposes of collection. (The provisions relating to consent and the exception to the consent requirement are set out in Section 4 of this Compendium.)

The term “collection” is not defined in most statutes, although health sectoral privacy legislation in Alberta, Saskatchewan and Ontario generally define the term broadly as an act of gathering, acquiring, receiving or obtaining information. These definitions appear to codify the generally accepted principle that the receipt of information disclosed by one organization would generally be considered a “collection” by the recipient of such disclosure, and thus subject to the collection limitation provisions under the applicable privacy statute.

Under public sector legislation, public bodies must only collect personal (health) information that relates directly to and is necessary for an operating program or activity of the public body. Under private sector and health sectoral legislation, organizations may only collect information for purposes that a reasonable person would consider appropriate in the circumstances. Alberta’s health sectoral legislation sets out a hierarchy of

permissible collection, obligating custodians to consider whether aggregate information would be sufficient (in lieu of personal information) prior to the collection of the data in question. In this regard, only if other non-identifying health information is not adequate for the intended purpose, can the custodian collect identifying information for the purposes of the Act.

In most instances, privacy statutes require organizations to notify the individual about the purposes of collection at or prior to the time of collection, as well as the person individuals may contact for further information. In addition, under public sector statutes, public bodies that are collecting personal information directly from an individual must inform the individual of the legal authority for the collection. Private sector and health sectoral legislation also contain provisions requiring organizations to collect personal information through fair and lawful means. Under health sectoral privacy legislation, there are specific provisions restricting or prohibiting organizations from collecting personal health numbers.

Generally, privacy statutes provide that information must be collected directly from the person concerned, although the statutes generally allow for the indirect collection of personal (health) information in limited circumstances, including for research purposes. For instance, in Alberta, Saskatchewan and Ontario health sectoral statutes, personal health information may be collected from a person other than a subject of the information for the purposes of assembling a family (or genetic) history.

COLLECTION OF PERSONAL (HEALTH) INFORMATION

Federal	<p><i>Privacy Act, R.S.C. 1985, c. P-21</i></p>	<p>COLLECTION, RETENTION AND DISPOSAL OF PERSONAL INFORMATION</p> <p>S. 4 No personal information shall be collected by a government institution unless it relates directly to an operating program or activity of the institution.</p> <p>S. 5(1) A government institution shall, wherever possible, collect personal information that is intended to be used for an administrative purpose directly from the individual to whom it relates except where the individual authorizes otherwise or where personal information may be disclosed to the institution under subsection 8(2).</p> <p>[Note: The relevant portions of subsection 8(2) have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(2) A government institution shall inform any individual from whom the institution collects personal information about the individual of the purpose for which the information is being collected.</p> <p>(3) Subsections (1) and (2) do not apply where compliance therewith might</p> <p>(a) result in the collection of inaccurate information; or</p> <p>(b) defeat the purpose or prejudice the use for which information is collected.</p>
	<p><i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5</i></p>	<p>PART 1 PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR</p> <p>DIVISION 1 – PROTECTION OF PERSONAL INFORMATION</p> <p>S. 5(3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.</p> <p>S. 7(1) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may collect personal information without the knowledge or consent of the individual only if</p> <p>(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way;</p> <p>(b) it is reasonable to expect that the collection with the knowledge or consent of the individual would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or</p> <p>(c) the collection is solely for journalistic, artistic or literary purposes; or</p> <p>(d) the information is publicly available and is specified by the regulations; [...]</p>

SCHEDULE 1**PRINCIPLES SET OUT IN THE NATIONAL STANDARD OF CANADA ENTITLED *MODEL CODE FOR THE PROTECTION OF PERSONAL INFORMATION*, CAN/CSA – Q830-96****4.2 Principle 2 – Identifying Purposes**

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

4.2.1 The organization shall document the purposes for which personal information is collected in order to comply with the Openness principle (Clause 4.8) and the Individual Access principle (Clause 4.9).

[Note : Clause 4.8 has been reproduced in “Ensuring Accountability and Transparency in the Management of Personal Data”]

4.2.2 Identifying the purposes for which personal information is collected at or before the time of collection allows organizations to determine the information they need to collect to fulfil these purposes. The Limiting Collection principle (Clause 4.4) requires an organization to collect only that information necessary for the purposes that have been identified.

4.2.3 The identified purposes should be specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, for example, may give notice of the purposes.

4.2.4 When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose. For an elaboration on consent, please refer to the Consent principle (Clause 4.3).

4.2.5 Persons collecting personal information should be able to explain to individuals the purposes for which the information is being collected.

4.3 Principle 3 - Consent

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

Note: In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, organizations that do not have a direct relationship with the individual may not always be able to seek consent. For example, seeking consent may be impractical for a charity or a direct-marketing firm that

<p>Federal</p>		<p>wishes to acquire a mailing list from another organization. In such cases, the organization providing the list would be expected to obtain consent before disclosing personal information.</p> <p>4.3.1 Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified).</p> <p>4.3.2 The principle requires “knowledge and consent”. Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.</p> <p>4.3.3 An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use or disclosure of information beyond that required to fulfil the explicitly specified and legitimate purposes.</p> <p>4.4 Principle 4 – Limiting Collection The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.</p> <p>4.4.1 Organizations shall not collect personal information indiscriminately. Both the amount and the type of information collected shall be limited to that which is necessary to fulfil the purposes identified. Organizations shall specify the type of information collected as part of their information-handling policies and practices, in accordance with the Openness principle (Clause 4.8).</p> <p>4.4.2 The requirement that personal information be collected by fair and lawful means is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.</p>
<p>British Columbia</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i></p>	<p>PART 3 – PROTECTION OF PRIVACY</p> <p>Division 1 – Collection, Protection and Retention of Personal Information by Public Bodies</p> <p>S. 26 No personal information may be collected by or for a public body unless</p> <p>(a) the collection of that information is expressly authorized by or under an Act,</p> <p>[...] or</p> <p>(c) that information relates directly to and is necessary for an operating program or activity of the public body.</p>

<p>British Columbia</p>		<p>S. 27(1) A public body must collect personal information or cause personal information to be collected directly from the individual the information is about unless</p> <p>(a) another method of collection is authorized by</p> <p>(i) that individual,</p> <p>(ii) the commissioner under section 42(1)(i), or</p> <p>(iii) another enactment,</p> <p>(a.1) the collection of the information is necessary for the medical treatment of an individual and it is not possible</p> <p>(i) to collect the information directly from that individual, or</p> <p>(ii) to obtain authority under paragraph (a) (i) for another method of collection,</p> <p>(b) the information may be disclosed to the public body under sections 33 to 36,</p> <p>[Note: Sections 33 to 36 have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>[...]</p> <p>(2) A public body must ensure that an individual from whom it collects personal information or causes personal information to be collected is told</p> <p>(a) the purpose for collecting it,</p> <p>(b) the legal authority for collecting it, and</p> <p>(c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual’s questions about the collection.</p> <p>(3) Subsection (2) does not apply if</p> <p>[...]</p> <p>(b) the minister responsible for this Act excuses a public body from complying with it because doing so would</p> <p>(i) result in the collection of inaccurate information, or</p> <p>(ii) defeat the purpose or prejudice the use for which the information is collected, or</p> <p>(c) the information</p> <p>(i) is not required, under subsection (1), to be collected directly from the individual the information is about, and</p> <p>(ii) is not collected directly from the individual the information is about.</p>
	<p><i>Personal Information Protection Act, S.B.C. 2003, c. 63</i></p>	<p>Part 3 – Consent</p> <p>S. 6(1) An organization must not</p> <p>(a) collect personal information about an individual, [...].</p> <p>(2) Subsection (1) does not apply if</p> <p>(a) the individual gives consent to the collection, use or disclosure,</p> <p>(b) this Act authorizes the collection, use or disclosure without the consent of the individual, or</p> <p>(c) this Act deems the collection, use or disclosure to be consented to by the individual.</p>

Part 4 – Collection of Personal Information

S. 10(1) On or before collecting personal information about an individual from the individual, an organization must disclose to the individual verbally or in writing

- (a) the purposes for the collection of the information, and
- (b) on request by the individual, the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection.

(2) On or before collecting personal information about an individual from another organization without the consent of the individual, an organization must provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with this Act.

S. 11 Subject to this Act, an organization may collect personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that

- (a) fulfill the purposes that the organization discloses under section 10 (1), or
- (b) are otherwise permitted under this Act.

S. 12(1) An organization may collect personal information about an individual without consent or from a source other than the individual, if

- (a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way,
- (b) the collection is necessary for the medical treatment of the individual and the individual is unable to give consent,
- (c) it is reasonable to expect that the collection with the consent of the individual would compromise the availability or the accuracy of the personal information and the collection is reasonable for an investigation or a proceeding,
- [...]
- (e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,
- [...]
- (h) the collection is required or authorized by law,
- (i) the information was disclosed to the organization under sections 18 to 22,
- [...]

[Note: The relevant parts of sections 18 to 22 are reproduced under “Use and Disclosure of Personal (Health) Information”]

(2) An organization may collect personal information from or on behalf of another organization without consent of the individual to whom the information relates, if

- (a) the individual previously consented to the collection of the personal information by the other organization, and
- (b) the personal information is disclosed to or collected by the organization solely
 - (i) for the purposes for which the information was previously collected, and

<p>British Columbia</p>	<p><i>Personal Information Protection Act Regulations, B.C. Reg. 473/2003</i></p>	<p>(ii) to assist that organization to carry out work on behalf of the other organization.</p> <p>S. 6(1) Subject to subsection (2), the following are sources of information available to the public, which are prescribed for the purposes of sections 12 (1) (e),[...] of the Act:</p> <p>(a) the name, address, telephone number and other personal information of a subscriber that appears in a telephone directory or is available through Directory Assistance if</p> <p>(i) the directory or the directory assistance service is available to the public, and</p> <p>(ii) the subscriber is permitted to refuse to have his or her personal information included in the directory or made available by directory assistance;</p> <p>(b) personal information of an individual that appears in a professional or business directory, listing or notice that is available to the public, if the individual is permitted to refuse to have his or her personal information included in the directory;</p> <p>(c) personal information appearing in a registry to which the public has a right of access, if the personal information is collected under the authority of an enactment, the laws of the government of Canada or a province or the bylaws of a municipality or other similar local authority in Canada;</p> <p>(d) personal information that appears in a printed or electronic publication that is available to the public, including a magazine, book or newspaper in printed or electronic form.</p> <p>(2) An organization must not collect, use or disclose personal information about an individual from a source referred to in subsection (1) (d) if</p> <p>(a) a court has prohibited the publication or the continued publication of that personal information by the source, or</p> <p>(b) the commissioner has made an order stating that the personal information from the source has been published contrary to the Act.</p>
<p>Alberta</p>	<p><i>Health Information Act, R.S.A. 2000, c. H-5</i></p>	<p>Part 1 Introductory Matters Interpretation</p> <p>S. 1(1) In this Act, [...]</p> <p>(d) “collect” means to gather, acquire, receive or obtain health information; [...]</p> <p>Part 3 - Collection of Health Information</p> <p>S. 18 No custodian shall collect health information except in accordance with this Act.</p> <p>S. 19 A custodian may collect non-identifying health information for any purpose.</p> <p>S. 20 A custodian may collect individually identifying health information</p> <p>(a) if the collection of that information is expressly authorized by an enactment of Alberta or Canada, or</p> <p>(b) if that information relates directly to and is necessary to enable the custodian to carry out a purpose that is authorized under s. 27.</p>

[Note: The relevant provisions of section 27 have been reproduced in “Use and Disclosure of Personal (Health) Information”]

S. 21(1) Only the following have the right to require an individual to provide the individual’s personal health number:

- (a) custodians;
- (b) persons authorized by the regulations to do so.

(2) When requesting a personal health number from an individual, the person referred to in subsection (1) must advise the individual of the person’s authority under subsection (1).

(3) An individual may refuse to provide the individual’s personal health number where the person requesting it is not a person referred to in subsection (1).

S. 22(1) A custodian must collect individually identifying health information directly from the individual who is the subject of the information unless subsection (2) applies.

(2) A custodian may collect individually identifying health information from a person other than the individual who is the subject of the information in the following circumstances:

- (a) where the individual who is the subject of the information authorizes collection of the information from someone else;
- (b) where the individual who is the subject of the information is unable to provide the information and the custodian collects the information from a person referred to in section 104(1)(c) to (i) who is acting on behalf of that individual;

[Note: Section 104(1) (c) to (i) can be found in “Substitute Decision-Making Respecting Personal (Health) Information in Privacy Legislation”]

(c) where the custodian believes, on reasonable grounds, that collection from the individual who is the subject of the information would prejudice

- (i) the interests of the individual,
- (ii) the purposes of collection, or
- (iii) the safety of any other individual,

or would result in the collection of inaccurate information;

(d) where collection from the individual who is the subject of the information is not reasonably practicable;

(e) where collection is for any of the following purposes:

- (i) assembling a family or genetic history where the information collected is to be used in the context of providing a health service to the individual who is the subject of the information;
- (ii) determining the eligibility of an individual to participate in a program of or to receive a benefit, product or health service from a custodian and the information is collected in the course of processing an application made by or for the individual who is the subject of the information;
- (iii) verifying the eligibility of an individual who is participating in a program of or receiving a benefit, product or health service from a custodian to participate in the program or to receive the benefit, product or service;

<p>Alberta</p>	<p>(iv) informing the Public Trustee or the Public Guardian about clients or potential clients;</p> <p>(f) where the information is available to the public;</p> <p>(g) where disclosure of the information is authorized under Part 5.</p> <p>[Note: Relevant provisions permitting disclosure under Part 5 are reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(3) When collecting individually identifying health information about an individual directly from the individual, the custodian must take reasonable steps to inform the individual</p> <p>(a) of the purpose for which the information is collected,</p> <p>(b) of the specific legal authority for the collection, and</p> <p>(c) of the title, business address and business telephone number of an affiliate of the custodian who can answer the individual’s questions about the collection.</p> <p>S. 23 A custodian that collects health information from an individual using a recording device or camera or any other device that may not be obvious to the individual must, before collecting the information, obtain the written consent of the individual to the use of the device or camera.</p> <p>S. 24 An affiliate of a custodian must not collect health information in any manner that is not in accordance with the affiliate’s duties to the custodian.</p> <p>Part 6 – Duties and Powers of Custodians Relating to Health Information</p> <p>Division 1 - General Duties and Powers</p> <p>S. 57(1) In this section, “aggregate health information” means non-identifying health information about groups of individuals.</p> <p>(2) A custodian that intends to collect, use or disclose health information must first consider whether collection, use or disclosure of aggregate health information is adequate for the intended purpose, and if so, the custodian must collect, use or disclose only aggregate health information.</p> <p>(3) If the custodian believes that collecting, using or disclosing aggregate health information is not adequate for the custodian’s intended purpose, the custodian must then consider whether collection, use or disclosure of other non-identifying health information is adequate for the intended purpose, and if so, the custodian may collect, use or disclose other non-identifying health information.</p> <p>(4) If the custodian believes that collecting, using or disclosing aggregate and other non-identifying health information is not adequate for the custodian’s intended purpose, the custodian may collect, use or disclose individually identifying health information if the collection, use or disclosure</p> <p>(a) is authorized by this Act, and</p> <p>(b) is carried out in accordance with this Act.</p>
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<p>Alberta</p>		<p>(5) This section does not apply where the collection, use or disclosure is for the purpose of</p> <p>(a) providing health services, or</p> <p>(b) determining or verifying the eligibility of an individual to receive a health service.</p> <p>S. 58(1) When collecting, using or disclosing health information, a custodian must, in addition to complying with section 57, collect, use or disclose only the amount of health information that is essential to enable the custodian or the recipient of the information, as the case may be, to carry out the intended purpose.</p> <p>Part 8 - General Provisions</p> <p>S. 108(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(d) authorizing persons other than custodians to require individuals to provide their personal health numbers; [...]</p>
	<p>Health Information Act, Health Information Regulation, 70/2001</p>	<p>S. 5(2) The following persons are authorized for the following purposes to require an individual to provide the individual's personal health number:</p> <p>(a) the Students Finance Board for the purpose of administering student health benefits programs;</p> <p>(b) lawyers and insurers for the purpose of enforcing the Crown's right of recovery under Part 5 of the <i>Hospitals Act</i>;</p> <p>(c) insurers for the purpose of facilitating the handling, assessing and payment of claims for benefits;</p> <p>(d) The Workers' Compensation Board for the purpose of facilitating the handling, assessing and payment of claims for benefits;</p> <p>(e) ambulance attendants and operators under the <i>Ambulance Services Act</i> for the purpose of providing treatment and care to individuals and seeking reimbursement for providing those services from the Alberta Blue Cross Plan;</p> <p>(f) the Solicitor General for the purpose of providing health services to an inmate outside of a correctional institution;</p> <p>(g) the Minister of Seniors for the purpose of administering the <i>Seniors Benefit Act</i>;</p> <p>(h) the Minister of Human Resources and Employment for the purpose of administering the income and employment programs of the Department of Human Resources and Employment;</p> <p>(i) persons, other than custodians, who provide health services to individuals for the purpose of seeking reimbursement for providing those services from the Alberta Health Care Insurance Plan.</p>
	<p>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</p>	<p>Part 2 Protection of Privacy</p> <p>Division 1 – Collection of Personal Information</p> <p>S. 33 No personal information may be collected by or for a public body unless</p> <p>(a) the collection of that information is expressly authorized by or under an enactment of Alberta or Canada, [...]</p>

<p>Alberta</p>		<p>(c) that information relates directly to and is necessary for an operating program or activity of the public body.</p> <p>S. 34(1) A public body must collect personal information directly from the individual the information is about unless</p> <p>(a) another method of collection is authorized by</p> <p>(i) that individual,</p> <p>(ii) another Act or a regulation under another Act, or</p> <p>(iii) the Commissioner under section 53(1)(h) of this Act,</p> <p>(b) the information may be disclosed to the public body under Division 2 of this Part;</p> <p>[Note: Relevant provisions permitting disclosure under Division 2 of the Act have been included in “Use and Disclosure of Personal (Health) Information”]</p> <p>(2) A public body that collects personal information that is required by subsection (1) to be collected directly from the individual the information is about must inform the individual of</p> <p>(a) the purpose for which the information is collected,</p> <p>(b) the specific legal authority for the collection, and</p> <p>(c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.</p> <p>(3) Subsections (1) and (2) do not apply if, in the opinion of the head of public body concerned, it could reasonably be expected that the information collected would be inaccurate.</p>
	<p><i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i></p>	<p>Part 2 – Protection of Personal Information</p> <p>Division 2 – Consent</p> <p>S. 7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual,</p> <p>(a) collect that information unless the individual consents to the collection of that information,</p> <p>(b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source, [...]</p> <p>Division 3 – Collection of Personal Information</p> <p>S. 11(1) An organization may collect personal information only for purposes that are reasonable.</p> <p>(2) Where an organization collects personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is collected.</p> <p>S. 12 An organization may without the consent of the individual collect personal information about an individual from a source other than that individual if the information that is to be collected is information that may be collected without the consent of the individual under section 14.</p>

<p>Alberta</p>		<p>S. 13(1) Before or at the time of collecting personal information about an individual from the individual, an organization must notify that individual in writing or orally</p> <p>(a) as to the purposes for which the information is collected, and</p> <p>(b) of the name of a person who is able to answer on behalf of the organization the individual's questions about the collection.</p> <p>(2) Before or at the time personal information about an individual is collected from another organization with the consent of the individual, the organization collecting the information must notify the organization that is disclosing the information that the individual has consented to the collection of the information.</p> <p>(3) Before or at the time personal information about an individual is collected from another organization without the consent of the individual, the organization collecting the personal information must provide the organization that is disclosing the personal information with sufficient information regarding the purpose for which the personal information is being collected in order to allow the organization that is disclosing the personal information to make a determination as to whether that disclosure of the personal information would be in accordance with this Act.</p> <p>(4) Subsection (1) does not apply to the collection of personal information that is carried out pursuant to section 8(2).</p> <p>[Note: Subsection 8(2) has been reproduced in "Consent Requirement and Elements of Consent"]</p> <p>S. 14 An organization may collect personal information about an individual without the consent of that individual but only if one or more of the following are applicable:</p> <p>(a) a reasonable person would consider that the collection of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;</p> <p>(b) the collection of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the collection;</p> <p>(c) the collection of the information is from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization;</p> <p>[...]</p> <p>(e) the information is publicly available;</p> <p>[...]</p> <p>(j) the organization collecting the information is an archival institution and the collection of the information is reasonable for archival purposes or research;</p> <p>(k) the collection of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.</p>
	<p><i>Personal Information Protection Act Regulation, Alta. Reg. 366/2003</i></p>	<p>S. 12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of</p>

Alberta		<p>records.</p> <p>S. 14(1) An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in</p> <p>(a) the acquisition of records of historical importance for transfer to an archival institution, and</p> <p>(b) the preparation of organizational records for archival appraisal and transfer to an archival institution.</p>
Saskatchewan	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>PART I Preliminary Matters</p> <p>S. 2 In this Act: [...]</p> <p>(b) “collect” means to gather, obtain access to, acquire, receive or obtain personal health information from any source by any means; [...]</p> <p>PART II Rights of the Individual</p> <p>S. 11(1) An individual has the right to refuse to produce his or her health services number or any other prescribed identifying number to any person, other than a trustee who is providing a health service, as a condition of receiving a service.</p> <p>(2) Except as provided in subsection (3), no person shall require an individual to produce a health services number as a condition of receiving any product or service.</p> <p>(3) A person may require the production of another person’s health services number:</p> <p>(a) For purposes related to:</p> <p>(i) the provision of publicly funded health services to the other person;</p> <p>(ii) the provision of a health service or program by a trustee; or</p> <p>(b) where authorized to do so by an Act or regulation.</p> <p>PART III Duty of Trustee to Protect Personal Health Information</p> <p>S. 19 In collecting personal health information, a trustee must take reasonable steps to ensure that the information is accurate and complete.</p> <p>PART IV Limits on Collection, Use And Disclosure of Personal Health Information by Trustees</p> <p>S. 23(1) A trustee shall collect, use or disclose only the personal health information that is reasonably necessary for the purpose for which it is being collected, used or disclosed. [...]</p> <p>S. 24(1) A trustee shall ensure that the primary purpose for collecting personal health information is for the purposes of a program, activity or service of the trustee that can reasonably be expected to benefit the</p>

subject individual.

(2) A trustee may collect personal health information for a secondary purpose if the secondary purpose is consistent with any of the purposes for which personal health information may be disclosed pursuant to section 27, 28 or 29.

[Note: The relevant provisions of sections 27, 28 and 29 have been reproduced in “Use and Disclosure of Personal (Health) Information”]

(3) Nothing in this Act prohibits the collection of personal health information where that collection is authorized by another Act or by a regulation made pursuant to another Act.

(4) A trustee may collect personal health information for any purpose with the consent of the subject individual.

S. 25(1) Subject to subsection (2), a trustee shall collect personal health information directly from the subject individual, except where:

- (a) the individual consents to collection of the information by other methods;
- (b) the individual is unable to provide the information;
- (c) the trustee believes, on reasonable grounds, that collection directly from the subject individual would prejudice the mental or physical health or the safety of the subject individual or another individual;
- (d) the information is collected, and is necessary, for the purpose of:
 - (i) determining the eligibility of the individual to participate in a program of the trustee or receive a product or service from the trustee, in the course of processing an application made by or on behalf of the individual; or
 - (ii) verifying the eligibility of the individual who is participating in a program of the trustee or receiving a product or service from the trustee;
- (e) the information is available to the public;
- (f) the trustee collects the information by disclosure from another trustee pursuant to section 27, 28 or 29;

[Note: The relevant provisions of sections 27, 28 and 29 have been reproduced in “Use and Disclosure of Personal (Health) Information”]

or

(g) prescribed circumstances exist.

(2) Where the collection is for the purpose of assembling the family health history of an individual, a trustee may collect personal health information from the individual about other members of the individual's family.

(3) Where a trustee collects personal health information from anyone other than the subject individual, the trustee must take reasonable steps to verify the accuracy of the information.

(3.1) Subsection (3) does not apply to personal health information

<p>Saskatchewan</p>		<p>collected by the Saskatchewan Archives Board for the purposes of <i>The Archives Act, 2004</i>.</p> <p>PART VIII General</p> <p>S. 63(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations: [...] (g) for the purposes of clause 11(3)(b), prescribing circumstances in which a person may require the production of another person's health services number; [...] (l) for the purposes of clause 25(1)(g), prescribing circumstances in which a trustee may collect personal health information other than directly from the subject individual; [...]</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01</i></p>	<p>PART IV PROTECTION OF PRIVACY</p> <p>S. 25 No government institution shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the government institution.</p> <p>S. 26(1) A government institution shall, where reasonably practicable, collect personal information directly from the individual to whom it relates, except where: (a) the individual authorizes collection by other methods; (b) the information is information that may be disclosed to the government institution pursuant to subsection 29(2);</p> <p>[Note: The relevant provisions of subsection 29(2) have been reproduced in "Use and Disclosure of Personal (Health) Information"]</p> <p>[...] (g) the commissioner has, pursuant to clause 33(c), authorized collection of the information in a manner other than directly from the individual to whom it relates; or (h) another manner of collection is authorized pursuant to another Act or a regulation.</p> <p>(2) A government institution that collects personal information that is required by subsection (1) to be collected directly from an individual shall inform the individual of the purpose for which the information is collected unless the information is exempted by the regulations from the application of this subsection.</p> <p>(3) Subsections (1) and (2) do not apply where compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.</p> <p>PART VIII GENERAL</p>

Saskatchewan		<p>S. 69 The Lieutenant Governor in Council may make regulations: [...] (1) exempting any information or category of information from the application of subsection 26(2); [...]</p>
	<p><i>The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1</i></p>	<p>S. 24 No local authority shall collect personal information unless the information is collected for a purpose that relates to an existing or proposed program or activity of the local authority.</p> <p>S. 25(1) A local authority shall, where reasonably practicable, collect personal information directly from the individual to whom it relates.</p> <p>(2) A local authority that collects personal information that is required by subsection (1) to be collected directly from an individual shall, where reasonably practicable, inform the individual of the purpose for which the information is collected.</p> <p>(3) Subsections (1) and (2) do not apply where compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.</p> <p>S. 32 The Commissioner may: [...] (c) in appropriate circumstances, authorize the collection of personal information in a manner other than directly from the individual to whom it relates; [...]</p>
Manitoba	<p><i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION I RESTRICTIONS ON COLLECTION AND RETENTION OF INFORMATION</p> <p>COLLECTION OF INFORMATION</p> <p>S. 13(1) A trustee shall not collect personal health information about an individual unless (a) the information is collected for a lawful purpose connected with a function or activity of the trustee; and (b) the collection of the information is necessary for that purpose.</p> <p>(2) A trustee shall collect only as much personal health information about an individual as is reasonably necessary to accomplish the purpose for which it is collected.</p> <p>S. 14(1) Whenever possible, a trustee shall collect personal health information directly from the individual the information is about.</p> <p>(2) Subsection (1) does not apply if (a) the individual has authorized another method of collection; (b) collection of the information directly from the individual could reasonably be expected to endanger the health or safety of the individual or another person; (c) collection of the information is in the interest of the individual and</p>

time or circumstances do not permit collection directly from the individual;
 (d) collection of the information directly from the individual could reasonably be expected to result in inaccurate information being collected; or
 (e) another method of collection is authorized or required by a court order or an enactment of Manitoba or Canada.

S. 15(1) A trustee who collects personal health information directly from the individual the information is about shall, before it is collected or as soon as practicable afterwards, take reasonable steps to inform the individual

(a) of the purpose for which the information is being collected; and
 (b) if the trustee is not a health professional, how to contact an officer or employee of the trustee who can answer the individual's questions about the collection.

(2) A trustee need not comply with subsection (1) if the trustee has recently provided the individual with the information referred to in that subsection about the collection of the same or similar personal health information for the same or a related purpose.

**DIVISION 4
 MISCELLANEOUS REQUIREMENTS**

PHIN

S. 26(1) No person other than a trustee may require the production of another person's PHIN or collect or use another person's PHIN.

(2) Despite subsection (1), a person may collect or use another person's PHIN

(a) for purposes related to the provision of publicly funded health care to the other person;
 (b) for purposes of a health research project approved under section 24;

[Note : Section 24 is reproduced in "Use and Disclosure of Personal (Health) Information"]

or

(c) in circumstances permitted by the regulations.

**PART 6
 GENERAL PROVISIONS**

S. 66(1) The Lieutenant Governor in Council may make regulations [...]

(d) requiring trustees to provide notice to individuals about
 (i) the right to examine and copy and to correct personal health information, and
 (ii) the practices of the trustee respecting the collection, use, retention and disclosure of personal health information,

and providing for the form and content of such notices;

[...]

Manitoba		(k) for the purpose of clause 26(2)(c), permitting the collection and use of a person's PHIN number for specified purposes or by specified persons or bodies; [...]
	<i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 2 COLLECTION, CORRECTION AND RETENTION OF PERSONAL INFORMATION</p> <p>S. 36(1) No personal information may be collected by or for a public body unless</p> <p>(a) collection of the information is authorized by or under an enactment of Manitoba or of Canada;</p> <p>(b) the information relates directly to and is necessary for an existing program or activity of the public body; or</p> <p>[...]</p> <p>(2) A public body shall collect only as much personal information about an individual as is reasonably necessary to accomplish the purpose for which it is collected.</p> <p>S. 37(1) Personal information must be collected by or for a public body directly from the individual the information is about unless</p> <p>(a) another method of collection is authorized by that individual, or by an enactment of Manitoba or Canada;</p> <p>(b) collection of the information directly from the individual could reasonably be expected to cause harm to the individual or to another person;</p> <p>(c) collection of the information is in the interest of the individual and time or circumstances do not permit collection directly from the individual;</p> <p>(d) collection of the information directly from the individual could reasonably be expected to result in inaccurate information being collected;</p> <p>(e) the information may be disclosed to the public body under Division 3 of this Part;</p> <p>[Note: Relevant provisions permitting disclosure under Division 3 have been reproduced in "Use and Disclosure of Personal (Health) Information"]</p> <p>[...]</p> <p>(2) A public body that collects personal information directly from the individual the information is about shall inform the individual of</p> <p>(a) the purpose for which the information is collected;</p> <p>(b) the legal authority for the collection; and</p> <p>(c) the title, business address and telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.</p>
Ontario	<i>Personal Health Information Protection Act, S.O. 2004, c. 3</i>	<p>PART I INTERPRETATION AND APPLICATION</p> <p>S. 2 In this Act: [...]</p>

“collect”, in relation to personal health information, means to gather, acquire, receive or obtain the information by any means from any source, and “collection” has a corresponding meaning;
[...]

**PART IV
COLLECTION, USE AND DISCLOSURE OF PERSONAL
HEALTH INFORMATION**

S. 29 A health information custodian shall not collect, use or disclose personal health information about an individual unless,
(a) it has the individual’s consent under this Act and the collection, use or disclosure, as the case may be, to the best of the custodian’s knowledge, is necessary for a lawful purpose; or
(b) the collection, use or disclosure, as the case may be, is permitted or required by this Act.

S. 30(1) A health information custodian shall not collect, use or disclose personal health information if other information will serve the purpose of the collection, use or disclosure.

(2) A health information custodian shall not collect, use or disclose more personal health information than is reasonably necessary to meet the purpose of the collection, use or disclosure, as the case may be.

(3) This section does not apply to personal health information that a health information custodian is required by law to collect, use or disclose.

S. 31(1) A health information custodian that collects personal health information in contravention of this Act shall not use it or disclose it unless required by law to do so.

(2) An express instruction that an individual, before November 1, 2005, gives to a health information custodian that is a public hospital within the meaning of the Public Hospitals Act or a person described in paragraph 1 of subsection 3(6) with respect to the use or disclosure of personal health information about the individual is not an express instruction for the purpose of clause 37(1)(a), 38(1)(a) or 50(1)(e).

(3) Nothing in subsection (2) prevents the custodian from refraining, in accordance with an express instruction that an individual gives as described in that subsection, to use or disclose the information under clause 37(1)(a), 38(1)(a) or 50(1)(e).
[...]

S. 33 A health information custodian shall not collect, use or disclose personal health information about an individual for the purpose of marketing anything or for the purpose of market research unless the individual expressly consents and the custodian collects, uses or discloses the information, as the case may be, subject to the prescribed requirements and restrictions, if any.

S. 34(1) In this section,
“health card” means a card provided to an insured person within the meaning of the Health Insurance Act by the General Manager of the

Ontario Health Insurance Plan;
 “provincially funded health resource” means a service, thing, subsidy or other benefit funded, in whole or in part, directly or indirectly by the Government of Ontario, if it is health related or prescribed.

(2) Despite subsection 49(1), a person who is not a health information custodian shall not collect or use another person’s health number except,
 [...] (b) for the purposes for which a health information custodian has disclosed the number to the person;
 [...] or
 (d) if the person is prescribed and is collecting or using the health number, as the case may be, for purposes related to health administration, health planning, health research or epidemiological studies.

(3) Despite subsection 49(1) and subject to the exceptions and additional requirements, if any, that are prescribed, a person who is not a health information custodian shall not disclose a health number except as required by law.

[Note: O. Reg. 329/04, s. 1(8) states “For the purposes of subsections 34(2) and (3) of the Act, “a person who is not a health information custodian” does not include,

(a) a custodian’s agent who is using or disclosing the information on behalf of the custodian in accordance with the Act, or
(b) the individual or the individual’s substitute decision-maker in respect of the individual’s health number.”

O. Reg 329/04, s. 11 states
“The following are prescribed persons for the purposes of clause 34(2)(d) of the Act:

- 1. The Workplace Safety and Insurance Board.**
- 2. Every person that is prescribed under section 13.**
- 3. Every entity that is prescribed under section 18.**
- 4. A researcher mentioned in paragraph 2 of section 12, for the purposes of the research.”]**

(4) No person shall require the production of another person’s health card, but a person who provides a provincially funded health resource to a person who has a health card may require the production of the health card.

(5) Subsections (2) and (3) do not apply to,
 (a) a person who collects, uses or discloses a health number for the purposes of a proceeding;
 (b) a prescribed entity mentioned in subsection 45(1) that collects, uses or discloses the health number in the course of carrying out its functions under section 45; or
 (c) a health data institute that the Minister approves under subsection 47 (9) and that collects, uses or discloses the health number in the course of carrying out its functions under sections 47 and 48.

[Note: O. Reg. 329/04, s. 18(1) states:
“Each of the following entities, including any registries maintained within the entity, is a prescribed entity for the purposes of subsection

45(1) of the Act:

- 1. Cancer Care Ontario.**
- 2. Canadian Institute for Health Information.**
- 3. Institute for Clinical Evaluative Sciences.**
- 4. Pediatric Oncology Group of Ontario.”]**

S. 35(1) A health information custodian shall not charge a person a fee for collecting or using personal health information except as authorized by the regulations made under this Act.

(2) When disclosing personal health information, a health information custodian shall not charge fees to a person that exceed the prescribed amount or the amount of reasonable cost recovery, if no amount is prescribed.

S. 36(1) A health information custodian may collect personal health information about an individual indirectly if,

- (a) the individual consents to the collection being made indirectly;
- (b) the information to be collected is reasonably necessary for providing health care or assisting in providing health care to the individual and it is not reasonably possible to collect, directly from the individual,
 - (i) personal health information that can reasonably be relied on as accurate, or
 - (ii) personal health information in a timely manner; [...]
- (d) the custodian collects the information from a person who is not a health information custodian for the purpose of carrying out research conducted in accordance with subsection 37(3) or research that a research ethics board has approved under section 44 or that meets the criteria set out in clauses 44(10)(a) to (c), except if the person is prohibited by law from disclosing the information to the custodian;
- (e) the custodian is a prescribed entity mentioned in subsection 45(1) and the custodian is collecting personal health information from a person who is not a health information custodian for the purpose of that subsection; [...]

[Note: Relevant parts of sections 37 to 45 are reproduced in “Use and Disclosure of Personal (Health) Information”]

(2) A health information custodian may collect personal health information about an individual directly from the individual, even if the individual is incapable of consenting, if the collection is reasonably necessary for the provision of health care and it is not reasonably possible to obtain consent in a timely manner.

[...]

S. 39(4) A person who is not a health information custodian is authorized to collect the personal health information that a health information custodian may disclose to the person under clause (1)(c).

[Note: Section 39(1)(c) has been reproduced in “Use and Disclosure of Personal (Health) Information”]

S. 45(5) An entity that is not a health information custodian is authorized to collect the personal health information that a health information custodian may disclose to the entity under subsection (1).

<p>Ontario</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31</i></p>	<p>[Note: Subsection 45(1) has been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>PART III PROTECTION OF INDIVIDUAL PRIVACY</p> <p>COLLECTION AND RETENTION OF PERSONAL INFORMATION</p> <p>S. 38(2) No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.</p> <p>S. 39(1) Personal information shall only be collected by an institution directly from the individual to whom the information relates unless, (a) the individual authorizes another manner of collection; (b) the personal information may be disclosed to the institution concerned under section 42 [...];</p> <p>[Note : Section 42 has been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(c) the Commissioner has authorized the manner of collection under clause 59(c); [...] (h) another manner of collection is authorized by or under a statute.</p> <p>(2) Where personal information is collected on behalf of an institution, the head shall, unless notice is waived by the responsible minister, inform the individual to whom the information relates of, (a) the legal authority for the collection; (b) the principal purpose or purposes for which the personal information is intended to be used; and (c) the title, business address and business telephone number of a public official who can answer the individual’s questions about the collection.</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i></p>	<p>S. 28 [...]</p> <p>(2) No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.</p> <p>S. 29(1) An institution shall collect personal information only directly from the individual to whom the information relates unless, (a) the individual authorizes another manner of collection; (b) the personal information may be disclosed to the institution concerned under section 32 or under section 42 of the Freedom of Information and Protection of Privacy Act; (c) the Commissioner has authorized the manner of collection under clause 46 (c); (d) the information is in a report from a reporting agency in accordance with the Consumer Reporting Act; (e) the information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or</p>

<p>Ontario</p>		<p>distinguished service; (f) the information is collected for the purpose of the conduct of a proceeding or a possible proceeding before a court or judicial or quasi-judicial tribunal; (g) the information is collected for the purpose of law enforcement; or (h) another manner of collection is authorized by or under a statute.</p> <p>[Note : Section 32 of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and Section 42 of the <i>Freedom of Information and Protection of Privacy Act</i> have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(2) If personal information is collected on behalf of an institution, the head shall inform the individual to whom the information relates of, (a) the legal authority for the collection; (b) the principal purpose or purposes for which the personal information is intended to be used; and (c) the title, business address and business telephone number of an officer or employee of the institution who can answer the individual’s questions about the collection.</p> <p>(3) Subsection (2) does not apply if, (a) the head may refuse to disclose the personal information under subsection 8 (1) or (2) (law enforcement), section 8.1 (Remedies for Organized Crime and Other Unlawful Activities Act, 2001) or section 8.2 (Prohibiting Profiting from Recounting Crimes Act, 2002); (b) the Minister waives the notice; or (c) the regulations provide that the notice is not required.</p> <p>S. 46 The Commissioner may, [...] (c) in appropriate circumstances, authorize the collection of personal information otherwise than directly from the individual; [...]</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, General Regulation, O. Reg. 823</i></p>	<p>S. 4(1) An institution is not required to give notice of the collection of personal information to an individual to whom it relates if the head complies with subsection (2) and if, (a) providing notice would frustrate the purpose of the collection; (b) providing notice might result in an unjustifiable invasion of another individual’s privacy; or (c) the collection is for the purpose of determining suitability or eligibility for an award or honour.</p>
<p>Quebec</p>	<p><i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i></p>	<p>CHAPTER III PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION II COLLECTION, KEEPING AND USE OF NOMINATIVE INFORMATION</p> <p>S. 64 No person may, on behalf of a public body, collect nominative information if it is not necessary for the carrying out of the attributions of the body or the implementation of a program under its management.</p> <p>S. 65 Every person who, on behalf of a public body, collects nominative information from the person concerned or from a third person must first identify himself and inform him</p>

Quebec	<p>(1) of the name and address of the public body on whose behalf the information is being collected;</p> <p>(2) of the use to which the information will be put;</p> <p>(3) of the categories of persons who will have access to the information;</p> <p>(4) of the fact that a reply is obligatory, or that it is optional;</p> <p>(5) of the consequences for the person concerned or, as the case may be, for the third person, in case of a refusal to reply;</p> <p>(6) of the rights of access and correction provided by law. [...]</p> <p>S. 66 Before obtaining from any person or private body nominative information that has already been assembled concerning one or several persons, public bodies must inform the Commission thereof.</p> <p>DIVISION III ESTABLISHMENT AND MAINTENANCE OF FILES</p> <p>S. 71 Every public body shall file, in a personal information file established in accordance with this subdivision, all nominative information</p> <p>(1) that is identified or presented in such a manner as to be retrievable by reference to the name of a person or to a sign or symbol identifiable with that person, or</p> <p>(2) that has been or is intended to be used by it in making a decision concerning a person.</p> <p>S. 76 The establishment of a file must be the subject of a declaration to the Commission. The declaration must contain the following indications:</p> <p>(1) the title of the file, the kind of information it contains, the use to which the information is to be put and the method by which the file is maintained;</p> <p>(2) the source of the information entered in the file;</p> <p>(3) the categories of persons concerned in the information entered in the file;</p> <p>(4) the categories of persons who have access to the file in carrying on their duties;</p> <p>(5) the security measures taken within the public body to ensure the confidentiality of the nominative information and its use according to the purposes for which it was collected;</p> <p>(6) the title, address and telephone number of the person in charge of protection of personal information;</p>
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<p>Quebec</p>		<p>(7) the modalities of access to the file of the person concerned;</p> <p>(8) any other indication prescribed by government regulation. The declaration must be made in accordance with the rules established by the Commission.</p> <p>S. 77 Every public body must notify the Commission of every change that renders the declaration provided for in section 76 inaccurate or incomplete.</p> <p>S. 78 Sections 64 to 77 do not apply to the processing of nominative information collected and used as a working tool by a natural person, to the extent that the information is not disclosed to any person other than the person concerned or to a body other than that to which he belongs, and that it is used judiciously. The same rule applies to the processing of nominative information collected by a natural person and which is used by him for scientific research purposes. The public body is subject to the said sections from the time the person contemplated in the first or second paragraph discloses to the public body nominative information that he has collected or which was obtained through processing.</p> <p>CHAPTER VI REGULATIONS</p> <p>S. 155 The Government may make regulations [...] (4) prescribing the rules according to which the collection of nominative information must be made; [...]</p>
	<p><i>An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1</i></p>	<p>DIVISION II COLLECTION OF PERSONAL INFORMATION</p> <p>S. 4 Any person carrying on an enterprise who may, for a serious and legitimate reason, establish a file on another person must, when establishing the file, enter its object. The entry is part of the file.</p> <p>S. 5 Any person collecting personal information to establish a file on another person or to record personal information in such a file may collect only the information necessary for the object of the file. Such information must be collected by lawful means.</p> <p>S. 6 Any person collecting personal information relating to another person may collect such information only from the person concerned, unless the latter consents to collection from third persons. However, he may, without the consent of the person concerned, collect such information from a third person if the law so authorizes. He may also do so if he has a serious and legitimate reason and either of the following conditions is fulfilled: (1) the information is collected in the interest of the person concerned and cannot be collected from him in due time; (2) collection from a third person is necessary to ensure the accuracy of the information.</p>

Quebec		<p>S. 8 A person who collects personal information from the person concerned must, when establishing a file on that person, inform him</p> <p>(1) of the object of the file;</p> <p>(2) of the use which will be made of the information and the categories of persons who will have access to it within the enterprise;</p> <p>(3) of the place where the file will be kept and of the rights of access and rectification.</p> <p>DIVISION III CONFIDENTIALITY OF PERSONAL INFORMATION</p> <p>S. 21 The Commission d'accès à l'information, established by section 103 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that</p> <p>(1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing the persons to be identified;</p> <p>(2) the information will be used in a manner that will ensure its confidentiality.</p> <p>Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for which it is granted if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.</p>
New Brunswick	<p><i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i></p>	<p>S. 2(1) Every public body is subject to the Statutory Code of Practice. [...]</p> <p>Schedule A The Statutory Code of Practice</p> <p>Principle 2: Identifying Purposes The purposes for which personal information is collected shall be identified by the public body at or before the time the information is collected.</p> <p>Principle 3: Consent The consent of the individual is required for the collection, use, or disclosure of personal information, except where inappropriate.</p> <p>Principle 4: Limiting Collection The collection of personal information shall be limited to that which is necessary for the purposes identified by the public body. Information shall be collected by fair and lawful means.</p> <p>Schedule B Interpretation and Application of the Statutory Code of Practice</p> <p>Principle 2 : Identifying Purposes</p> <p>S. 2.1 The purposes identified by the public body must directly relate to an existing or proposed activity of the public body.</p>

<p>New Brunswick</p>		<p>S. 2.2 The public body must document, in relation to any personal records system, the purpose or purposes for which the personal information in the system is held.</p> <p>S. 2.3 A “personal records system” is a computerized or manual records system which contains information about individuals and which is structured in such a way that information about specified individuals can be easily recovered.</p> <p>Principle 3 : Consent</p> <p>S. 3.4 Consent is not required when a public body collects, uses or discloses personal information [...] (e) for purposes of legitimate research in the interest of science, of learning or of public policy, or for archival purposes, [...]</p> <p>S. 3.6 Before collecting, using or disclosing personal information without consent under paragraph 3.4 or 3.5, a public body shall consider the nature of the information in question and the purpose for which it is acting, and shall satisfy itself that in the circumstances that purpose justifies the action proposed.</p> <p>S. 3.7 Any collection, use or disclosure of personal information without consent shall be limited to the reasonable requirements of the situation.</p> <p>Principle 4 : Limiting Collection</p> <p>S. 4.1 A public body may collect personal information (a) from the individual, (b) from another person with the individual’s consent, (c) from a source and by means available to the public at large, (d) from any source if the public body is acting under paragraphs 3.4 to 3.7.</p> <p>S. 4.2 An individual shall not be refused a service or benefit because he or she declines to provide personal information which is not necessary for a legitimate purpose of the public body.</p>
<p>Nova Scotia</p>	<p><i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c.5</i></p>	<p>PROTECTION OF PERSONAL PRIVACY</p> <p>COLLECTION, PROTECTION, RETENTION, USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 24(1) Personal information shall not be collected by or for a public body unless (a) the collection of that information is expressly authorized by or pursuant to an enactment; [...] or (c) that information relates directly to and is necessary for an operating program or activity of the public body.</p>
	<p><i>Municipal Government Act, S.N.S. 1998, c. 18</i></p>	<p>PART XX FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY</p>

Nova Scotia		<p>Collection of Personal Information</p> <p>S. 483(1) Personal information shall not be collected by, or for, a municipality unless</p> <p>(a) the collection of that information is expressly authorized by, or pursuant to, an enactment;</p> <p>(b) that information is collected for the purpose of law enforcement; or</p> <p>(c) that information relates directly to, and is necessary for, an operating program or activity of the municipality.</p> <p>(2) Where an individual's personal information will be used by a municipality to make a decision that directly affects the individual, the municipality shall make every reasonable effort to ensure that the information is accurate and complete.</p> <p>(3) The responsible officer shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal. [...]</p>
Prince Edward Island	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>PART II PROTECTION OF PRIVACY</p> <p>Division 1 Collection of Personal Information</p> <p>S. 31 No personal information may be collected by or for a public body unless</p> <p>(a) the collection of that information is expressly authorized by or under an enactment of Prince Edward Island or Canada; [...] or</p> <p>(c) that information relates directly to and is necessary for an operating program or activity of the public body.</p> <p>S. 32(1) A public body shall collect personal information directly from the individual the information is about unless</p> <p>(a) another method of collection is authorized by</p> <p>(i) that individual, or</p> <p>(ii) another Act or a regulation under another Act;</p> <p>(b) the information may be disclosed to the public body under Division 2 of this Part;</p> <p>[Note: Relevant provisions permitting disclosure under Division 2 have been reproduced in "Use and Disclosure of Personal (Health) Information"] [...]</p> <p>(2) A public body that collects personal information that is required by subsection (1) to be collected directly from the individual the information is about shall inform the individual of</p> <p>(a) the purpose for which the information is collected;</p> <p>(b) the specific legal authority for the collection; and</p> <p>(c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.</p> <p>(3) Subsections (1) and (2) do not apply if, in the opinion of the head of</p>

Prince Edward Island		the public body concerned, compliance with them could reasonably be expected to result in the collection of inaccurate information.
Newfoundland and Labrador	<i>Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1</i>	<p>[Part IV to be proclaimed]</p> <p>PART IV PROTECTION OF PRIVACY</p> <p>S. 32 No personal information may be collected by or for a public body unless</p> <p>(a) the collection of that information is expressly authorized by or under an Act; [...] or</p> <p>(c) that information relates directly to and is necessary for an operating program or activity of the public body.</p> <p>S. 33(1) A public body shall collect personal information directly from the individual the information is about unless</p> <p>(a) another method of collection is authorized by</p> <p>(i) that individual, or</p> <p>(ii) an Act or regulation;</p> <p>(b) the information may be disclosed to the public body under sections 39 to 42; or</p> <p>[...]</p> <p>[Note: Sections 39 to 42 have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(2) A public body shall tell an individual from whom it collects personal information</p> <p>(a) the purpose for collecting it;</p> <p>(b) the legal authority for collecting it; and</p> <p>(c) the title, business address and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.</p> <p>(3) Subsection (2) does not apply where [...]</p> <p>(b) in the opinion of the head of the public body, complying with it would</p> <p>(i) result in the collection of inaccurate information, or</p> <p>(ii) defeat the purpose or prejudice the use for which the information is collected.</p>
Yukon	<i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>S. 29 No personal information may be collected by or for a public body unless</p> <p>(a) the collection of that information is authorized by an Act of Parliament or of the Legislature; [...] or</p> <p>(c) that information relates to and is necessary for carrying out a program or activity of the public body.</p> <p>S. 30(1) A public body must collect personal information directly from the individual the information is about unless</p> <p>(a) another method of collection is authorized by</p> <p>(i) that individual,</p>

<p>Yukon</p>		<p>(ii) the commissioner under section 42, or (iii) an Act of Parliament or of the Legislature; (b) the information may be disclosed to the public body under sections 36 to 39; [...]</p> <p>[Note: Sections 36 to 39 are reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(2) A public body must tell an individual from whom it collects personal information (a) the purpose for collecting it; (b) the legal authority for collecting it; and (c) the title, business address, and business telephone number of an officer or employee of the public body who can answer the individual's questions about the collection.</p> <p>(3) Subsection (2) does not apply if (a) the information is about law enforcement or anything referred to in section 19; or (b) the Minister responsible for this Act excuses the public body from complying with it because compliance would (i) result in the collection of inaccurate information, or (ii) defeat the purpose or prejudice the use for which the information is collected.</p> <p>S. 42 In addition to the commissioner’s powers and duties under Part 5 with respect to reviews, the commissioner is responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may [...] (d) authorize the collection of personal information from sources other than the individual the information is about; [...]</p>
<p>Northwest Territories</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i></p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION A - COLLECTION OF PERSONAL INFORMATION</p> <p>S. 40 No personal information may be collected by or for a public body unless (a) the collection of the information is expressly authorized by an enactment; [...] or (c) the information relates directly to and is necessary for (i) an existing program or activity of the public body, or (ii) a proposed program or activity where collection of the information has been authorized by the head with the approval of the Executive Council.</p> <p>S. 41(1) A public body must, where reasonably possible, collect personal information directly from the individual the information relates to unless (a) another method of collection is authorized by that individual or by an enactment; (b) the information may be disclosed to the public body under Division C of this Part; [...]</p>

<p>Northwest Territories</p>		<p>(d) the information is collected for the purpose of collecting a fine or a debt owed to the Government of the Northwest Territories or a public body;</p> <p>(e) the information concerns the history, release or supervision of an individual under the control or supervision of a correctional authority;</p> <p>(f) the information is collected for the purpose of providing legal services to the Government of the Northwest Territories or a public body;</p> <p>(g) the information</p> <p>(i) is necessary in order to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the Government of the Northwest Territories or a public body and is collected in the course of processing an application made by or on behalf of the individual the information is about, or</p> <p>(ii) is necessary in order to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the Government of the Northwest Territories or a public body and is collected for that purpose;</p> <p>(h) the information is collected for the purpose of informing the Public Trustee about potential clients;</p> <p>(i) the information is collected for the purpose of enforcing a maintenance order under the <i>Maintenance Orders Enforcement Act</i>; or</p> <p>(j) the information is collected for the purpose of hiring, managing or administering personnel of the Government of the Northwest Territories or a public body.</p> <p>(2) A public body that collects personal information directly from the individual the information is about shall inform the individual of</p> <p>(a) the purpose for which the information is collected,</p> <p>(b) the specific legal authority for the collection, and</p> <p>(c) the title, business address and business telephone number of an officer or employee of the public body who can answer questions about the collection,</p> <p>unless the regulations provide that this subsection does not apply to that type of information.</p> <p>(3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.</p>
<p>Nunavut</p>	<p><i>Access to Information and Protection of Privacy Act</i>, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the <i>Nunavut Act</i>, S.C. 1993, c. 28</p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION A - COLLECTION OF PERSONAL INFORMATION</p> <p>S. 40 No personal information may be collected by or for a public body unless</p> <p>(a) the collection of the information is expressly authorized by an enactment;</p> <p>[...] or</p> <p>(c) the information relates directly to and is necessary for</p> <p>(i) an existing program or activity of the public body, or</p> <p>(ii) a proposed program or activity where collection of the information has been authorized by the head with the approval of the Executive Council.</p>

<p>Nunavut</p>		<p>S. 41(1) A public body must, where reasonably possible, collect personal information directly from the individual the information relates to unless</p> <ul style="list-style-type: none"> (a) another method of collection is authorized by that individual or by an enactment; (b) the information may be disclosed to the public body under Division C of this Part; [...] (d) the information is collected for the purpose of collecting a fine or a debt owed to the Government of the Northwest Territories or a public body; (e) the information concerns the history, release or supervision of an individual under the control or supervision of a correctional authority; (f) the information is collected for the purpose of providing legal services to the Government of the Northwest Territories or a public body; (g) the information <ul style="list-style-type: none"> (i) is necessary in order to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the Government of the Northwest Territories or a public body and is collected in the course of processing an application made by or on behalf of the individual the information is about, or (ii) is necessary in order to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the Government of the Northwest Territories or a public body and is collected for that purpose; (h) the information is collected for the purpose of informing the Public Trustee about potential clients; (i) the information is collected for the purpose of enforcing a maintenance order under the <i>Maintenance Orders Enforcement Act</i>; or (j) the information is collected for the purpose of hiring, managing or administering personnel of the Government of the Northwest Territories or a public body. <p>(2) A public body that collects personal information directly from the individual the information is about shall inform the individual of</p> <ul style="list-style-type: none"> (a) the purpose for which the information is collected, (b) the specific legal authority for the collection, and (c) the title, business address and business telephone number of an officer or employee of the public body who can answer questions about the collection, <p>unless the regulations provide that this subsection does not apply to that type of information.</p> <p>(3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.</p>
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4. Use and disclosure of personal (health) information for research purposes

All Canadian privacy statutes contain general provisions restricting the use and disclosure of personal (health) information. In the research context, the privacy statutes allow for the use and/or disclosure of personal (health) information without consent, although the conditions for use or disclosure for research purposes vary in detail and stringency across jurisdictions.

The following charts set out the provisions in privacy legislation relating to the requirement for, and the exceptions to, consent for the use and disclosure of personal (health) information for research purposes. Where consent is required, there are often specific provisions relating to the elements and form of consent, as set out in the charts in Section 5 of the Compendium.

Health privacy statutes contain the most detailed conditions for the collection, use and disclosure of personal (health) information for research purposes without consent. These conditions include a requirement for approval of a research ethics board, privacy-related issues that must be

considered by the research ethics board in the course of granting such approval, specific content requirements for research plans, and an obligation on custodians/trustees to enter into written agreements with third party researchers.

Under public sector legislation, approval of the head of the relevant public body is required for the use or disclosure of personal (health) information for research purposes. In certain instances, the public sector legislation requires the approval of the privacy regulatory authority, and written agreements between the governmental body and researchers may also be required. To the extent the research will involve data linkage activities, several privacy statutes include the condition that any record linkage must not be harmful and that the benefits of the linkage are clearly in the public interest. For specific statutory provisions relating to data matching and data linkage activities, please see the charts in Section 7 of the Compendium.

Provincial privacy statutes that apply to the private sector set out various conditions for the use and disclosure of personal (health) information without consent for research, including a proviso that the research purposes cannot be achieved using the information in non-identifiable form and that it is not practicable to obtain consent. In certain instances, the statutes provide that a data sharing agreement must be entered into between the disclosing party and the researcher.

Under Quebec's public and private sector legislation, the approval of the Commission d'accès à l'information is required prior to the disclosure of personal information for research purposes. In determining whether to approve the proposed research, the Quebec commissioner must consider whether the intended use is frivolous, whether the ends contemplated cannot be achieved unless the information is disclosed in

identifiable form, and whether the information will be used in a manner that ensures confidentiality.

PIPEDA permits the use of personal information without consent for “scholarly research purposes” provided that, among other things, such purposes cannot be achieved without using the information and it is impracticable to obtain consent. PIPEDA also specifically obligates organizations to notify the federal privacy commissioner of the proposed research.

Notably, the CIHR conducted a multi-stakeholder consultative process regarding the application and interpretation of PIPEDA in the research setting, including the statutory exception to consent for “scholarly research” purposes. The CIHR published a series of recommendations including proposed definitions of the term “scholarly research” and “scholarly research purposes”, and a proposed provision setting out a series of factors to be considered in the determination of whether it is “impracticable to obtain consent”. The recommendations, and helpful background information, can be found at www.cihr-irsc.gc.ca/e/28349.html.

USE AND DISCLOSURE OF PERSONAL (HEALTH) INFORMATION FOR RESEARCH PURPOSES⁶

Federal	<p><i>Privacy Act, R.S.C. 1985, c. P-21</i></p>	<p>PROTECTION OF PERSONAL INFORMATION</p> <p>S. 7 Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution except</p> <p>(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; or</p> <p>(b) for a purpose for which the information may be disclosed to the institution under subsection 8(2).</p> <p>S. 8(1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.</p> <p>(2) Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed</p> <p>(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; (or)</p> <p>[...]</p> <p>(j) to any person or body for research or statistical purposes if the head of the government institution</p> <p>(i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and</p> <p>(ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates;</p> <p>[...]</p> <p>(3) Subject to any other Act of Parliament, personal information under the custody or control of the Library and Archives of Canada that has been transferred there by a government institution for historical or archival purposes may be disclosed in accordance with the regulations to any person or body for research or statistical purposes.</p>
	<p><i>Privacy Regulations, S.O.R./83-508</i></p>	<p>PERSONAL INFORMATION UNDER THE CONTROL OF THE ARCHIVES</p> <p>S. 6 Personal information that has been transferred to the control of the Library and Archives of Canada by a government institution for archival or historical purposes may be disclosed to any person or body for research or statistical purposes where</p> <p>(a) the information is of such a nature that disclosure would not constitute an unwarranted invasion of the privacy of the individual to whom the information relates;</p>

⁶ Canadian privacy statutes generally require consent for collection, use and disclosure of personal information, subject to exceptions set out in this chart. Where consent is required for the use and disclosure of personal (health) information, refer to table in Section 5 for the form and elements of consent.

Federal		<p>(b) the disclosure is in accordance with paragraph 8(2)(j) or (k) of the Act;</p> <p>(c) 110 years have lapsed following the birth of the individual to whom the information relates; or</p> <p>(d) in cases where the information was obtained through the taking of a census or survey, 92 years have elapsed following the census or survey containing the information.</p>
	<p><i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5</i></p>	<p>PART 1 PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR</p> <p>DIVISION 1 PROTECTION OF PERSONAL INFORMATION</p> <p>S. 5(3) An organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances.</p> <p>S. 7(2) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may, without the knowledge or consent of the individual, use personal information only if [...]</p> <p>(c) it is used for statistical, or scholarly study or research, purposes that cannot be achieved without using the information, the information is used in a manner that will ensure its confidentiality, it is impracticable to obtain consent and the organization informs the Commissioner of the use before the information is used; [...]</p> <p>S. 7(3) For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is [...]</p> <p>(f) for statistical, or scholarly study or research, purposes that cannot be achieved without disclosing the information, it is impracticable to obtain consent and the organization informs the Commissioner of the disclosure before the information is disclosed; [...]</p> <p>S. 7(4) Despite clause 4.5 of Schedule 1, an organization may use personal information for purposes other than those for which it was collected in any of the circumstances set out in subsection (2).</p> <p>S. 7(5) Despite clause 4.5 of Schedule 1, an organization may disclose personal information for purposes other than those for which it was collected in any of the circumstances set out in paragraphs (3)(a) to (h.2).</p> <p>SCHEDULE 1</p> <p>PRINCIPLES SET OUT IN THE NATIONAL STANDARD OF CANADA ENTITLED MODEL CODE FOR THE PROTECTION OF PERSONAL INFORMATION, CAN/CSA – Q830-96</p> <p>4.3 Principle 3 - Consent The knowledge and consent of the individual are required for the</p>

Federal		<p>collection, use, or disclosure of personal information, except where inappropriate.</p> <p>Note: In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, organizations that do not have a direct relationship with the individual may not always be able to seek consent. For example, seeking consent may be impractical for a charity or a direct-marketing firm that wishes to acquire a mailing list from another organization. In such cases, the organization providing the list would be expected to obtain consent before disclosing personal information.</p> <p>4.3.1 Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified).</p> <p>4.3.2 The principle requires “knowledge and consent”. Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.</p> <p>4.3.3 An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use or disclosure of information beyond that required to fulfil the explicitly specified, and legitimate purposes.</p> <p>4.5 Principle 5 – Limiting Use, Disclosure, and Retention Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.</p> <p>[Note: See Clause 4.2.4 in “Collection of Personal (Health) Information”]</p> <p>4.5.1 Organizations using personal information for a new purpose shall document this purpose.</p> <p>[Note: See Clause 4.2.1 in “Collection of Personal (Health) Information”]</p>
British Columbia	<i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i>	<p>PART 3 – PROTECTION OF PRIVACY</p> <p>Division 2 – Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 32 A public body must ensure that personal information in its custody</p>

<p>British Columbia</p>		<p>or under its control is used only</p> <ul style="list-style-type: none"> (a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose, (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or (c) for a purpose for which that information may be disclosed to that public body under sections 33 to 36. <p>S. 33 A public body must ensure that personal information in its custody or under its control is disclosed only as permitted under section 33.1 or 33.2.</p> <p>S. 33.1 (1) A public body may disclose personal information referred to in section 33 inside or outside Canada as follows:</p> <ul style="list-style-type: none"> [...] (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to its disclosure inside or outside Canada, as applicable; [...] (o) in accordance with section 36 (disclosure for archival or historical purposes). <p>S. 33.2 A public body may disclose personal information referred to in section 33 inside Canada as follows:</p> <ul style="list-style-type: none"> (a) for the purpose for which it was obtained or compiled or for a use consistent with that purpose (see section 34); [...] (j) to the archives of the government of British Columbia or the archives of a public body, for archival purposes; (k) in accordance with section 35 (disclosure for research or statistical purposes). <p>S. 34(1) A use of personal information is consistent under section 32 or 33.2 with the purposes for which the information was obtained or compiled if the use</p> <ul style="list-style-type: none"> (a) has a reasonable and direct connection to that purpose, and (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information or causes the information to be used or disclosed. <p>S. 35 A public body may disclose personal information or may cause personal information in its custody or under its control to be disclosed for a research purpose, including statistical research, only if</p> <ul style="list-style-type: none"> (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the commissioner, <ul style="list-style-type: none"> (a.1) the information is disclosed on condition that it not be used for the purpose of contacting a person to participate in the research, (b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest, (c) the head of the public body concerned has approved conditions relating to the following: <ul style="list-style-type: none"> (i) security and confidentiality; (ii) the removal or destruction of individual identifiers at the earliest reasonable time;
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<p>British Columbia</p>		<p>(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body, and</p> <p>(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.</p> <p>S. 36 The archives of the government of British Columbia, or the archives of a public body, may disclose personal information or cause personal information in its custody or under its control to be disclosed for archival or historical purposes if:</p> <p>(a) the disclosure would not be an unreasonable invasion of personal privacy under section 22,</p> <p>(b) the disclosure is for historical research and is in accordance with section 35,</p> <p>(c) the information is about someone who has been dead for 20 or more years, or</p> <p>(d) the information is in a record that has been in existence for 100 or more years.</p>
	<p><i>Personal Information Protection Act, S.B.C. 2003, c. 63</i></p>	<p>Part 3 – Consent</p> <p>6(1) An organization must not [...]</p> <p>(b) use personal information about an individual, or</p> <p>(c) disclose personal information about an individual.</p> <p>(2) Subsection (1) does not apply if</p> <p>(a) the individual gives consent to the collection, use or disclosure,</p> <p>(b) this Act authorizes the collection, use or disclosure without the consent of the individual, or</p> <p>(c) this Act deems the collection, use or disclosure to be consented to by the individual.</p> <p>Part 5 – Use of Personal Information</p> <p>S. 14 Subject to this Act, an organization may use personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that</p> <p>(a) fulfill the purposes that the organization discloses under section 10(1),</p> <p>(b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or</p> <p>(c) are otherwise permitted under this Act.</p> <p>[Note: Section 10 has been reproduced in “Collection of Personal (Health) Information”]</p> <p>S. 15(1) An organization may use personal information about an individual without the consent of the individual, if [...]</p> <p>(e) the personal information is available to the public from a source prescribed for the purposes of this paragraph, [...]</p> <p>(h) the use is required or authorized by law,</p> <p>(i) the personal information was disclosed to the organization under</p>

sections 18 to 22,
[...]

- (2) An organization may use personal information collected from or on behalf of another organization without the consent of the individual to whom the information relates, if
- (a) the individual consented to the use of the personal information by the other organization, and
 - (b) the personal information is used by the organization solely
 - (i) for the purposes for which the information was previously collected, and
 - (ii) to assist that organization to carry out work on behalf of the other organization.

Part 6 – Disclosure of Personal Information

- S. 17** Subject to this Act, an organization may disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances and that
- (a) fulfill the purposes that the organization discloses under section 10(1),
 - (b) for information collected before this Act comes into force, fulfill the purposes for which it was collected, or
 - (c) are otherwise permitted under this Act.

- S. 18(1)** An organization may only disclose personal information about an individual without the consent of the individual, if
- [...]
- (e) the personal information is available to the public from a source prescribed for the purposes of this paragraph,
[...]
 - (n) the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes,
 - (o) the disclosure is required or authorized by law, or
 - (p) the disclosure is in accordance with sections 19 to 22.

- (2) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if
- (a) the individual consented to the collection of the personal information by the organization, and
 - (b) the personal information is disclosed to the other organization solely
 - (i) for the purposes for which the information was previously collected, and
 - (ii) to assist the other organization to carry out work on behalf of the first organization.

- (3) An organization may disclose personal information to another organization without consent of the individual to whom the information relates, if the organization was authorized by section 12(2) to collect the personal information from or on behalf of the other organization.

- S. 21(1)** An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if
- (a) the research purpose cannot be accomplished unless the personal

<p>British Columbia</p>		<p>information is provided in an individually identifiable form, (b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research, (c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest, (d) the organization to which the personal information is to be disclosed has signed an agreement to comply with the following: (i) this Act; (ii) the policies and procedures relating to the confidentiality of personal information of the organization that collected the personal information; (iii) security and confidentiality conditions; (iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity; (v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the organization that disclosed the personal information, and (e) it is impracticable for the organization to seek the consent of the individual for the disclosure.</p> <p>S. 22 An organization may disclose, without the consent of the individual, personal information for archival or historical purposes if (a) a reasonable person would not consider the personal information to be too sensitive to the individual to be disclosed at the proposed time, (b) the disclosure is for historical research and is in accordance with section 21, (c) the information is about someone who has been dead for 20 or more years, or (d) the information is in a record that has been in existence for 100 or more years.</p>
<p>Alberta</p>	<p><i>Health Information Act, R.S.A. 2000, c. H-5</i></p>	<p>S. 1(1) In this Act, [...] (w) “use” means to apply health information for a purpose and includes reproducing the information, but does not include disclosing the information.</p> <p>Part 4 – Use of Health Information</p> <p>S. 25 No custodian shall use health information except in accordance with this Act.</p> <p>S. 26 A custodian may use non-identifying health information for any purpose.</p> <p>S. 27(1) A custodian may use individually identifying health information in its custody or under its control for the following purposes: [...] (d) conducting research (i) if the custodian has submitted a proposal to an ethics committee in accordance with section 49, (ii) if the ethics committee is satisfied as to the matters referred to in section 50(1)(b), (iii) if the custodian has complied with or has undertaken to comply</p>

<p>Alberta</p>		<p>with the conditions, if any, suggested by the ethics committee, and (iv) where the ethics committee recommends that consents should be obtained from the individuals who are the subjects of the health information to be used in the research, if those consents have been obtained;</p> <p>S. 28 An affiliate of a custodian must not use health information in any manner that is not in accordance with the affiliate’s duties to the custodian.</p> <p>S. 29 A custodian that collects information described in section 1(1)(i), (o) or (u) that is not written, photographed, recorded or stored in some manner in a record may use the information only for the purpose for which the information was provided to the custodian.</p> <p>[Note: Sections 1(1)(i), (o) or (u) refer to “diagnostic, treatment and care information”, “health services provider information” or “registration information”, respectively. See “Definitions of ‘Personal Health Information’ and ‘Personal Information’”]</p> <p>S. 30 A person who is authorized to require an individual to provide a personal health number pursuant to section 21(1)(b) may use that information only for the purpose for which the information was collected.</p> <p>[Note: Section 21(1)(b) is reproduced in “Collection of Personal (Health) Information”]</p> <p>Part 5- Disclosure of Health Information</p> <p>Division 1- General Disclosure Rules</p> <p>S. 31 No custodian shall disclose health information except in accordance with this Act.</p> <p>S. 32(1) A custodian may disclose non-identifying health information for any purpose.</p> <p>(2) If a disclosure under subsection (1) is to a person that is not a custodian, the custodian must inform the person that the person must notify the Commissioner of an intention to use the information for data matching before performing the data matching.</p> <p>S. 33 A custodian may disclose individually identifying health information to the individual who is the subject of the information or to a person referred to in section 104(1)(c) to (i) who is acting on behalf of that individual.</p> <p>[Note: Sections 104(1)(c) to (i) are reproduced in “Substitute Decision-Making Respecting Personal (Health) Information in Privacy Legislation”]</p> <p>S. 34(1) Subject to sections 35 to 40, a custodian may disclose individually identifying health information to a person other than the individual who is the subject of the information if the individual has</p>
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<p>Alberta</p>	<p>consented to the disclosure. [...]</p> <p>(3) A disclosure of health information pursuant to this section must be carried out in accordance with the terms of the consent.</p> <p>S. 35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information</p> <p>(a) to another custodian for any or all of the purposes listed in section 27(1) or (2), as the case may be. [...]</p> <p>(c) to family members of the individual or to another person with whom the individual is believed to have a close personal relationship, if the information is given in general terms and concerns the presence, location, condition, diagnosis, progress and prognosis of the individual on the day on which the information is disclosed and the disclosure is not contrary to the express request of the individual, [...]</p> <p>S. 36 A custodian may disclose individually identifying registration information without the consent of the individual who is the subject of the information</p> <p>(a) for any of the purposes for which diagnostic, treatment and care information may be disclosed under section 35(1) or (4); [...]</p> <p>(c) to a person who is not a custodian if the disclosure is in accordance with the requirements set out in the regulations.</p> <p>S. 37(2) A custodian may disclose the health services provider information described in section 1(1)(o)(i) to (iii), (vii), (xiv), (xv), (xviii) and (xix) other than home address, telephone number and licence number, to any person for any purpose without the consent of the individual who is the subject of the information, unless the disclosure</p> <p>(a) would reveal other information about the health services provider, or</p> <p>(b) could reasonably be expected to result in</p> <p>(i) harm to the health services provider’s mental or physical health or safety, or</p> <p>(ii) undue financial harm to the health services provider.</p> <p>[Note: See “Definitions of ‘Personal Health Information’ and ‘Personal Information’” for sections 1(1)(o)(i) to (iii), (vii), (xiv), (xv), (xviii) and (xix)]</p> <p>S. 38 A custodian may disclose individually identifying health information without the consent of the individual who is the subject of the information to the Provincial Archives of Alberta or to any other archives that is subject to this Act or the Freedom of Information and Protection of Privacy Act, for the purposes of permanent preservation and historical research if, in the opinion of the custodian, the information has enduring value.</p> <p>S. 39(1) The Minister or the Department may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information to another Minister of the Government of Alberta for the purpose of developing</p>
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<p>Alberta</p>	<p>public policy.</p> <p>(2) The Minister or the Department may enter into an agreement with (a) another Minister of the Government of Alberta or a Minister of the Government of Canada or of any other province or territory, or (b) a person or entity in accordance with the regulations made pursuant to the Alberta Health Care Insurance Act, respecting the disclosure to the person referred to in clause (a) or (b), as the case may be, of individually identifying registration information without the consent of the individual who is the subject of the information.</p> <p>S. 40 A custodian other than the Minister may disclose individually identifying health information to the Minister without the consent of the individual who is the subject of the information if the disclosure is necessary or desirable in the opinion of the custodian to enable the Minister to carry out the duties of the Minister.</p> <p>S. 41(1) A custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1) or (4) must make a note of the following information: (a) the name of the person to whom the custodian discloses the information; (b) the date and purpose of the disclosure; (c) a description of the information disclosed.</p> <p>(2) The information referred to in subsection (1) must be retained by the custodian for a period of 10 years following the date of the disclosure.</p> <p>(3) An individual who is the subject of information referred to in subsection (1) may ask a custodian for access to and a copy of the information, and Part 2 applies to the request.</p> <p>S. 42(1) A custodian that discloses individually identifying diagnostic, treatment and care information must inform the recipient in writing of the purpose of the disclosure and the authority under which the disclosure is made.</p> <p>(2) Subsection (1) does not apply where the disclosure is (a) to another custodian under section 35(1)(a); [...]</p> <p>S. 43 An affiliate of a custodian must not disclose health information in any manner that is not in accordance with the affiliate’s duties to the custodian.</p> <p>S. 44 A custodian that collects information described in section 1(1)(i), (o) or (u) that is not written, photographed, recorded or stored in some manner in a record may disclose the information only for the purpose for which the information was provided to the custodian.</p> <p>[Note: Sections 1(1)(i), (o) or (u) refer to “diagnostic, treatment and care information”, “health services provider information”, or “registration information”, respectively. See “Definitions of ‘Personal Health Information’ and ‘Personal Information’”]</p>
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S. 45 A custodian that discloses health information must make a reasonable effort to ensure that the person to whom the disclosure is made is the person intended and authorized to receive the information.

Division 3 – Disclosure for Research Purposes

S. 48 In this Division, “health information” means individually identifying diagnostic, treatment and care information or individually identifying registration information, or both.

S. 49 A person who intends to conduct research may submit a proposal to an ethics committee for review by that committee.

S. 50(1) The ethics committee must

- (a) consider whether the researcher should be required to obtain consents for the disclosure of the health information to be used in the research from the individuals who are the subjects of the information, and
- (b) assess whether, in the opinion of the ethics committee,
 - (i) the proposed research is of sufficient importance that the public interest in the proposed research outweighs to a substantial degree the public interest in protecting the privacy of the individuals who are the subjects of the health information to be used in the research,
 - (ii) the researcher is qualified to carry out the research,
 - (iii) adequate safeguards will be in place at the time the research will be carried out to protect the privacy of the individuals who are the subjects of the health information to be used in the research and the confidentiality of that information, and
 - (iv) obtaining the consents referred to in clause (a) is unreasonable, impractical or not feasible.

(2) In making an assessment under subsection (1)(b), the ethics committee must consider the degree to which the proposed research may contribute to

- (a) identification, prevention or treatment of illness or disease,
- (b) scientific understanding relating to health,
- (c) promotion and protection of the health of individuals and communities,
- (d) improved delivery of health services, or
- (e) improvements in health system management.

(3) The ethics committee must prepare a response setting out

- (a) its recommendation under subsection (1)(a),
- (b) its assessment of the matters set out in subsection (1)(b), and
- (c) any conditions that the ethics committee considers should be imposed on the researcher.

(4) The ethics committee must send a copy of the response required in subsection (3) to the Commissioner.

S. 51 If the ethics committee is not satisfied as to any of the matters referred to in section 50(1)(b), the researcher may not apply to a custodian under section 52.

S. 52 If the ethics committee is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians

<p>Alberta</p>	<p>(a) the response of the ethics committee to the researcher's proposal, and (b) a written application for disclosure of the health information to be used in the research.</p> <p>S. 53(1) A custodian who has received the documents referred to in section 52 may, but is not required to, disclose the health information applied for.</p> <p>(2) If the custodian decides to disclose the health information, (a) the custodian (i) must impose on the researcher any conditions suggested by the ethics committee, and (ii) may impose other conditions on the researcher, and (b) the researcher must obtain the consents referred to in section 50(1)(a), if recommended by the ethics committee, prior to the disclosure.</p> <p>S. 54(1) If the custodian decides to disclose health information to a researcher, the researcher must enter into an agreement with the custodian in which the researcher agrees (a) to comply with (i) this Act and the regulations made under this Act, (ii) any conditions imposed by the custodian relating to the use, protection, disclosure, return or disposal of the health information, and (iii) any requirement imposed by the custodian to provide safeguards against the identification, direct or indirect, of an individual who is the subject of the health information, (b) to use the health information only for the purpose of conducting the proposed research, (c) not to publish the health information in a form that could reasonably enable the identity of an individual who is the subject of the health information to be readily ascertained, (d) not to make any attempt to contact an individual who is the subject of the health information to obtain additional health information unless the individual has provided the custodian with the consent referred to in section 55, (e) to allow the custodian to access or inspect the researcher's premises to confirm that the researcher is complying with the enactments, conditions and requirements referred to in clause (a), and (f) to pay the costs referred to in subsection (3).</p> <p>(2) When an agreement referred to in subsection (1) has been entered into, the custodian may disclose to the researcher the health information requested under s. 52 (a) with the consent of the individuals who are the subjects of the information, where the ethics committee recommends that consents should be obtained, or (b) without the consent of the individuals who are the subjects of the information, where the ethics committee does not recommend that consents be obtained.</p> <p>(3) The custodian may set the costs of (a) preparing information for disclosure, (b) making copies of health information, and</p>
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<p>Alberta</p>	<p>(c) obtaining the consents referred to in s. 55, which must not exceed the actual cost of providing that service.</p> <p>(4) If the researcher contravenes or fails to meet the terms and conditions of an agreement under this section, the agreement is cancelled.</p> <p>S. 55 If the researcher wishes to contact the individuals who are the subjects of the information disclosed under section 54(2) to obtain additional health information, the custodian or an affiliate of the custodian must first obtain consents from those individuals to their being contacted for that purpose.</p> <p>S. 56(1) If a researcher refuses to allow a custodian to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian may apply to the Court of Queen’s Bench by notice of motion for an order under subsection (2).</p> <p>(2) If the Court is satisfied that there are reasonable and probable grounds to believe that access to premises or the production or removal of documents is necessary for the purpose of determining whether an agreement referred to in section 54 is being complied with, the Court may make any order it considers necessary to enforce compliance with the agreement.</p> <p>(3) Where authorized to do so by an order under subsection (2), a custodian may</p> <p>(a) enter and search any premises of the researcher where the research is conducted,</p> <p>(b) operate or cause to be operated any computer system of the researcher to search any data contained in or available to the system and produce a document from the data, and</p> <p>(c) seize and make copies of any documents of the researcher that are or may be relevant to the investigation.</p> <p>(4) An application for an order under this section may be made ex parte unless the Court orders otherwise.</p> <p>(5) The custodian must return any documents seized pursuant to a court order within 60 days after the conclusion of the investigation that gave rise to the seizure, including any hearing or appeal.</p> <p>(6) In this section, “document” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable record or other material or thing, regardless of physical form or characteristics.</p> <p>Part 6 – Duties and Powers of Custodians Relating to Health Information</p> <p>Division 1 – General Duties and Powers</p> <p>57(1) In this section, “aggregate health information” means non-identifying health information about groups of individuals.</p>
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Alberta

(2) A custodian that intends to collect, use or disclose health information must first consider whether collection, use or disclosure of aggregate health information is adequate for the intended purpose, and if so, the custodian must collect, use or disclose only aggregate health information.

(3) If the custodian believes that collecting, using or disclosing aggregate health information is not adequate for the custodian's intended purpose, the custodian must then consider whether collection, use or disclosure of other non-identifying health information is adequate for the intended purpose, and if so, the custodian may collect, use or disclose other non-identifying health information.

(4) If the custodian believes that collecting, using or disclosing aggregate and other non-identifying health information is not adequate for the custodian's intended purpose, the custodian may collect, use or disclose individually identifying health information if the collection, use or disclosure

(a) is authorized by this Act, and

(b) is carried out in accordance with this Act.

(5) This section does not apply where the collection, use or disclosure is for the purpose of

(a) providing health services, or

(b) determining or verifying the eligibility of an individual to receive a health service.

S. 58(1) When collecting, using or disclosing health information, a custodian must, in addition to complying with section 57, collect, use or disclose only the amount of health information that is essential to enable the custodian or the recipient of the information, as the case may be, to carry out the intended purpose.

(2) In deciding how much health information to disclose, a custodian must consider as an important factor any expressed wishes of the individual who is the subject of the information relating to the disclosure of the information, together with any other factors the custodian considers relevant.

S. 61 Before using or disclosing health information that is in its custody or under its control, a custodian must make a reasonable effort to ensure that the information is accurate and complete.

S. 62(1) Each custodian must identify its affiliates who are responsible for ensuring that this Act, the regulations and the policies and procedures established or adopted under section 63 are complied with.

(2) Any collection, use or disclosure of health information by an affiliate of a custodian is considered to be collection, use or disclosure by the custodian.

(3) Any disclosure of health information to an affiliate of a custodian is considered to be disclosure to the custodian.

(4) Each affiliate of a custodian must comply with

(a) this Act and the regulations, and

<p>Alberta</p>		<p>(b) the policies and procedures established or adopted under section 63.</p> <p>63(1) Each custodian must establish or adopt policies and procedures that will facilitate the implementation of this Act and the regulations.</p> <p>(2) A custodian must at the request of the Minister or the Department provide the Minister or the Department, as the case may be, with a copy of the policies and procedures established or adopted under this section.</p> <p>S. 64(1) Each custodian must prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information.</p> <p>(2) The custodian must submit the privacy impact assessment to the Commissioner for review and comment before implementing any proposed new practice or system described in subsection (1) or any proposed change to existing practices and systems described in subsection (1).</p> <p>S. 65 A custodian may, in accordance with the regulations, strip, encode or otherwise transform individually identifying health information to create non-identifying health information.</p> <p>Part 8 – General Provisions</p> <p>S. 108(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(f) respecting the disclosure of individually identifying registration information by custodians to persons who are not custodians for the purposes of section 36(c); [...]</p> <p>(i) respecting the stripping, encoding or other transformation of individually identifying health information to create non-identifying health information pursuant to section 65 ... [...]</p> <p>(2) The Minister may make regulations</p> <p>(a) designating committees as ethics committees for the purposes of sections 48 to 56; [...]</p>
	<p>Health Information Act, Health Information Regulation, 70/2001</p>	<p>S. 8(4) In order to ensure the privacy and confidentiality of health information that is to be stored or used by a person in a jurisdiction outside Alberta or that is to be disclosed to a person in a jurisdiction outside Alberta, the custodian must, prior to the storage, use or disclosure of the information, enter into a written agreement with the person that</p> <p>(a) provides for the custodian to retain control over the health information,</p> <p>(b) adequately addresses the risks associated with the storage, use or disclosure of the health information,</p> <p>(c) requires the person to implement and maintain adequate safeguards for the security and protection of the health information,</p> <p>(d) allows the custodian to monitor compliance with the terms and conditions of the agreement, and</p>

<p>Alberta</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>(e) contains remedies to address any non-compliance with or breach of the terms and conditions of the agreement by the other person.</p> <p>PART 2 PROTECTION OF PRIVACY</p> <p>Division 2 Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 39(1) A public body may use personal information only</p> <p>(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,</p> <p>(b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or</p> <p>(c) for a purpose for which that information may be disclosed to the public body under section 40, 42 or 43.</p> <p>[...]</p> <p>(4) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.</p> <p>S. 40(1) A public body may disclose personal information only</p> <p>[...]</p> <p>(c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose,</p> <p>(d) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure,</p> <p>[...]</p> <p>(h) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member,</p> <p>(i) to an officer or employee of a public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed,</p> <p>[...]</p> <p>(t) in accordance with section 42 or 43, [...]</p> <p>(4) A public body may disclose personal information only to the extent necessary to enable the public body to carry out the purposes described in subsections (1), (2) and (3) in a reasonable manner.</p> <p>S. 41 For the purposes of sections 39(1)(a) and 40(1)(c), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure</p> <p>(a) has a reasonable and direct connection to that purpose, and</p> <p>(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.</p> <p>S. 42 A public body may disclose personal information for a research purpose, including statistical research, only if</p> <p>(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research</p>
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<p>Alberta</p>		<p>purpose has been approved by the Commissioner,</p> <p>(b) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest,</p> <p>(c) the head of the public body has approved conditions relating to the following:</p> <ul style="list-style-type: none"> (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and (iii) the prohibition of any subsequent use or disclosure of the information in individually identifiable form without the express authorization of that public body, <p>and</p> <p>(d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.</p> <p>PART 3 DISCLOSURE OF INFORMATION IN ARCHIVES</p> <p>S. 43(1) The Provincial Archives of Alberta and the archives of a public body may disclose</p> <p>(a) personal information in a record that</p> <ul style="list-style-type: none"> (i) has been in existence for 25 years or more if the disclosure <ul style="list-style-type: none"> (A) would not be an unreasonable invasion of personal privacy under section 17, or (B) is in accordance with section 42, or (ii) is contained in a record that has been in existence for 75 years or more; <p>[...]</p>
	<p><i>Freedom of Information and Protection of Privacy Act Regulation, Alta. Reg. 200/95</i></p>	<p>Researcher Agreements</p> <p>S. 8 An agreement under section 42 of the Act must include the following:</p> <ul style="list-style-type: none"> (a) that the person may use the personal information only for a research purpose set out in the agreement or for which the person has written authorization from the public body; (b) the names of any other persons who will be given access to the personal information; (c) that, before disclosing personal information to persons referred to in clause (b), the person must enter into an agreement with those persons to ensure that they will adhere to the same policies and procedures of confidentiality as described in section 42(d) of the Act; (d) that the person must keep the personal information in a secure location to which access is given only to the persons referred to in clause (b); (e) that the person must remove or destroy all individual identifiers in the personal information by the date and in the manner specified in the agreement; (f) that the person must not contact any individual to whom the personal information relates, directly or indirectly, without the prior written authority of the public body; (g) that the person must ensure that no personal information will be used

<p>Alberta</p>		<p>or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body;</p> <p>(h) that the person must ensure that identifiable personal information about an individual is not used for an administrative purpose directly affecting the individual;</p> <p>(i) that the person must notify the public body in writing immediately if the person becomes aware that any of the conditions set out in the agreement have been breached;</p> <p>(j) that, if a person fails to meet the conditions of the agreement, the agreement may be immediately cancelled and the person may be guilty of an offence under section 92(1) of the Act.</p>
	<p><i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i></p>	<p>Part 2 – Protection of Personal Information</p> <p>Division 2 - Consent</p> <p>S.7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual, [...]</p> <p>(c) use that information unless the individual consents to the use of that information, or</p> <p>(d) disclose that information unless the individual consents to the disclosure of that information.</p> <p>Division 4 - Use of Personal Information</p> <p>S. 16(1) An organization may use personal information only for purposes that are reasonable.</p> <p>(2) Where an organization uses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is used.</p> <p>S. 17 An organization may use personal information about an individual without the consent of the individual but only if one or more of the following are applicable: [...]</p> <p>(b) the use of the information is pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the use;</p> <p>(c) the information was collected by the organization from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the information to the organization; [...]</p> <p>(e) the information is publicly available; [...]</p> <p>(h) the information may be disclosed by an organization without the consent of the individual under section 20; [...]</p> <p>(k) the organization using the information is an archival institution and the use of the information is reasonable for archival purposes or research;</p> <p>(l) the use of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.</p> <p>Division 5 – Disclosure of Personal Information</p>

<p>Alberta</p>		<p>S. 19(1) An organization may disclose personal information only for purposes that are reasonable.</p> <p>(2) Where an organization discloses personal information, it may do so only to the extent that is reasonable for meeting the purposes for which the information is disclosed.</p> <p>S. 20 An organization may disclose personal information about an individual without the consent of the individual but only if one or more of the following are applicable:</p> <p>[...]</p> <p>(j) the information is publicly available;</p> <p>[...]</p> <p>(p) the organization disclosing the information is an archival institution and the disclosure of the information is reasonable for archival purposes or research;</p> <p>(q) the disclosure of the information meets the requirements respecting archival purposes or research set out in the regulations and it is not reasonable to obtain the consent of the individual whom the information is about.</p>
	<p><i>Personal Information Protection Act Regulation, Alta. Reg. 366/2003</i></p>	<p>Part 4 – Archival Purposes and Research</p> <p>S. 12(1) An archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in the appraisal, acquisition, conservation, arrangement and description of records.</p> <p>(2) An archival institution may disclose personal information about an individual without the consent of the individual for a research purpose but only if</p> <p>(a) in the case of individually identifiable information, the disclosure is necessary for the research purpose,</p> <p>(b) the disclosure is not harmful to the individual concerned,</p> <p>(c) the research purpose is not contrary to the purposes and intent of the Act, and</p> <p>(d) either</p> <p>(i) a reasonable person, taking into consideration all relevant circumstances, would find that disclosure of the personal information was appropriate at the time, or</p> <p>(ii) the information is disclosed under a research agreement.</p> <p>(3) If personal information is to be disclosed under a research agreement, the person to whom the information is to be disclosed must agree to do all of the following:</p> <p>(a) to use the information only for the research purpose;</p> <p>(b) to make reasonable security arrangements to protect the information;</p> <p>(c) to maintain the confidentiality of the information;</p> <p>(d) to not contact any individual to whom the information relates;</p> <p>(e) to remove or destroy, at the earliest reasonable time, individual identifiers;</p> <p>(f) to not disclose the information in individually identifiable form;</p> <p>(g) to notify the archival institution immediately of a breach of the agreement.</p> <p>S. 13 An archival institution shall not use or disclose personal information that is contained in its archival records for any purpose other</p>

<p>Alberta</p>		<p>than for archival purposes or research purposes.</p> <p>S. 14(1) An organization that is not an archival institution may, for archival purposes, collect and use personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in</p> <p>(a) the acquisition of records of historical importance for transfer to an archival institution, and</p> <p>(b) the preparation of organizational records for archival appraisal and transfer to an archival institution.</p> <p>(2) An organization that is not an archival institution may, for archival purposes, disclose personal information about an individual without the consent of the individual and, as part of carrying out the archival purposes, may engage in</p> <p>(a) the obtaining of an archival appraisal of the organization's record, and</p> <p>(b) the transferring of custody and control of the organization's records to an archival institution.</p> <p>(3) An organization that is not an archival institution may, under a research agreement, disclose personal information about an individual without the consent of the individual but only if</p> <p>(a) the person to whom the information is to be disclosed agrees to comply with the same requirements as those established in respect of archival institutions under section 12(3),</p> <p>(b) the research has been approved by a recognized research ethics review committee, and</p> <p>(c) the researcher has agreed to any additional conditions imposed by the ethics review committee.</p>
<p>Saskatchewan</p>	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>S. 1(1) In this Act: [...]</p> <p>(u) “use” includes reference to or manipulation of personal health information by the trustee that has custody or control of the information, but does not include disclosure to another person or trustee.</p> <p>PART II Rights of the Individual</p> <p>S. 5(1) Subject to subsection (2), an individual has the right to consent to the use or disclosure of personal health information about himself or herself.</p> <p>(2) A trustee shall use or disclose personal health information about an individual only:</p> <p>(a) with the consent of the subject individual; or</p> <p>(b) in accordance with a provision of this Act that authorizes the use or disclosure.</p> <p>S. 8(1) An individual has the right to prevent access to a comprehensive health record of that individual's personal health information.</p> <p>(2) In the case of a comprehensive health record created and controlled by the Saskatchewan Health Information Network, the subject individual may require that the record not be disclosed to trustees by giving a written direction, in the prescribed form, to the Saskatchewan Health</p>

<p>Saskatchewan</p>	<p>Information Network.</p> <p>(3) In the case of a comprehensive health record created and controlled by a person prescribed for the purposes of subsection 18.1(1), the subject individual may require that the record not be disclosed to trustees by giving a written direction, in the prescribed form, to the prescribed person.</p> <p>(4) The Saskatchewan Health Information Network shall comply with every written direction pursuant to subsection (2) that it receives, and each prescribed person shall comply with every written direction pursuant to subsection (3) that the prescribed person receives.</p> <p>S. 9(1) An individual has the right to be informed about the anticipated uses and disclosures of the individual's personal health information.</p> <p>(2) When a trustee is collecting personal health information from the subject individual, the trustee must take reasonable steps to inform the individual of the anticipated use and disclosure of the information by the trustee.</p> <p>(3) A trustee must establish policies and procedures to promote knowledge and awareness of the rights extended to individuals by this Act, including the right to request access to their personal health information and to request amendment of that personal health information.</p> <p>S. 10(1) A trustee must take reasonable steps to ensure that the trustee is able to inform an individual about any disclosures of that individual's personal health information made without the individual's consent after the coming into force of this section.</p> <p>(2) This section does not apply to the disclosure of personal health information for the purposes or in the circumstances set out in subsection 27(2).</p> <p>PART III Duty of Trustee to Protect Personal Health Information</p> <p>S. 20(1) Where one trustee discloses personal health information to another trustee, the information may become a part of the records of the trustee to whom it is disclosed, while remaining part of the records of the trustee that makes the disclosure.</p> <p>(2) Where personal health information disclosed by one trustee becomes a part of the records of the trustee to whom the information is disclosed, the trustee to whom the information is disclosed is subject to the same duties with respect to that information as the trustee that discloses the information.</p> <p>S. 21 Where a trustee discloses personal health information to a person who is not a trustee, the trustee must:</p> <p>(a) take reasonable steps to verify the identity of the person to whom the information is disclosed; and</p> <p>(b) where the disclosure is made without the consent of the subject</p>
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individual, take reasonable steps to ensure that the person to whom the information is disclosed is aware that the information must not be used or disclosed for any purpose other than the purpose for which it was disclosed unless otherwise authorized pursuant to this Act.

PART IV
Limits on Collection, Use and Disclosure of Personal Health Information by Trustees

S. 23(1) A trustee shall collect, use or disclose only the personal health information that is reasonably necessary for the purpose for which it is being collected, used or disclosed.

(2) A trustee must establish policies and procedures to restrict access by the trustee's employees to an individual's personal health information that is not required by the employee to carry out the purpose for which the information was collected or to carry out a purpose authorized pursuant to this Act.

(4) A trustee must, where practicable, use or disclose only de-identified personal health information if it will serve the purpose.

S. 26(1) A trustee shall not use personal health information in the custody or control of the trustee except with the consent of the subject individual or in accordance with this section.

(2) A trustee may use personal health information:

- (a) for a purpose for which the information may be disclosed by the trustee pursuant to section 27, 28 or 29;
- (b) for the purposes of de-identifying the personal health information;
- (c) for a purpose that will primarily benefit the subject individual; or
- (d) for a prescribed purpose.

(3) Nothing in subsection (2) authorizes a trustee as an employer to use or obtain access to the personal health information of an individual who is an employee or prospective employee for any purpose related to the employment of the individual without the individual's consent.

27(1) A trustee shall not disclose personal health information in the custody or control of the trustee except with the consent of the subject individual or in accordance with this section, section 28 or section 29.

(2) A subject individual is deemed to consent to the disclosure of personal health information:

- (a) for the purpose for which the information was collected by the trustee or for a purpose that is consistent with that purpose;
- (b) for the purpose of arranging, assessing the need for, providing, continuing, or supporting the provision of, a service requested or required by the subject individual;

[...]

(3) A trustee shall not disclose personal health information on the basis of a consent pursuant to subsection (2) unless:

- (a) in the case of a trustee other than a health professional, the trustee has established policies and procedures to restrict the disclosure of personal

health information to those persons who require the information to carry out a purpose for which the information was collected or to carry out a purpose authorized pursuant to this Act; or
 (b) in the case of a trustee who is a health professional, the trustee makes the disclosure in accordance with the ethical practices of the trustee's profession.

(4) A trustee may disclose personal health information in the custody or control of the trustee without the consent of the subject individual in the following cases:

[...]

(e) if the subject individual is deceased:

(i) where the disclosure is being made to the personal representative of the subject individual for a purpose related to the administration of the subject individual's estate; or

(ii) where the information relates to circumstances surrounding the death of the subject individual or services recently received by the subject individual, and the disclosure:

(A) is made to a member of the subject individual's immediate family or to anyone else with whom the subject individual had a close personal relationship; and

(B) is made in accordance with established policies and procedures of the trustee, or where the trustee is a health professional, made in accordance with the ethical practices of that profession;

(k) where the disclosure is being made for the purpose of:

[...]

(ii) planning, delivering, evaluating or monitoring a program of the trustee;

[...]

(n) in the case of a trustee who controls the operation of a pharmacy as defined in *The Pharmacy Act, 1996*, a physician, a dentist or the minister, where the disclosure is being made pursuant to a program to monitor the use of drugs that is authorized by a bylaw made pursuant to *The Medical Profession Act, 1981* and approved by the minister;

(o) in the case of a trustee who controls the operation of a pharmacy as defined in *The Pharmacy Act, 1996*, where the disclosure is being made pursuant to a program to monitor the use of drugs that is authorized by a bylaw made pursuant to *The Pharmacy Act, 1996* and approved by the minister;

(p) in prescribed circumstances.

S. 29(1) A trustee or a designated archive may use or disclose personal health information for research purposes with the express consent of the subject individual if:

(a) in the opinion of the trustee or designated archive, the research project is not contrary to the public interest;

(b) the research project has been approved by a research ethics committee approved by the minister; and

(c) the person who is to receive the personal health information enters into an agreement with the trustee or designated archive that contains provisions:

(i) providing that the person who is to receive the information must not disclose the information;

(ii) providing that the person who is to receive the information will ensure that the information will be used only for the purpose set out in

the agreement;
 (iii) providing that the person who is to receive the information will take reasonable steps to ensure the security and confidentiality of the information; and
 (iv) specifying when the person who is to receive the information must do all or any of the following:
 (A) return to the trustee or designated archive any original records or copies of records containing personal health information;
 (B) destroy any copies of records containing personal health information received from the trustee or designated archive or any copies made by the researcher of records containing personal health information received from the trustee or designated archive.

(2) Where it is not reasonably practicable for the consent of the subject individual to be obtained, a trustee or designated archive may use or disclose personal health information for research purposes if:
 (a) the research purposes cannot reasonably be accomplished using de-identified personal health information or other information;
 (b) reasonable steps are taken to protect the privacy of the subject individual by removing all personal health information that is not required for the purposes of the research;
 (c) in the opinion of the research ethics committee, the potential benefits of the research project clearly outweigh the potential risk to the privacy of the subject individual; and
 (d) all of the requirements set out in clauses (1)(a) to (c) are met.

S. 30(1) No person who is aware, or should reasonably be aware, that he or she has received personal health information in contravention of this Act shall use or disclose the information without the consent of the subject individual or, where the subject individual is deceased, without the consent of a prescribed person.

(2) Subsection (1) does not apply to personal health information disclosed by a trustee to a member of the subject individual's immediate family or to anyone else with whom the subject individual has a close personal relationship.

PART VIII **General**

S. 57 Where information about a trustee or the activities of a trustee is collected in conjunction with the collection of personal health information and regulations are made pursuant to clause 63(1)(w) governing that information, no person shall use or disclose the information about the trustee or the trustee's activities except in accordance with those regulations.

S. 63(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

[...]

(m) prescribing purposes for which a trustee may use personal health information pursuant to clause 26(2)(d);

[...]

(o) for the purposes of clause 27(4)(p), prescribing circumstances in which personal health information in the custody or control of a trustee

Saskatchewan		<p>may be disclosed without the consent of the subject individual; [...] (w) for the purposes of section 57, governing the use and disclosure of information respecting trustees and their activities; [...]</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01</i></p>	<p>PART IV PROTECTION OF PRIVACY</p> <p>S. 28 No government institution shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except: (a) for the purpose of which the information was obtained or compiled, or for a use that is consistent with that purpose; or (b) for a purpose for which the information may be disclosed to the government institution pursuant to subsection 29(2).</p> <p>S. 29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.</p> <p>(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed: (a) for the purpose for which the information was obtained or compiled by the government institution or for a use that is consistent with that purpose; (or) [...] (k) to any person or body for research or statistical purposes if the head: (i) is satisfied that the purpose for which the information is to be disclosed is not contrary to the public interest and cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates; and (ii) obtains from the person or body a written agreement not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates; [...]</p> <p>S. 29(4) Subject to any other Act or regulation, the Provincial Archivist may release personal information that is in the possession or under the control of The Saskatchewan Archives Board where, in opinion of the Provincial Archivist, the release would not constitute an unreasonable invasion of privacy.</p> <p>S. 30(1) Subject to subsection (2) and to any other Act, the personal information of a deceased individual shall not be disclosed until 25 years after the death of the individual.</p> <p>(2) Where, in the opinion of the head, disclosure of the personal information of a deceased individual to the individual's next of kin would not constitute an unreasonable invasion of privacy, the head may disclose that personal information before 25 years have elapsed after the individual's death.</p>

<p>Saskatchewan</p>	<p><i>The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1</i></p>	<p>S. 27 No local authority shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except:</p> <p>(a) for the purpose for which the information was obtained or compiled, or for a use that is inconsistent with that purpose; or</p> <p>(b) for a purpose for which the information may be disclosed to the local authority pursuant to subsection 28(2).</p> <p>S. 28(1) No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 29.</p> <p>(2) Subject to any other Act or regulation, personal information in the possession or under the control of a local authority may be disclosed:</p> <p>(a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is inconsistent with that purpose; [...]</p> <p>(i) for the purpose of complying with:</p> <p>(i) an Act or a regulation;</p> <p>(ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or</p> <p>(iii) a treaty, agreement or arrangement made pursuant to an Act or an Act of the Parliament of Canada; [...]</p> <p>(k) to any person or body for research or statistical purposes if the head:</p> <p>(i) is satisfied that the purpose for which the information is to be disclosed is not contrary to the public interest and cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates; and</p> <p>(ii) obtains from the person or body a written agreement not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates; [...]</p> <p>(p) where the information is publicly available; [...]</p> <p>(r) for any purpose in accordance with any Act or regulation that authorizes disclosure; or</p> <p>(s) as prescribed in the regulations.</p> <p>S. 29(1) Subject to subsection (2) and to any other Act, the personal information of a deceased individual shall not be disclosed until 25 years after the death of the individual.</p> <p>(2) Where, in the opinion of the head, the disclosure of personal information of a deceased individual to the individual's next of kin would not constitute an unreasonable invasion of privacy, the head may disclose that personal information before 25 years have elapsed after the individual's death.</p> <p>S. 57 The Lieutenant Governor in Council may make regulations: [...]</p> <p>(i) for the purposes of clause 28(2)(s), prescribing:</p> <p>(i) purposes for which personal information may be disclosed;</p> <p>(ii) circumstances in which personal information may be disclosed;</p>
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Saskatchewan	<p><i>The Local Authority Freedom of Information and Protection of Privacy Act Regulations, R.R.S. 2000, c. L-27.1</i></p>	<p>(iii) persons to whom personal information may be disclosed; [...]</p> <p>S. 10 For the purposes of clause 28(2)(s) of the Act, personal information may be disclosed: [...]</p> <p>(b) to an individual or body providing consulting or other services to a local authority if the individual or body agrees not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates; [...]</p> <p>(g) to any person where the information pertains to: (i) the performance of any function or duty or the carrying out of any responsibility by an officer or employee of a local authority; [...]</p>
Manitoba	<p><i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 3 RESTRICTIONS ON USE AND DISCLOSURE OF INFORMATION</p> <p>GENERAL DUTIES OF TRUSTEES</p> <p>S. 20(1) A trustee shall not use or disclose personal health information except as authorized under this Division.</p> <p>(2) Every use and disclosure by a trustee of personal health information must be limited to the minimum amount of information necessary to accomplish the purpose for which it is used or disclosed.</p> <p>(3) A trustee shall limit the use and disclosure of personal health information it maintains to those of its employees and agents who need to know the information to carry out the purpose for which the information was collected or received or to carry out a purpose authorized under section 21.</p> <p>RESTRICTIONS ON USE OF INFORMATION</p> <p>S. 21 A trustee may use personal health information only for the purpose for which it was collected or received, and shall not use it for any other purpose, unless</p> <p>(a) the other purpose is directly related to the purpose for which the personal health information was collected or received;</p> <p>(b) the individual the personal health information is about has consented to the use; [...]</p> <p>(d) the trustee is a public body or a health care facility and the personal health information is used</p> <p>(i) to deliver, monitor or evaluate a program that relates to the provision of health care or payment for health care by the trustee, or</p> <p>(ii) for research and planning that relates to the provision of health care or payment for health care by the trustee; (or)</p> <p>(e) the purpose is one for which the information may be disclosed to the trustee under section 22; [...]</p>

RESTRICTIONS ON DISCLOSURE OF INFORMATION

S. 22(1) Except as permitted by subsection (2), a trustee may disclose personal health information only if

- (a) the disclosure is to the individual the personal health information is about or his or her representative; or
- (b) the individual the information is about has consented to the disclosure.

(2) A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is

- (a) to a person who is providing or has provided health care to the individual, to the extent necessary to provide health care to the individual, unless the individual has instructed the trustee not to make the disclosure;

[...]

(f) in accordance with section 23 (disclosure to patient's family) 24 (disclosure for health research) or 25 (disclosure to an information manager);

(g) for the purpose of

- (i) delivering, evaluating or monitoring a program of the trustee that relates to the provision of health care or payment for health care, or
- (ii) for research and planning that relates to the provision of health care or payment for health care by the trustee; (or)

(h) to a computerized health information network and database, established by the government or another trustee that is a public body specified in the regulations, in which personal health information is recorded for the purpose of facilitating

- (i) the delivery, evaluation or monitoring of a program that relates to the provision of health care or payment for health care, or
- (ii) research and planning that relates to the provision of health care or payment for health care;

[...]

(3) A trustee may disclose information under subsection (2) only to the extent the recipient needs to know the information.

S. 23(1) If an individual is a patient or resident in a health care facility, the trustee may disclose personal health information about the individual to an immediate family member, or to anyone else with whom the individual is known to have a close personal relationship, if

- (a) the disclosure is about health care currently being provided;
- (b) the disclosure is made in accordance with good medical or other professional practice; and
- (c) the trustee reasonably believes the disclosure to be acceptable to the individual or his or her representative.

(2) As long as disclosure is not contrary to the express request of the individual or his or her representative, a trustee may disclose to any person the following information about an individual who is a patient or resident of a health care facility:

- (a) the individual's name;
- (b) the individual's general health status, described as critical, poor, fair, stable or satisfactory, or in terms indicating similar conditions;
- (c) the individual's location, unless disclosure of the location would

reveal specific information about the health of the individual.

(3) A trustee shall not disclose personal health information under this section if the trustee has reason to believe that the disclosure might lead to harm to the individual the personal health information is about.

HEALTH RESEARCH

S. 24(1) A trustee may disclose personal health information to a person conducting a health research project only if the project has been approved under this section.

(2) An approval may be given by
 (a) the health information privacy committee established under section 59, if the personal health information is maintained by the government or a government agency; and
 (b) an institutional research review committee, if the personal health information is maintained by a trustee other than the government or a government agency.

(3) An approval may be given under this section only if the health information privacy committee or the institutional research review committee, as the case may be, has determined that
 (a) the research is of sufficient importance to outweigh the intrusion into privacy that would result from the disclosure of personal health information;
 (b) the research purpose cannot reasonably be accomplished unless the personal health information is provided in a form that identifies or may identify individuals;
 (c) it is unreasonable or impractical for the person proposing the research to obtain consent from the individuals the personal health information is about; and
 (d) the research project contains
 (i) reasonable safeguards to protect the confidentiality and security of the personal health information, and
 (ii) procedures to destroy the information or remove all identifying information at the earliest opportunity consistent with the purposes of the project.

(4) An approval under this section is conditional on the person proposing the research project entering into an agreement with the trustee, in accordance with the regulations, in which the person agrees
 (a) not to publish the personal health information requested in a form that could reasonably be expected to identify the individuals concerned;
 (b) to use the personal health information requested solely for the purposes of the approved research project; and
 (c) to ensure that the research project complies with the safeguards and procedures described in clause (3)(d).

(5) If a research project will require direct contact with individuals, a trustee shall not disclose personal health information about those individuals under this section without first obtaining their consent. However, the trustee need not obtain their consent if the information consists only of the individuals' names and addresses.

<p>Manitoba</p>		<p>PHIN (personal health information number)</p> <p>S. 26(1) No person other than a trustee may require the production of another person’s PHIN or collect or use another person’s PHIN.</p> <p>(2) Despite subsection (1), a person may collect or use another person’s PHIN [...] (b) for purposes of a health research project approved under section 24; [...]</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 66(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(d) requiring trustees to provide notice to individuals about (i) the right to examine and copy and to correct personal health information, and (ii) the practices of the trustee respecting the collection, use, retention and disclosure of personal health information, and providing for the form and content of such notices; (e) respecting the giving of authorizations and consents by individuals under this Act; [...] (g) requiring trustees to maintain a record of disclosures of personal health information made under this Act; [...] (i) specifying public bodies for the purpose of clause 22(2)(h); (j) respecting agreements for the purposes of subsections 24(4) and 25(3); (k) for the purpose of clause 26(2)(c), permitting the collection and use of a person’s PHIN number for specified purposes or by specified persons or bodies; (l) governing the disclosure of personal health information to persons or bodies outside Manitoba; (m) respecting the appointment of members of the health information privacy committee established under section 59 and governing the duties and functions of the committee and all related matters; [...]</p>
	<p><i>Personal Health Information Regulation, Manitoba Regulation 245/97</i></p>	<p>Definitions</p> <p>S. 1 In this regulation, [...] “use” in relation to personal health information, includes processing, reproduction, transmission and transportation of information.</p> <p>Functions of the health information privacy committee</p> <p>S. 8.1(1) The health information privacy committee shall ensure that each request for approval of a health research project under section 24 of the Act includes the following information: (a) the purpose of the health research; (b) the name of the principal researcher or researchers responsible for the project, including any collaborating researchers if the project is multi-centre in scope; (c) the duration of the project, the date of commencement and the projected date it will conclude;</p>

<p>Manitoba</p>		<p>(d) a detailed description of the personal health information required for the research;</p> <p>(e) a description of any possible linkage or merging of the personal health information with other information and the rationale for that linkage or merger;</p> <p>(f) whether the research project will require direct contact with individuals;</p> <p>(g) a description of the methods to be employed to maintain security of the personal health information, including disposal of the information;</p> <p>(h) the names of persons who will receive the project results, including any proposed submissions for publication;</p> <p>(i) identification of the sources and duration of funding for the research project;</p> <p>(j) confirmation satisfactory to the committee that the research project has been approved by an institutional research review committee;</p> <p>(k) any additional information the committee considers necessary.</p> <p>S. 8.3 An agreement between a trustee and a researcher under subsection 24(4) of the Act must be in writing and must adequately identify the research project for which approval is given.</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 3 RESTRICTIONS ON USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>GENERAL DUTIES OF PUBLIC BODIES</p> <p>S. 42(1) A public body shall not use or disclose personal information except as authorized under this Division.</p> <p>(2) Every use and disclosure by a public body of personal information must be limited to the minimum amount of information necessary to accomplish the purpose for which it is used or disclosed.</p> <p>(3) A public body shall limit the use and disclosure of personal information in its custody or under its control to those of its employees or agents who need to know the information to carry out the purpose for which the information was collected or received or to carry out a purpose authorized under Section 43.</p> <p>S. 43 A public body may use personal information only</p> <p>(a) for the purpose for which the information was collected or compiled under subsection 36(1) [Note: See “Collection of Personal (Health) Information”] or for a use consistent with that purpose under section 45;</p> <p>(b) if the individual the information is about has consented to the use; or</p> <p>(c) for a purpose for which that information may be disclosed to the public body under section 44, 46, 47 or 48 or for a use approved under section 46.</p> <p>RESTRICTIONS ON DISCLOSURE OF INFORMATION</p> <p>S. 44(1) A public body may disclose personal information only</p> <p>(a) for the purpose for which the information was collected or compiled</p>

under subsection 36(1) [**Note: See “Collection of Personal (Health) Information”**] or for a use consistent with that purpose under section 45;
 (b) if the individual the information is about has consented to its disclosure; (or)
 [...]
 (c) in accordance with sections 46, 47 or 48.

S. 45 For the purpose of clauses 43(a) and 44(1)(a), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure
 (a) has a reasonable and direct connection to that purpose; and
 (b) is necessary for performing the statutory duties of, or for operating an authorized program or carrying out an activity of, the public body that uses or discloses the information.

S. 47(1) A public body may disclose personal information for a research purpose only in accordance with this section.

(2) The head of a public body that receives a request for disclosure of personal information for a research purpose may refer the request to the review committee for its advice.

(3) The review committee shall assess the request and provide advice to the head of the public body about the matters referred to in subsection (4).

(4) The head of the public body may disclose personal information for a research purpose only if

(a) any advice that was requested from the review committee has been received and considered;

(b) the head is satisfied that

(i) the personal information is requested for a *bona fide* research purpose,

(ii) the research purpose cannot reasonably be accomplished unless the personal information is provided in a form that identifies individuals,

(iii) it is unreasonable or impractical for the person proposing the research to obtain consent from the individuals the personal information is about, and

(iv) disclosure of the personal information, and any information linkage, is not likely to harm the individuals the information is about and the benefits to be derived from the research and any information linkage are clearly in the public interest;

(c) the head of the public body has approved conditions relating to

(i) the protection of the personal information, including use, security and confidentiality,

(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and

(iii) the prohibition of any subsequent use or disclosure of the personal information in a form that identifies individuals without the express written authorization of the public body; and

(d) the person to whom the personal information is disclosed has entered into a written agreement to comply with the approved conditions.

S. 48 The head of a public body or the archives of a public body may disclose personal information in a record that is more than 100 years old.

<p>Manitoba</p>		<p>PART 6 GENERAL PROVISIONS</p> <p>S. 87 The Lieutenant Governor in Council may make regulations [...]</p> <p>(i) respecting written agreements for the purposes of sections 44, 46 and 47; [...]</p> <p>(k) respecting the appointment of members of the review committee established under section 77 and governing the duties and functions of the review committee and all related matters; [...]</p>
<p>Ontario</p>	<p><i>Personal Health Information Protection Act, S.O. 2004, c. 3</i></p>	<p>S. 2 In this Act, [...] “disclose”, in relation to personal health information in the custody or under the control of a health information custodian or a person, means to make the information available or to release it to another health information custodian or to another person, but does not include to use the information, and “disclosure” has a corresponding meaning; [...] “use”, in relation to personal health information in the custody or under the control of a health information custodian or a person, means to handle or deal with the information, subject to subsection 6(1), but does not include to disclose the information, and “use”, as a noun, has a corresponding meaning.</p> <p>[Note: Section 6(1) provides that “For the purposes of this Act, the providing of personal health information between a health information custodian and an agent of the custodian is a use by the custodian, and not a disclosure by the person providing the information or a collection by the person to whom the information is provided.”]</p> <p>PART IV COLLECTION, USE AND DISCLOSURE OF PERSONAL HEALTH INFORMATION</p> <p>S. 29A health information custodian shall not collect, use or disclose personal health information about an individual unless, (a) it has the individual’s consent under this Act and the collection, use or disclosure, as the case may be, to the best of the custodian’s knowledge, is necessary for a lawful purpose; or (b) the collection, use or disclosure, as the case may be, is permitted or required by this Act.</p> <p>S. 37(1) A health information custodian may use personal health information about an individual, (a) for the purpose for which the information was collected or created and for all the functions reasonably necessary for carrying out that purpose, but not if the information was collected with the consent of the individual or under clause 36(1)(b) and the individual expressly instructs otherwise; (b) for a purpose for which this Act, another Act or an Act of Canada permits or requires a person to disclose it to the custodian;</p>

<p>Ontario</p>	<p>(c) for planning or delivering programs or services that the custodian provides or that the custodian funds in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring or preventing fraud or any unauthorized receipt of services or benefits related to any of them;</p> <p>(d) for the purpose of risk management, error management or for the purpose of activities to improve or maintain the quality of care or to improve or maintain the quality of any related programs or services of the custodian;</p> <p>[...]</p> <p>(f) in a manner consistent with Part II, for the purpose of disposing of the information or modifying the information in order to conceal the identity of the individual;</p> <p>(g) for the purpose of seeking the individual's consent, when the personal health information used by the custodian for this purpose is limited to the individual's name and contact information;</p> <p>[...]</p> <p>(j) for research conducted by the custodian, subject to subsection (3), unless another clause of this subsection applies; or</p> <p>(k) subject to the requirements and restrictions, if any, that are prescribed, if permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada.</p> <p>[Note: Part II addresses practices to protect personal health information.]</p> <p>(2) If subsection (1) authorizes a health information custodian to use personal health information for a purpose, the custodian may provide the information to an agent of the custodian who may use it for that purpose on behalf of the custodian.</p> <p>(3) Under clause (1)(j), a health information custodian may use personal health information about an individual only if the custodian prepares a research plan and has a research ethics board approve it and for that purpose subsections 44(2) to (4) and clauses 44(6)(a) to (f) apply to the use as if it were a disclosure.</p> <p>(4) If a research plan mentioned in subsection (3) proposes that a health information custodian that is an institution within the meaning of the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act or that is acting as part of such an institution use personal health information, together with personal information within the meaning of those two Acts that is not personal health information, those two Acts do not apply to the use and this section applies to the use.</p> <p>DISCLOSURE</p> <p>S. 39(1) Subject to the requirements and restrictions, if any, that are prescribed, a health information custodian may disclose personal health information about an individual,</p> <p>(a) for the purpose of determining or verifying the eligibility of the individual to receive health care or related goods, services or benefits</p> <p>[...]</p> <p>(c) to a prescribed person who compiles or maintains a registry of</p>
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<p>Ontario</p>	<p>personal health information for purposes of facilitating or improving the provision of health care or that relates to the storage or donation of body parts or bodily substances.</p> <p>(2) A health information custodian may disclose personal health information about an individual,</p> <p>(a) to the Chief Medical Officer of Health or a medical officer of health within the meaning of the Health Protection and Promotion Act if the disclosure is made for a purpose of that Act; or</p> <p>(b) to a public health authority that is similar to the persons described in clause (a) and that is established under the laws of Canada, another province or a territory of Canada or other jurisdiction, if the disclosure is made for a purpose that is substantially similar to a purpose of the Health Protection and Promotion Act.</p> <p>(4) A person who is not a health information custodian is authorized to collect the personal health information that a health information custodian may disclose to the person under clause (1)(c).</p> <p>[...]</p> <p>S. 42(1) A health information custodian may disclose personal health information about an individual to a potential successor of the custodian, for the purpose of allowing the potential successor to assess and evaluate the operations of the custodian, if the potential successor first enters into an agreement with the custodian to keep the information confidential and secure and not to retain any of the information longer than is necessary for the purpose of the assessment or evaluation.</p> <p>(2) A health information custodian may transfer records of personal health information about an individual to the custodian's successor if the custodian makes reasonable efforts to give notice to the individual before transferring the records or, if that is not reasonably possible, as soon as possible after transferring the records.</p> <p>(3) Subject to the agreement of the person who is to receive the transfer, a health information custodian may transfer records of personal health information about an individual to,</p> <p>(a) the Archives of Ontario; or</p> <p>(b) in the prescribed circumstances, a prescribed person whose functions include the collection and preservation of records of historical or archival importance, if the disclosure is made for the purpose of that function.</p> <p>S. 44(1) A health information custodian may disclose personal health information about an individual to a researcher if the researcher,</p> <p>(a) submits to the custodian,</p> <p>(i) an application in writing,</p> <p>(ii) a research plan that meets the requirements of subsection (2), and</p> <p>(iii) a copy of the decision of a research ethics board that approves the research plan; and</p> <p>(b) enters into the agreement required by subsection (5).</p> <p>(2) A research plan must be in writing and must set out,</p> <p>(a) the affiliation of each person involved in the research;</p> <p>(b) the nature and objectives of the research and the public or scientific</p>
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<p>Ontario</p>		<p>benefit of the research that the researcher anticipates; and (c) all other prescribed matters related to the research.</p> <p>(3) When deciding whether to approve a research plan that a researcher submits to it, a research ethics board shall consider the matters that it considers relevant, including,</p> <p>(a) whether the objectives of the research can reasonably be accomplished without using the personal health information that is to be disclosed;</p> <p>(b) whether, at the time the research is conducted, adequate safeguards will be in place to protect the privacy of the individuals whose personal health information is being disclosed and to preserve the confidentiality of the information;</p> <p>(c) the public interest in conducting the research and the public interest in protecting the privacy of the individuals whose personal health information is being disclosed; and</p> <p>(d) whether obtaining the consent of the individuals whose personal health information is being disclosed would be impractical.</p> <p>(4) After reviewing a research plan that a researcher has submitted to it, the research ethics board shall provide to the researcher a decision in writing, with reasons, setting out whether the board approves the plan, and whether the approval is subject to any conditions, which must be specified in the decision.</p> <p>(5) Before a health information custodian discloses personal health information to a researcher under subsection (1), the researcher shall enter into an agreement with the custodian in which the researcher agrees to comply with the conditions and restrictions, if any, that the custodian imposes relating to the use, security, disclosure, return or disposal of the information.</p> <p>(6) A researcher who receives personal health information about an individual from a health information custodian under subsection (1) shall,</p> <p>(a) comply with the conditions, if any, specified by the research ethics board in respect of the research plan;</p> <p>(b) use the information only for the purposes set out in the research plan as approved by the research ethics board;</p> <p>(c) not publish the information in a form that could reasonably enable a person to ascertain the identity of the individual;</p> <p>(d) despite subsection 49(1), not disclose the information except as required by law and subject to the exceptions and additional requirements, if any, that are prescribed;</p> <p>(e) not make contact or attempt to make contact with the individual, directly or indirectly, unless the custodian first obtains the individual's consent to being contacted;</p> <p>(f) notify the custodian immediately in writing if the researcher becomes aware of any breach of this subsection or the agreement described in subsection (5); and</p> <p>(g) comply with the agreement described in subsection (5).</p> <p>(7) If a researcher submits a research plan under subsection (1) that proposes that a health information custodian that is an institution within the meaning of the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act or that is acting as part of such an institution disclose to the researcher</p>
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personal health information, together with personal information within the meaning of those two Acts that is not personal health information, those two Acts do not apply to the disclosure and this section applies to the disclosure.

(8) Despite subsection (7), nothing in this section prevents a health information custodian that is an institution within the meaning of the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act or that is acting as part of such an institution from disclosing to a researcher personal health information, that is personal information within the meaning of those two Acts, if, before the day this section comes into force, the researcher has entered into an agreement that requires the custodian to comply with clause 21(1)(e) of the Freedom of Information and Protection of Privacy Act or clause 14(1)(e) of the Municipal Freedom of Information and Protection of Privacy Act as a condition of disclosing the information.

(9) Despite any other Act that permits a health information custodian to disclose personal health information to a researcher for the purpose of conducting research, this section applies to the disclosure as if it were a disclosure for research under this section unless the regulations made under this Act provide otherwise.

(10) Subject to subsection (11), a health information custodian may disclose personal health information to a researcher or may use the information to conduct research if,

- (a) the research involves the use of personal health information originating wholly or in part outside Ontario;
- (b) the research has received the prescribed approval from a body outside Ontario that has the function of approving research; and
- (c) the prescribed requirements are met.

(11) Subsections (1) to (4) and clauses (6) (a) and (b) do not apply to a disclosure or use made under subsection (10) and references in the rest of this section to subsection (1) shall be read as references to this subsection with respect to that disclosure or use.

(12) Despite anything in this section, a health information custodian that lawfully disclosed personal health information to a researcher for the purpose of conducting research in the three-year period before the day this section comes into force may continue to disclose personal health information to the researcher for the purposes of that research for a period of three years after the day this section comes into force.

(13) Despite anything in this section, a health information custodian that lawfully used personal health information for the purpose of conducting research in the three-year period before the day this section comes into force may continue to use personal health information for the purposes of that research for a period of three years after the day this section comes into force.

(14) Subsections (12) and (13) are repealed on the third anniversary of the day they came into force.

Note: Subsections (12) and (13) came into force on November 1, 2004.

S. 45(1) A health information custodian may disclose to a prescribed entity personal health information for the purpose of analysis or compiling statistical information with respect to the management of, evaluation or monitoring of, the allocation of resources to or planning for all or part of the health system, including the delivery of services, if the entity meets the requirements under subsection (3).

(2) Subsection (1) does not apply to,
 (a) notes of personal health information about an individual that are recorded by a health information custodian and that document the contents of conversations during a private counselling session or a group, joint or family counselling session; or
 (b) prescribed information in circumstances that are prescribed.

(3) A health information custodian may disclose personal health information to a prescribed entity under subsection (1) if,
 (a) the entity has in place practices and procedures to protect the privacy of the individuals whose personal health information it receives and to maintain the confidentiality of the information; and
 (b) the Commissioner has approved the practices and procedures, if the custodian makes the disclosure on or after the first anniversary of the day this section comes into force.

(4) The Commissioner shall review the practices and procedures of each prescribed entity every three years from the date of its approval and advise the health information custodian whether the entity continues to meet the requirements of subsection (3).

(5) An entity that is not a health information custodian is authorized to collect the personal health information that a health information custodian may disclose to the entity under subsection (1).

(6) Subject to the exceptions and additional requirements, if any, that are prescribed and despite subsection 49(1), an entity that receives personal health information under subsection (1) shall not use the information except for the purposes for which it received the information and shall not disclose the information except as required by law.

S. 47(1) In this section,
 “de-identify”, in relation to the personal health information of an individual, means to remove any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual, and “de-identification” has a corresponding meaning.

(2) Subject to the restrictions, if any, that are prescribed, a health information custodian shall, upon the request of the Minister, disclose personal health information to a health data institute that the Minister approves under subsection (9) for analysis with respect to the management of, evaluation or monitoring of, the allocation of resources to or planning for all or part of the health system, including the delivery of services, if the requirements of this section are met.

(3) The Minister may specify the form and manner in which and the time at which the health information custodian is required to disclose the

personal health information under subsection (2).

(4) Before requesting the disclosure of personal health information under subsection (2), the Minister shall submit a proposal to the Commissioner and, in accordance with this section, allow the Commissioner to review and comment on the proposal.

(5) The proposal must identify a health data institute to which the personal health information would be disclosed under this section and must set out the prescribed matters.

(6) Within 30 days after the Commissioner receives the proposal, the Commissioner shall review the proposal and may comment in writing on the proposal.

(7) In reviewing the proposal, the Commissioner shall consider the public interest in conducting the analysis and the privacy interest of the individuals to whom the personal health information relates in the circumstances.

(8) The Minister shall consider the comments, if any, made by the Commissioner within the time specified in subsection (6), and may amend the proposal if the Minister considers it appropriate.

(9) The Minister may approve a health data institute for the purposes of a disclosure made under this section if,

- (a) the corporate objects of the institute include performing data analysis of personal health information, linking the information with other information and de-identifying the information for the Minister; and
- (b) the institute has in place practices and procedures to protect the privacy of the individuals whose personal health information it receives and to maintain the confidentiality of the information and the Commissioner has approved those practices and procedures.

(10) The Commissioner shall review the practices and procedures of each health data institute every three years from the date of its approval and advise the Minister whether the institute continues to meet the requirements of clauses (9)(a) and (b).

(11) The Minister shall withdraw the approval of a health data institute that ceases to meet the requirements of clauses (9)(a) and (b) or to carry out its objects mentioned in clause (9)(a), unless the Minister requires the institute to take immediate steps to satisfy the Minister that it will meet the requirements or that it will carry out the objects.

(12) If the Minister withdraws the approval of a health data institute, the institute shall,

- (a) make no further use or disclosure of any personal health information that a health information custodian has disclosed to it under subsection (2) or any information derived from that personal health information; and
- (b) comply with the written directions of the Minister that the Commissioner has approved in writing with respect to information described in clause (a).

(13) If a health data institute ceases to exist, the persons holding the

personal health information that the institute received under subsection (2) and held when it ceased to exist shall comply with the written directions of the Minister that the Commissioner has approved in writing with respect to the information.

(14) The Minister may disclose to the health data institute that receives personal health information under subsection (2) other personal health information for the purposes of the analysis and linking that the Minister requires if the disclosure is included in the Minister's proposal, as amended under subsection (8), if applicable.

(15) A health data institute that receives personal health information under subsection (2) or (14) shall,

- (a) follow the practices and procedures described in clause (9)(b) that the Commissioner has approved;
- (b) perform the analysis and linking with other data that the Minister requires;
- (c) de-identify the information;
- (d) provide the results of the analysis and linking, using only de-identified information, to the Minister or to the persons that the Minister approves;
- (e) not disclose the information to the Minister or to the persons that the Minister approves except in a de-identified form; and
- (f) subject to clauses (d) and (e), not disclose to any persons the information, even in a de-identified form, or any information derived from the information.

(16) If the Minister has lawfully required the disclosure of personal health information for a purpose described in subsection (2) in the 18 months before this section comes into force, this section does not apply with respect to a disclosure the Minister requires for a substantially similar purpose after this section comes into force until the first anniversary of the coming into force of this section.

(17) If the Minister requires a disclosure for a substantially similar purpose under subsection (16) after this section comes into force, the Minister shall notify the Commissioner within the later of the time of requiring the disclosure and 90 days after this section comes into force.

(18) The Minister is not required to hold a hearing or to afford to any person an opportunity for a hearing before making a decision under this section.

S. 48(1) A health data institute to which a health information custodian has disclosed personal health information under section 47, shall, upon the request of the Minister and in accordance with the Commissioner's approval given under this section, disclose the information to the Minister or another person approved by the Minister if the Minister is of the opinion that it is in the public interest to request the disclosure and the requirements of this section have been met.

(2) The personal health information mentioned in subsection (1) is not,

- (a) notes of personal health information about an individual that are recorded by a health information custodian and that document the contents of conversations during a private counselling session or a group,

joint or family counselling session; or
 (b) information that is prescribed.

(3) The Minister shall not request the disclosure of personal health information under subsection (1) unless the Minister has submitted to the Commissioner a proposal for the disclosure and the Commissioner has approved the proposal.

(4) The proposal must include,
 (a) a statement as to why the disclosure is reasonably required in the public interest and why the disclosure under section 47 was insufficient to meet the public interest;
 (b) the extent of the identifiers that the Minister proposes be part of the information disclosed and a statement as to why the use of those identifiers is reasonably required for the purpose of the disclosure;
 (c) a copy of all proposals and comments previously made or received under section 47 in respect of the information, if any; and
 (d) all other information that the Commissioner requires.

(5) If the Commissioner approves the proposal, the Commissioner may specify terms, conditions or limitations for the disclosure.

S. 49(1) Except as permitted or required by law and subject to the exceptions and additional requirements, if any, that are prescribed, a person who is not a health information custodian and to whom a health information custodian discloses personal health information, shall not use or disclose the information for any purpose other than,

(a) the purpose for which the custodian was authorized to disclose the information under this Act; or
 (b) the purpose of carrying out a statutory or legal duty.

(2) Subject to the exceptions and additional requirements, if any, that are prescribed, a person who is not a health information custodian, and to whom a health information custodian discloses personal health information, shall not use or disclose more of the information than is reasonably necessary to meet the purpose of the use or disclosure, as the case may be, unless the use or disclosure is required by law.

(3) Except as permitted or required by law and subject to the exceptions and additional requirements, if any, that are prescribed, if a health information custodian discloses information to another health information custodian and the information is identifying information of the type described in subsection 4(4) in the custody or under the control of the receiving custodian, the receiving custodian shall not,

(a) use or disclose the information for any purpose other than,
 (i) the purpose for which the disclosing custodian was authorized to disclose the information under this Act, or
 (ii) the purpose of carrying out a statutory or legal duty; or
 (b) use or disclose more of the information than is reasonably necessary to meet the purpose of the use or disclosure, as the case may be.

(4) The restrictions set out in clauses (3)(a) and (b) apply to a health information custodian that receives the identifying information described in subsection (3) even if the custodian receives the information before the day that subsection comes into force.

<p>Ontario</p>		<p>(5) Except as prescribed, this section does not apply to an institution within the meaning of the Freedom of Information and Protection of Privacy Act or the Municipal Freedom of Information and Protection of Privacy Act that is not a health information custodian.</p> <p>S. 50(1) A health information custodian may disclose personal health information about an individual collected in Ontario to a person outside Ontario only if,</p> <p>(a) the individual consents to the disclosure;</p> <p>(b) this Act permits the disclosure;</p> <p>(c) the person receiving the information performs functions comparable to the functions performed by a person to whom this Act would permit the custodian to disclose the information in Ontario under subsection 40(2) or clause 43(1)(b), (c), (d) or (e);</p> <p>(d) the following conditions are met:</p> <p>(i) the custodian is a prescribed entity mentioned in subsection 45(1) and is prescribed for the purpose of this clause,</p> <p>(ii) the disclosure is for the purpose of health planning or health administration,</p> <p>(iii) the information relates to health care provided in Ontario to a person who is resident of another province or territory of Canada, and</p> <p>(iv) the disclosure is made to the government of that province or territory;</p> <p>(e) the disclosure is reasonably necessary for the provision of health care to the individual, but not if the individual has expressly instructed the custodian not to make the disclosure; or</p> <p>(f) the disclosure is reasonably necessary for the administration of payments in connection with the provision of health care to the individual or for contractual or legal requirements in that connection.</p> <p>(2) If a health information custodian discloses personal health information about an individual under clause (1)(e) and if an instruction of the individual made under that clause prevents the custodian from disclosing all the personal health information that the custodian considers reasonably necessary to disclose for the provision of health care to the individual, the custodian shall notify the person to whom it makes the disclosure of that fact.</p>
	<p><i>Personal Health Information Protection Act, General Regulation, O. Reg 329/04</i></p>	<p>S. 1(3) In the definition of “disclose” in section 2 of the Act, the expression “to make the information available or to release it to another health information custodian or to another person” does not include a person’s providing health information to someone who provided it to or disclosed it to the person, whether or not the personal health information has been manipulated or altered, if it does not contain any additional identifying information.</p> <p>S. 12 The following are prescribed as exceptions for the purposes of subsection 34 (3) of the Act:</p> <p>[Note: Subsection 34(3) has been reproduced in “Collection of Personal (Health) Information”]</p> <p>1. A person who is not a health information custodian may disclose a health number for a purpose related to the provision of provincially funded health resources.</p> <p>2. A researcher who has custody or control of personal health information, including a health number, by reason of a disclosure</p>

authorized under section 44 of the Act, or that the researcher uses pursuant to clause 37 (1) (j) of the Act, may disclose the health number to a person that is a prescribed person for the purposes of clause 39 (1) (c) of the Act, an entity prescribed for the purposes of subsection 45 (1) of the Act or another researcher if,

- i. the disclosure is part of a research plan approved under section 44 of the Act, or
- ii. the disclosure is necessary for the purpose of verifying or validating the information or the research.

3. A person that is prescribed for the purposes of clause 39 (1) (c) of the Act may disclose the health number for the purposes of its functions under clause 39 (1) (c).

4. The Workplace Safety and Insurance Board may disclose the health number in the course of exercising its powers under section 159 of the *Workplace Safety and Insurance Act, 1997*.

S. 13(1) The following are prescribed persons for the purposes of clause 39(1)(c) of the Act:

- 1. Cardiac Care Network of Ontario in respect of its registry of cardiac services.
- 2. INSCYTE (Information System for Cytology etc.) Corporation in respect of CytoBase.
- 3. London Health Sciences Centre in respect of the Ontario Joint Replacement Registry.
- 4. Canadian Stroke Network in respect of the Canadian Stroke Registry.

(2) A person that is a prescribed person for the purposes of clause 39 (1) (c) of the Act shall put in place practices and procedures approved by the Commissioner to protect the privacy of the individuals whose personal health information it receives and to maintain the confidentiality of the information, except that the practices and procedures are not required to be approved by the Commissioner until the first anniversary of the day that section 45 of the Act comes into force.

(3) A person that is a prescribed person for the purposes of clause 39 (1) (c) of the Act shall make publicly available a plain language description of the functions of the registry compiled or maintained by the person, including a summary of the practices and procedures described in subsection (2).

(4) A person that is a prescribed person for the purposes of clause 39 (1) (c) of the Act may use personal health information as if it were a health information custodian for the purposes of clause 37 (1) (j) or subsection 37 (3) of the Act.

(5) A person that is a prescribed person for the purposes of clause 39 (1) (c) of the Act may disclose personal health information as if it were a health information custodian for the purposes of sections 44, 45 and 47 of the Act.

S. 14(1) Subject to clause 42(3)(b) of the Act, a health information custodian may transfer records of personal health information under that clause to a person who,

(a) has put in place reasonable measures to ensure that personal health information in the person's custody or control is protected against theft,

loss and unauthorized use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or disposal;

(b) has put in place measures to allow an individual to have reasonable access to the individual's own record of personal health information held by the person;

(c) has made available to the public a written statement that,

- (i) provides a general description of the person's information practices,
- (ii) describes how an individual may obtain access to a record of personal health information about the individual that is in the custody or control of the person,
- (iii) describes the mandate, and organizational links and affiliations, of the person in maintaining the archive, and
- (iv) describes how to make a complaint to the person and to the Commissioner under the Act; and

(d) has registered with the Commissioner the intention to act as a recipient of information under this section, and provided to the Commissioner the statement set out in (c), and any further information reasonably requested by the Commissioner.

(2) If a person that received records under clause 42(3)(b) of the Act ceases to exercise the functions of collecting and preserving records of historical or archival importance or ceases to comply with the conditions set out in subsection (1), the person shall immediately transfer the records, including any health number contained in the records, to another person who is authorized to receive transfers of records under clause 42(3)(a) or (b) of the Act, subject to the agreement of the person who is to receive the transfer.

(3) Despite subsection 49(1) of the Act, and subject to the agreement of the person who is to receive the transfer, a person who is not a health information custodian to whom a health information custodian disclosed personal health information may transfer any records containing the personal health information, including any health number contained in the records to,

- (a) the Archives of Ontario; or
- (b) a person prescribed under subsection (1), if the disclosure is made for the purpose of that function.

(4) A person who receives a transfer of records of personal health information under subsection (2) or (3) or under clause 42(3)(b) of the Act may,

- (a) collect any health number contained in the records incidentally to receiving the transfer of the records;
- (b) use personal health information contained in the records, including any health number contained in the records, as if it were a health information custodian for the purposes of clause 37(1)(j) and subsection 37(3) of the Act; and
- (c) disclose personal health information contained in the records, including any health number contained in the records, as if it were a health information custodian for the purposes of sections 44, 45 and 47 of the Act.

(5) A person who, before November 1, 2004, received a transfer of a record of personal health information to which subsection (4) would have

applied on or after November 1, 2004, may disclose and use it, including any health number contained in the record, for research as if it were a health information custodian under the Act.

S. 15 The following are prescribed as requirements that must be met by a research ethics board:

1. The board must have at least five members, including,
 - (i) at least one member with no affiliation with the person or persons that established the research ethics board,
 - (ii) at least one member knowledgeable in research ethics, either as a result of formal training in research ethics, or practical or academic experience in research ethics,
 - (iii) at least two members with expertise in the methods or in the areas of the research being considered, and
 - (iv) at least one member knowledgeable in considering privacy issues.
2. The board may only act with respect to a proposal to approve a research plan where there is no conflict of interest existing or likely to be perceived between its duty under subsection 44(3) of the Act and any participating board member's personal interest in the disclosure of the personal health information or the performance of the research.

S. 16 The following are prescribed as additional requirements that must be set out in research plans for the purposes of clause 44(2)(c) of the Act:

1. A description of the research proposed to be conducted and the duration of the research.
2. A description of the personal health information required and the potential sources.
3. A description of how the personal health information will be used in the research, and if it will be linked to other information, a description of the other information as well as how the linkage will be done.
4. An explanation as to why the research cannot reasonably be accomplished without the personal health information and, if it is to be linked to other information, an explanation as to why this linkage is required.
5. An explanation as to why consent to the disclosure of the personal health information is not being sought from the individuals to whom the information relates.
6. A description of the reasonably foreseeable harms and benefits that may arise from the use of the personal health information and how the researchers intend to address those harms.
7. A description of all persons who will have access to the information, why their access is necessary, their roles in relation to the research, and their related qualifications.
8. The safeguards that the researcher will impose to protect the confidentiality and security of the personal health information, including an estimate of how long information will be retained in an identifiable form and why.
9. Information as to how and when the personal health information will be disposed of or returned to the health information custodian.
10. The funding source of the research.
11. Whether the researcher has applied for the approval of another research ethics board and, if so the response to or status of the application.
12. Whether the researcher's interest in the disclosure of the personal health information or the performance of the research would likely result

in an actual or perceived conflict of interest with other duties of the researcher.

S. 17 Despite clause 44(6)(d) of the Act, a researcher may disclose the information to an entity prescribed under subsection 45(1) of the Act, to a person prescribed for the purposes of clause 39(1)(c) of the Act for use in a registry compiled or maintained by that person, or to another researcher if,

- (a) the disclosure is part of a research plan approved under section 44 of the Act; or
- (b) the disclosure is necessary for the purpose of verifying or validating the information or the research.

S. 18(1) Each of the following entities, including any registries maintained within the entity, is a prescribed entity for the purposes of subsection 45(1) of the Act:

1. Cancer Care Ontario.
2. Canadian Institute for Health Information.
3. Institute for Clinical Evaluative Sciences.
4. Pediatric Oncology Group of Ontario.

[...]

(3) Despite subsection 45(6) of the Act, every entity that is a prescribed entity for the purposes of subsection 45(1) of the Act may use personal health information as if it were a health information custodian for the purposes of clause 37(1)(j) and subsection 37(3) of the Act.

(4) Despite subsection 45(6) of the Act, every entity that is a prescribed entity for the purposes of subsection 45(1) of the Act may disclose personal health information as if it were a health information custodian for the purposes of clause 39(1)(c) and sections 44, 45 and 47 of the Act.

(5) An entity that is a prescribed entity for the purposes of subsection 45(1) of the Act may disclose the information that it receives under subsection 45(1) of the Act to a health information custodian who provided it to or disclosed it directly or indirectly to the person from whom the entity collected the information, whether or not the information has been manipulated or altered, if it does not contain any additional identifying information.

(6) An entity that is a prescribed entity for the purposes of subsection 45(1) of the Act may disclose the information that it receives under subsection 45(1) of the Act to a governmental institution of Ontario or Canada as if the entity were a health information custodian for the purposes of clause 43(1)(h) of the Act.

[Note: Clause 43(1)(h) provides that A health information custodian may disclose personal health information about an individual subject to the requirements and restrictions, if any, that are prescribed, if permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada.]

(7) Despite subsection 45(6) of the Act, the Canadian Institute for Health Information may disclose personal health information about an individual

<p>Ontario</p>		<p>to a person outside Ontario where,</p> <p>(a) the disclosure is for the purpose of health planning or health administration;</p> <p>(b) the information relates to health care provided in Ontario to a person who is a resident of another province or territory of Canada; and</p> <p>(c) the disclosure is made to the government of that province or territory.</p> <p>S. 21(1) Section 49 of the Act does not apply,</p> <p>(a) to an individual or a substitute decision maker of an individual in respect of personal health information about the individual; or</p> <p>(b) to prevent a person who received personal health information from a health information custodian from using or disclosing the information pursuant to a valid consent.</p> <p>(2) Despite subsection 49(1) of the Act, a person who is not a health information custodian and who provides coverage for payment to or on behalf of individuals in respect of medications or related goods or services may, where a claim is made to the person through a member of the Ontario College of Pharmacists for such a payment to or on behalf of an individual, disclose personal health information about the individual to the member to assist the member in advising the individual or providing health care to the individual.</p> <p>(3) Despite subsection 49(1) of the Act, a person who is not a health information custodian and to whom a health information custodian discloses personal health information shall not disclose the personal health information where the disclosure is otherwise prohibited by law.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F-31</i></p>	<p>PART II FREEDOM OF INFORMATION</p> <p>EXEMPTIONS</p> <p>S. 21(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except, [...]</p> <p>(e) for a research purpose if,</p> <p>(i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,</p> <p>(ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and</p> <p>(iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations;</p> <p>[...]</p> <p>PART III PROTECTION OF INDIVIDUAL PRIVACY</p> <p>USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 41 An institution shall not use personal information in its custody or under its control except,</p>

- (a) where the person to whom the information relates has identified that information in particular and consented to its use;
- (b) for the purpose for which it was obtained or compiled or for a consistent purpose; or
- (c) for a purpose for which the information may be disclosed to the institution under section 42 [...]

S. 42 An institution shall not disclose personal information in its custody or under its control except,

- (a) in accordance with Part II;

[Note: Part II of this Act includes S. 21(1), cited above]

- (b) where the person to whom the information relates has identified that information in particular and consented to its disclosure;
 - (c) for the purpose for which it was obtained or compiled or for a consistent purpose;
- [...]

S. 43 Where the personal information has been collected directly from the individual to whom the information relates, the purpose of a use or disclosure of that information is a consistent purpose under clauses 41(b) and 42(c) only if the individual might reasonably have expected such a use or disclosure.

PERSONAL INFORMATION BANKS

S. 44 A head shall cause to be included in a personal information bank all personal information under the control of the institution that is organized or intended to be retrieved by the individual's name or by an identifying number, symbol or other particular assigned to the individual.

S. 45 The responsible minister shall publish at least once each year an index of all personal information banks setting forth, in respect of each personal information bank,

- (a) its name and location;
- (b) the legal authority for its establishment;
- (c) the types of personal information maintained in it;
- (d) how the personal information is used on a regular basis;
- (e) to whom the personal information is disclosed on a regular basis;
- (f) the categories of individuals about whom personal information is maintained; and
- (g) the policies and practices applicable to the retention and disposal of the personal information.

S. 46(1) A head shall attach or link to personal information in a personal information bank,

- (a) a record of any use of that personal information for a purpose other than a purpose described in clause 45(d); and
- (b) a record of any disclosure of that personal information to a person other than a person described in clause 45(e).

(2) A record retained under subsection (1) forms part of the personal information to which it is attached or linked.

<p>Ontario</p>		<p>(3) Where the personal information in a personal information bank under the control of an institution is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the institution but the use is not one of the uses included under clauses 45(d) and (e), the head shall,</p> <p>(a) forthwith notify the responsible minister of the use or disclosure; and</p> <p>(b) ensure that the use is included in the index.</p> <p>PART V GENERAL</p> <p>S. 60(1) The Lieutenant Governor in Council may make regulations, [...]</p> <p>(j) prescribing conditions relating to the security and confidentiality of records used for a research purpose; [...]</p>
	<p><i>Freedom of Information and Protection of Privacy Act, General Regulations, R.R.O. 1990, Reg. 460</i></p>	<p>S. 10(1) The following are the terms and conditions relating to security and confidentiality that a person is required to agree to before a head may disclose personal information to that person for a research purpose:</p> <ol style="list-style-type: none"> 1. The person shall use the information only for a research purpose set out in the agreement or for which the person has written authorization from the institution. 2. The person shall name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified. 3. Before disclosing personal information to other persons under paragraph 2, the person shall enter into an agreement with those persons to ensure that they will not disclose it to any other person. 4. The person shall keep the information in a physically secure location to which access is given only to the person and to the persons given access under paragraph 2. 5. The person shall destroy all individual identifiers in the information by the date specified in the agreement. 6. The person shall not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the institution. 7. The person shall ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the institution. 8. The person shall notify the institution in writing immediately if the person becomes aware that any of the conditions set out in this section have been breached. <p>S. 10(2) An agreement relating to the security and confidentiality of personal information to be disclosed for a research purpose shall be in Form 1.</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i></p>	<p>S. 14 (1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,</p> <ol style="list-style-type: none"> (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access; (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates; (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public; (d) under an Act of Ontario or Canada that expressly authorizes the

<p>Ontario</p>		<p>disclosure;</p> <p>(e) for a research purpose if,</p> <p>(i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,</p> <p>(ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and</p> <p>(iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or</p> <p>(f) if the disclosure does not constitute an unjustified invasion of personal privacy.</p> <p>S. 31 An institution shall not use personal information in its custody or under its control except,</p> <p>(a) if the person to whom the information relates has identified that information in particular and consented to its use;</p> <p>(b) for the purpose for which it was obtained or compiled or for a consistent purpose; or</p> <p>(c) for a purpose for which the information may be disclosed to the institution under section 32 or under section 42 of the Freedom of Information and Protection of Privacy Act.</p> <p>S. 32 An institution shall not disclose personal information in its custody or under its control except,</p> <p>[...]</p> <p>(b) if the person to whom the information relates has identified that information in particular and consented to its disclosure;</p> <p>(c) for the purpose for which it was obtained or compiled or for a consistent purpose;</p> <p>(d) if the disclosure is made to an officer or employee of the institution who needs the record in the performance of his or her duties and if the disclosure is necessary and proper in the discharge of the institution's functions;</p> <p>(e) for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act or a treaty;</p> <p>[...]</p> <p>S. 33 The purpose of a use or disclosure of personal information that has been collected directly from the individual to whom the information relates is a consistent purpose under clauses 31 (b) and 32 (c) only if the individual might reasonably have expected such a use or disclosure.</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, General Regulation, O. Reg. 823</i></p>	<p>S. 10(1) The following are the terms and conditions relating to security and confidentiality that a person is required to agree to before a head may disclose personal information to that person for a research purpose:</p> <p>1. The person shall use the information only for a research purpose set out in the agreement or for which the person has written authorization from the institution.</p> <p>2. The person shall name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified.</p> <p>3. Before disclosing personal information to other persons under paragraph 2, the person shall enter into an agreement with those persons</p>

<p>Ontario</p>		<p>to ensure that they will not disclose it to any other person.</p> <p>4. The person shall keep the information in a physically secure location to which access is given only to the person and to the persons given access under paragraph 2.</p> <p>5. The person shall destroy all individual identifiers in the information by the date specified in the agreement.</p> <p>6. The person shall not contact any individual to whom personal information relates directly or indirectly without the prior written authority of the institution.</p> <p>7. The person shall ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the institution.</p> <p>8. The person shall notify the institution in writing immediately if the person becomes aware that any of the conditions set out in this section have been breached.</p> <p>(2) An agreement relating to the security and confidentiality of personal information to be disclosed for a research purpose shall be in Form 1.</p>
<p>Quebec</p>	<p><i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i></p>	<p>CHAPTER III PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION I CONFIDENTIALITY OF NOMINATIVE INFORMATION</p> <p>S. 53 Nominative information is confidential, except in the following cases: (1) where its disclosure is authorized by the person concerned by the information; [...]</p> <p>S. 59 A public body shall not release nominative information without the consent of the person concerned. Notwithstanding the foregoing, a public body may release nominative information without the consent of the person concerned in the following cases and strictly on the following conditions: [...]</p> <p>(5) to a person authorized by the Commission d'accès à l'information, in accordance with section 125, to use the information for study, research or statistics purposes; [...]</p> <p>S. 62 Every person qualified to receive nominative information within a public body has access to nominative information without the consent of the person concerned where such information is necessary for the discharge of his duties. [...]</p> <p>S. 67.2 A public body may, without the consent of the person concerned, release nominative information to any person or body if the information is necessary for the discharge of duties entrusted to that person or body by the public body. In that case, the public body shall</p> <p>(1) entrust the duties by a mandate in writing;</p> <p>(2) specify, in the mandate, which provisions of this Act apply to the</p>

Quebec	<p>information which has been released to the person or body and the measures to be taken by the person or body to ensure that the information is not used except for the carrying out of the mandate and that it is not kept by the person or body after the expiry of the mandate. The second paragraph does not apply to the members of the professional orders listed in Schedule I to the Professional Code (chapter C-26) who are bound by professional secrecy.</p> <p>S. 68 A public body may, without the consent of the person concerned, release nominative information (1) to a public body where the release is necessary for the carrying out of the attributions of the receiving body or the implementation of a program under its management; (2) to a person or a body where exceptional circumstances justify doing so.</p> <p>Any release of nominative information under this section shall be made under the terms of a written agreement.</p> <p>S. 68.1 A public body may, without the consent of the person concerned, release a personal information file for the purposes of comparing, pairing or matching it with a file held by a person or body, if the release is necessary for the carrying out of an Act in Québec. Any operation under this section shall be carried out under the terms of a written agreement.</p> <p>S. 69 The release of nominative information contemplated in sections 67, 67.1, 67.2, 68 and 68.1 shall be made in such a manner as to ensure the confidentiality of the nominative information. In cases where a written agreement is required, the agreement shall provide for the means to ensure confidentiality.</p> <p>[Note: Section 67 is reproduced in “Accountability and transparency in the management of personal (health) information”]</p> <p>S. 70 Every agreement under section 68 or 68.1 must be submitted to the Commission for an opinion. The agreement comes into force on the favourable opinion of the Commission. Should the Commission give an unfavourable opinion, the agreement may be submitted to the Government for approval; the agreement comes into force on the day of its approval. The agreement, together with the opinion of the Commission and, where applicable, the approval of the Government shall be tabled in the National Assembly within thirty days of such opinion and approval if the Assembly is sitting or, if it is not sitting, within thirty days of the opening of the next session, or of resumption. The agreement must, in addition, be published in the Gazette officielle du Québec within thirty days of its tabling in the National Assembly. The Government may, after obtaining the opinion of the Commission, revoke the agreement at any time.</p> <p>CHAPTER IV COMMISSION D’ACCÈS À L’INFORMATION DIVISION II</p>
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<p>Quebec</p>		<p>DUTIES AND POWERS</p> <p>S. 125 The Commission may, on a written request, grant a person or an agency the authorization to receive communication of nominative information contained in a personal information file, for study, research or statistics purposes, without the consent of the persons concerned, if it is of the opinion</p> <p>(1) that the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in nominative form;</p> <p>(2) that the nominative information will be used in a manner that will ensure its confidentiality.</p> <p>The authorization is granted for such period and on such conditions as may be fixed by the Commission. It may be revoked before the expiry of the period granted if the Commission has reason to believe that the authorized person or body does not respect the confidentiality of the information disclosed or the other conditions.</p>
	<p><i>An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1</i></p>	<p>DIVISION III CONFIDENTIALITY OF PERSONAL INFORMATION</p> <p>§1 – Retention, use and non-communication of information</p> <p>S. 12 Once the object of a file has been achieved, no information contained in it may be used otherwise than with the consent of the person concerned, subject to the time limit prescribed by law or by a retention schedule established by government regulation.</p> <p>S. 13 No person may communicate to a third person the personal information contained in a file he holds on another person, or use it for purposes not relevant to the object of the file, unless the person concerned consents thereto or such communication or use is provided for by this Act.</p> <p>S. 17 Every person carrying on an enterprise in Québec who communicates, outside Québec, information relating to persons residing in Québec or entrusts a person outside Québec with the task of holding, using or communicating such information on his behalf must take all reasonable steps to ensure</p> <p>(1) that the information will not be used for purposes not relevant to the object of the file or communicated to third persons without the consent of the persons concerned, except in cases similar to those described in [section 18]; [...]</p> <p>S. 18 A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information contained in a file he holds on that person [...]</p> <p>(8) to a person who is authorized to use the information for study, research or statistical purposes in accordance with section 21 [...]; [...]</p> <p>S. 20 In the carrying on of an enterprise, authorized employees, mandataries or agents may have access to personal information without the consent of the person concerned only if the information is needed for the performance of their duties or the execution of their mandates.</p>

Quebec		<p>S. 21 The Commission d'accès à l'information, established by section 103 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) may, on written request, grant a person authorization to receive communication of personal information for study, research or statistical purposes, without the consent of the persons concerned, if it is of the opinion that</p> <p>(1) the intended use is not frivolous and the ends contemplated cannot be achieved unless the information is communicated in a form allowing the persons to be identified;</p> <p>(2) the information will be used in a manner that will ensure its confidentiality.</p> <p>Such authorization is granted for the period and on the conditions fixed by the Commission. It may be revoked before the expiry of the period for which it is granted if the Commission has reasons to believe that the person authorized does not respect the confidentiality of the information communicated to him or does not respect the other conditions.</p>
New Brunswick	<p><i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i></p>	<p>S. 2(1) Every public body is subject to the Statutory Code of Practice.</p> <p>(2) The Statutory Code of Practice shall be interpreted and applied in accordance with Schedule B and with any regulations made under paragraph 7(b).</p> <p>Schedule A The Statutory Code of Practice</p> <p>Principle 3: Consent</p> <p>The consent of the individual is required for the collection, use, or disclosure of personal information, except where inappropriate.</p> <p>Principle 5: Limiting Use, Disclosure and Retention</p> <p>Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required or expressly authorized by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.</p> <p>Schedule B Interpretation and Application of the Statutory Code of Practice</p> <p>Principle 3: Consent</p> <p>S. 3.4 Consent is not required when a public body collects, uses or discloses personal information [...] (e) for purposes of legitimate research in the interest of science, of learning or of public policy, or for archival purposes, [...]</p> <p>S. 3.6 Before collecting, using or disclosing personal information without consent under paragraph 3.4 or 3.5, a public body shall consider the nature of the information in question and the purpose for which it is acting, and shall satisfy itself that in the circumstances that purpose justifies the action proposed.</p>

New Brunswick		S. 3.7 Any collection, use or disclosure of personal information without consent shall be limited to the reasonable requirements of the situation.
Nova Scotia	<p><i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i></p>	<p>PROTECTION OF PERSONAL PRIVACY</p> <p>COLLECTION, PROTECTION, RETENTION, USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 26 A public body may use personal information only</p> <p>(a) for the purpose for which that information was obtained or compiled, or for a use compatible with that purpose;</p> <p>(b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use; or</p> <p>(c) for a purpose for which that information may be disclosed to that public body pursuant to Sections 27 to 30.</p> <p>S. 27 A public body may disclose personal information only</p> <p>[...]</p> <p>(b) if the individual the information is about has identified the information and consented in writing to its disclosure;</p> <p>(c) for the purpose for which it was obtained or compiled, or a use compatible with that purpose;</p> <p>[...]</p> <p>(f) to an officer or employee of a public body or to a minister, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the officer, employee or minister;</p> <p>[...]</p> <p>(q) in accordance with Section 29 or 30.</p> <p>S. 28 A use of personal information is a use compatible with the purpose for which the information was obtained within the meaning of Section 26 or 27 if the use</p> <p>(a) has a reasonable and direct connection to that purpose; and</p> <p>(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses the information or to which the information is disclosed.</p> <p>S. 29 A public body may disclose personal information for a research purpose, including statistical research, if</p> <p>(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;</p> <p>(b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest;</p> <p>(c) the head of the public body concerned has approved conditions relating to</p> <p>(i) security and confidentiality,</p> <p>(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and</p> <p>(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body; and</p> <p>(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.</p>

Nova Scotia		<p>S. 30 The Public Archives of Nova Scotia, or the archives of a public body, may disclose personal information for archival or historical purposes where</p> <p>(a) the disclosure would not be an unreasonable invasion of personal privacy pursuant to section 20;</p> <p>(b) the disclosure is for historical research and is in accordance with Section 29;</p> <p>(c) the information is about someone who has been dead for twenty or more years; or</p> <p>(d) the information is in a record that is in the custody or control of the archives and open for historical research on the coming in force of this Act.</p>
	<p><i>Freedom of Information and Protection of Privacy Regulations, N.S. Reg. 105/94</i></p>	<p>S. 9 An agreement pursuant to clause 29(d) of the Act must be in Form 5 and include the following conditions:</p> <p>(a) the person shall use the information only for a research purpose set out in the agreement or for which the person has written authorization from the public body;</p> <p>(b) the person shall name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified;</p> <p>(c) before disclosing personal information to other persons under clause (b), the person shall enter into an agreement with those persons to ensure that they will not disclose it to any other person;</p> <p>(d) the person shall keep the information in a physically secure location to which access is given only to the person and to the persons given access under clause (b);</p> <p>(e) the person shall destroy all individual identifiers in the information by the date specified in the agreement;</p> <p>(f) the person shall not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the public body;</p> <p>(g) the person shall ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body;</p> <p>(h) the person shall notify the public body in writing immediately if the person becomes aware that any of the conditions set out in this section have been breached.</p>
	<p><i>Municipal Government Act, S.N.S. 1998, c. 18</i></p>	<p>PART XX FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY</p> <p>Use and Disclosure of Personal Information</p> <p>S. 485(1) A municipality may use personal information only</p> <p>(a) for the purpose for which that information was obtained or compiled, or for a use compatible with that purpose;</p> <p>(b) if the individual the information is about has identified the information and has consented to the use; or</p> <p>(c) for a purpose for which that information may be disclosed to the municipality pursuant to this Section.</p> <p>(2) A municipality may disclose personal information only</p> <p>(a) in accordance with this Part or as provided pursuant to another enactment;</p> <p>(b) if the individual the information is about has identified the</p>

Nova Scotia		<p>information and consented in writing to its disclosure;</p> <p>(c) for the purpose of complying with an enactment or with a treaty, arrangement or agreement made pursuant to an enactment;</p> <p>[...]</p> <p>(p) for research, archival and historical purposes as provided in this Section.</p> <p>(3) A use of personal information is a use compatible with the purpose for which the information was obtained, if the use</p> <p>(a) has a reasonable and direct connection to that purpose; and</p> <p>(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the municipality that uses the information or to which the information is disclosed.</p> <p>(4) A municipality may disclose personal information for a research purpose, including statistical research, if</p> <p>(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;</p> <p>(b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest;</p> <p>(c) the responsible officer has approved conditions relating to</p> <p>(i) security and confidentiality,</p> <p>(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and</p> <p>(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the municipality; and</p> <p>(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Part and any of the municipality's policies and procedures relating to the confidentiality of personal information.</p> <p>(5) The Public Archives of Nova Scotia, or the archives of a municipality, may disclose personal information for archival or historical purposes where</p> <p>(a) the disclosure would not be an unreasonable invasion of personal privacy;</p> <p>(b) the disclosure is for historical research;</p> <p>(c) the information is about someone who has been dead for twenty or more years; or</p> <p>(d) the information is in a record that is in the custody or control of the archives and open for historical research on the coming into force of this Part.</p>
Prince Edward Island	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>PART II</p> <p>PROTECTION OF PRIVACY</p> <p>Division 2</p> <p>Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 36(1) A public body may use personal information only</p> <p>(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;</p> <p>(b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; or</p>

(c) for a purpose for which that information may be disclosed to that public body under section 37, 39 or 40.

(2) A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.

S. 37(1) A public body may disclose personal information only [...]

(b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;

(c) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure; [...]

(g) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member;

(g.1) to an officer or employee of the public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed;

[...]

(f) in accordance with section 39 or 40;

[...]

S. 38 For the purposes of clauses 36(1)(l) and 37(1)(b), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure (a) has a reasonable and direct connection to that purpose; and (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.

S. 39 A public body may disclose personal information for a research purpose, including statistical research, only if

(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the Commissioner;

(b) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest;

(c) the head of a public body has approved conditions relating to the following:

(i) security and confidentiality,

(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and

(iii) the prohibition of any subsequent use or disclosure of the information in individually identifiable form without the express authorization of that public body; and

(d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.

Prince Edward Island		<p>S. 40 The Public Archives and Records Office and the archives of a public body may disclose for research purposes,</p> <p>(a) personal information that is</p> <p>(i) in a record that has been in existence for 25 years or more if</p> <p>(A) the disclosure would not be an unreasonable invasion of personal privacy under section 15,</p> <p>(B) the disclosure is made in accordance with section 39, or</p> <p>(C) the information is about an individual who has been dead for 25 years or more, or</p> <p>(ii) in a record that has been in existence for 75 years or more; [...]</p>
Newfoundland and Labrador	<p><i>Access to Information and Protection of Privacy Act, S.N.L. 2002 c. A-1.1</i></p>	<p>[Part IV to be Proclaimed]</p> <p>PART IV PROTECTION OF PRIVACY</p> <p>S. 38(1) A public body may use personal information only</p> <p>(a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose as described in section 40;</p> <p>(b) where the individual the information is about has identified the information and has consented to the use, in the manner set by the minister responsible for this Act; or</p> <p>(c) for a purpose for which that information may be disclosed to that public body under sections 39 to 42.</p> <p>(2) The use of personal information by a public body shall be limited to the minimum amount of information necessary to accomplish the purpose for which it is used.</p> <p>S. 39(1) A public body may disclose personal information only</p> <p>(a) in accordance with Parts II and III;</p> <p>(b) where the individual the information is about has identified the information and consented to the disclosure in the manner set by the minister responsible for this Act;</p> <p>(c) for the purpose for which it was obtained or compiled or for a use consistent with that purpose as described in section 40;</p> <p>[...]</p> <p>(f) to an officer or employee of the public body or to a minister, where the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the officer, employee or minister; [...]</p> <p>(m) to the Provincial Archives of Newfoundland and Labrador, or the archives of a public body, for archival purposes;</p> <p>(r) in accordance with an Act of the province or Canada that authorizes or requires the disclosure; or</p> <p>(s) in accordance with sections 41 and 42 .</p> <p>(2) The disclosure of personal information by a public body shall be limited to the minimum amount of information necessary to accomplish the purpose for which it is disclosed.</p> <p>S. 40 A use of personal information is consistent under section 38 or 39 with the purposes for which the information was obtained or compiled where the use</p> <p>(a) has a reasonable and direct connection to that purpose; and</p>

<p>Newfoundland and Labrador</p>		<p>(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.</p> <p>S. 41 A public body may disclose personal information for a research purpose, including statistical research, only where</p> <p>(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;</p> <p>(b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest;</p> <p>(c) the head of the public body concerned has approved conditions relating to the following:</p> <p>(i) security and confidentiality,</p> <p>(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and</p> <p>(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body; and</p> <p>(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and the public body's policies and procedures relating to the confidentiality of personal information.</p> <p>S. 42 The Provincial Archives of Newfoundland and Labrador, or the archives of a public body, may disclose personal information for archival or historical purposes where</p> <p>(a) the disclosure would not be prohibited by section 30;</p> <p>(b) the disclosure is for historical research and is in accordance with section 41;</p> <p>(c) the information is about an individual who has been dead for 20 years or more; or</p> <p>(d) the information is in a record that has been in existence for 50 years or more.</p>
<p>Yukon</p>	<p><i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>S. 35 A public body may use personal information only</p> <p>(a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose;</p> <p>(b) if the individual the information is about has consented to the use; or</p> <p>(c) for the purpose for which that information may be disclosed to that public body under sections 36 to 39.</p> <p>S. 36 A public body may disclose personal information only</p> <p>(a) in accordance with Part 2;</p> <p>(b) if the individual the information is about has consented, in the prescribed manner, to its disclosure;</p> <p>(c) for the purpose for which it was obtained or compiled or for a use consistent with that purpose;</p> <p>(d) for the purpose of complying with an enactment of, or with a treaty, arrangement or agreement made under an enactment of Canada or the Yukon;</p> <p>[...]</p> <p>(f) to an officer or employee of the public body or to a Minister, if the information is necessary for the performance of the duties of the officer,</p>

<p>Yukon</p>		<p>employee or Minister; [...] (h) for the purposes of the Coroners Act, or the Public Administrator's functions under the <i>Judicature Act</i>; [...] (j) to the auditor general or any other prescribed person or body for audit purposes; (k) to the Yukon Archives; [...] (n) if the public body determines that compelling circumstances exist that affect anyone's health or safety and if notice of disclosure is mailed to the last known address of the individual the information is about; (o) so that the next of kin or a friend of an injured, ill, or deceased individual may be contacted; or (p) in accordance with section 38 or 39.</p> <p>S. 37 A use of personal information is consistent under sections 35 and 36 with the purposes for which the information was obtained or compiled if the use (a) has a reasonable and direct connection to that purpose; and (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses the information or to which the information is disclosed.</p> <p>S. 38 A public body may disclose personal information for a research purpose, including statistical research, only if (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form; (b) any link between the record and any other records is not harmful to the individuals that the information is about and the benefits to be derived from the record linkage are clearly in the public interest; (c) the public body concerned has approved conditions relating to (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body; and (d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.</p> <p>S. 39 The Yukon Archives may disclose personal information for archival or historical purposes if (a) the disclosure would not be an unreasonable invasion of personal privacy under section 25(3); (b) the disclosure is for historical research and is in accordance with section 38; (c) the information is in a record that has been in existence for 100 or more years; or (d) the information is about a person who has been dead for 25 years or more.</p>
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<p>Northwest Territories</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i></p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION B - USE OF PERSONAL INFORMATION</p> <p>S. 43 A public body may use personal information only</p> <p>(a) for the purpose for which the information was collected or compiled, or for a use consistent with that purpose;</p> <p>(b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; or</p> <p>(c) for a purpose for which the information may be disclosed to that public body under Division C of this Part.</p> <p>S. 44 Where a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must</p> <p>(a) make every reasonable effort to ensure that the information is accurate and complete; and</p> <p>(b) retain the information for at least one year after using it so that the individual has a reasonable opportunity of obtaining access to it.</p> <p>DIVISION C - DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 47 A public body may disclose personal information only</p> <p>(a) in accordance with Part 1; or</p> <p>(b) in accordance with this Division.</p> <p>S. 48 A public body may disclose personal information</p> <p>(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;</p> <p>(b) where the individual the information relates to has identified the information and consented, in the prescribed manner, to its disclosure;</p> <p>[...]</p> <p>(i) to the Information and Privacy Commissioner, where the information is necessary for the performance of the duties of that officer;</p> <p>(j) to the Auditor General of Canada or to any other prescribed person for audit purposes;</p> <p>(k) to an officer or employee of the public body or to a member of the Executive Council, where the information is necessary for the performance of the duties of the officer or employee or the member of the Executive Council;</p> <p>[...]</p> <p>(m) to the Northwest Territories Archives for archival purposes;</p> <p>[...]</p> <p>(s) for any purpose when, in the opinion of the head,</p> <p>(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or</p> <p>(ii) disclosure would clearly benefit the individual to whom the information relates;</p> <p>(t) where the information is otherwise available to the public;</p> <p>(u) for any purpose in accordance with any Act that authorizes or requires the disclosure; [...]</p> <p>S. 49 A public body may only disclose personal information for a research purpose, including statistical research, where</p> <p>(a) the research purpose cannot reasonably be accomplished unless that</p>
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<p>Northwest Territories</p>		<p>information is provided in individually identifiable form; (b) any record linkage resulting from the disclosure is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest; (c) the head of the public body has approved conditions relating to the following: (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time, (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body; and (d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and the regulations and any of the public body's policies and procedures relating to the confidentiality of personal information.</p>
	<p><i>Access To Information and Protection of Privacy Regulations, R-206-96</i></p>	<p>S. 6 Personal information may be disclosed to employees of a public body and persons retained under a contract to perform services for the public body, in order to carry out a formal examination of a government program, portion of a program or activity that includes personal information about individuals, provided such examination is sanctioned by statute, regulation or public policy relating to the public body.</p> <p>S. 8 An agreement made between a public body and a person under paragraph 49(d) of the Act must include the following: (a) a condition that the person may use the personal information only for the research purpose set out in the agreement or for which the person has written authorization from the public body; (b) an identification of any other persons who will be given access to the personal information by the person; (c) a condition that the person must, before disclosing personal information to persons referred to in paragraph (b), enter into an agreement with those persons to ensure that they will adhere to the same policies and procedures of confidentiality as are applicable to the person who entered into the agreement under paragraph 49(d) of the Act; (d) a condition that the person must keep the personal information in a secure location to which access is given only to the persons referred to in paragraph (b); (e) a condition that the person must remove or destroy all individual identifiers in the personal information by the date and in the manner specified in the agreement; (f) a condition that the person must not contact any individual to whom the personal information relates, directly or indirectly, without the prior written authority of the public body; (g) a condition that the person must ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body; (h) a condition that the person must ensure that identifiable personal information about an individual is not used for an administrative purpose directly affecting the individual; (i) a condition that the person must notify the public body in writing immediately if the person becomes aware that any of the conditions set out in the agreement have been breached; (j) a condition that, if a person fails to meet the conditions of the agreement, the agreement may be immediately terminated by the public</p>

Northwest Territories		body.
Nunavut	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION B - USE OF PERSONAL INFORMATION</p> <p>S. 43 A public body may use personal information only</p> <p>(a) for the purpose for which the information was collected or compiled, or for a use consistent with that purpose;</p> <p>(b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; or</p> <p>(c) for a purpose for which the information may be disclosed to that public body under Division C of this Part.</p> <p>S. 44 Where a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must</p> <p>(a) make every reasonable effort to ensure that the information is accurate and complete; and</p> <p>(b) retain the information for at least one year after using it so that the individual has a reasonable opportunity of obtaining access to it.</p> <p>DIVISION C - DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 47 A public body may disclose personal information only</p> <p>(a) in accordance with Part 1; or</p> <p>(b) in accordance with this Division.</p> <p>S. 48 A public body may disclose personal information</p> <p>(a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;</p> <p>(b) where the individual the information relates to has identified the information and consented, in the prescribed manner, to its disclosure;</p> <p>[...]</p> <p>(i) to the Information and Privacy Commissioner, where the information is necessary for the performance of the duties of that officer;</p> <p>(j) to the Auditor General of Canada or to any other prescribed person for audit purposes;</p> <p>(k) to an officer or employee of the public body or to a member of the Executive Council, where the information is necessary for the performance of the duties of the officer or employee or the member of the Executive Council;</p> <p>[...]</p> <p>(m) to the Northwest Territories Archives for archival purposes;</p> <p>[...]</p> <p>(s) for any purpose when, in the opinion of the head,</p> <p>(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or</p> <p>(ii) disclosure would clearly benefit the individual to whom the information relates;</p> <p>(t) where the information is otherwise available to the public;</p> <p>(u) for any purpose in accordance with any Act that authorizes or requires the disclosure; [...]</p> <p>S. 49 A public body may only disclose personal information for a</p>

<p>Nunavut</p>		<p>research purpose, including statistical research, where</p> <p>(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;</p> <p>(b) any record linkage resulting from the disclosure is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest;</p> <p>(c) the head of the public body has approved conditions relating to the following:</p> <ul style="list-style-type: none"> (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time, (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body; and <p>(d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and the regulations and any of the public body's policies and procedures relating to the confidentiality of personal information.</p>
	<p><i>Access to Information and Protection of Privacy Regulations, R-206-96 (cif 31/12/96)</i></p>	<p>S. 6 Personal information may be disclosed to employees of a public body and persons retained under a contract to perform services for the public body, in order to carry out a formal examination of a government program, portion of a program or activity that includes personal information about individuals, provided such examination is sanctioned by statute, regulation or public policy relating to the public body.</p> <p>S. 8 An agreement made between a public body and a person under paragraph 49(d) of the Act must include the following:</p> <ul style="list-style-type: none"> (a) a condition that the person may use the personal information only for the research purpose set out in the agreement or for which the person has written authorization from the public body; (b) an identification of any other persons who will be given access to the personal information by the person; (c) a condition that the person must, before disclosing personal information to persons referred to in paragraph (b), enter into an agreement with those persons to ensure that they will adhere to the same policies and procedures of confidentiality as are applicable to the person who entered into the agreement under paragraph 49(d) of the Act; (d) a condition that the person must keep the personal information in a secure location to which access is given only to the persons referred to in paragraph (b); (e) a condition that the person must remove or destroy all individual identifiers in the personal information by the date and in the manner specified in the agreement; (f) a condition that the person must not contact any individual to whom the personal information relates, directly or indirectly, without the prior written authority of the public body; (g) a condition that the person must ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body; (h) a condition that the person must ensure that identifiable personal information about an individual is not used for an administrative purpose directly affecting the individual; (i) a condition that the person must notify the public body in writing immediately if the person becomes aware that any of the conditions set out in the agreement have been breached;

(j) a condition that, if a person fails to meet the conditions of the agreement, the agreement may be immediately terminated by the public body.

5. Elements and form of consent & substitute decision-making

Consent for the collection, use and disclosure of personal (health) information is a fundamental pillar of all privacy statutes. Generally, consent is required under Canadian privacy statutes for the collection, use and disclosure of personal (health) information, subject to limited statutory exceptions. The tables in this section of the Compendium set out the general requirements relating to the elements and form of consent. (The tables in Section 4 of the Compendium set out the statutory exceptions to the consent requirement for use and disclosure of personal (health) information for research purposes.)

The privacy legislation varies in detail with respect to the elements and form of consent. Generally, however, consent is only valid if it is informed, revocable, given freely, and obtained lawfully and without deception. Several statutes also include “refusal to deal” provisions that prohibit organizations from requiring the consent of an individual for the collection, use and disclosure of personal (health) information beyond what is necessary to provide the product or service.

Generally, where consent is required, an organization must obtain express consent for the collection, use and disclosure of personal health information for research purposes. While it is always preferable to obtain

a written form of consent, with only a few exceptions, an express consent may be obtained verbally.

The individual providing the consent must also have the legal capacity to consent. Most statutes stipulate who may give substituted consent on behalf of minors, on behalf of adults who do not have the capacity to consent for themselves or on behalf of deceased persons. For this purpose, most statutes incorporate, by reference, substitute decision-makers appointed for related purposes under other statutes.

By far, the most elaborate provisions on consent and substitute decision-making respecting the collection, use and disclosure of personal health information can be found in Ontario's *Personal Health Information Protection Act*. This Act provides the most detailed conditions for informed consent to be valid, and incorporates, within the Act itself, an entire scheme for the determination of individual capacity and the appointment process of substitute decision-makers, specific to the collection, use and disclosure of personal health information. Moreover, the powers of substitute decision-makers are carefully circumscribed by requiring that these decision-makers respect certain principles when purporting to act in accordance with the incapable person's wishes and that they consider specific factors when determining that person's best interests.

ELEMENTS AND FORM OF CONSENT & SUBSTITUTE DECISION-MAKING⁷

CONSENT REQUIREMENT AND ELEMENTS OF CONSENT

Federal	<p><i>Privacy Act, R.S.C. 1985, c. P-21</i></p>	<p>PROTECTION OF PERSONAL INFORMATION</p> <p>S. 7 Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution except</p> <p>(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; or</p> <p>(b) for a purpose for which the information may be disclosed to the institution under subsection 8(2).</p> <p>S. 8(1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.</p> <p>(2) Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed</p> <p>(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; (or)</p> <p>[...]</p> <p>(j) to any person or body for research or statistical purposes if the head of the government institution</p> <p>(i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and</p> <p>(ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates;</p> <p>[...]</p> <p>(3) Subject to any other Act of Parliament, personal information under the custody or control of the Library and Archives of Canada that has been transferred there by a government institution for historical or archival purposes may be disclosed in accordance with the regulations to any person or body for research or statistical purposes.</p>
	<p><i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5</i></p>	<p>SCHEDULE 1</p> <p>PRINCIPLES SET OUT IN THE NATIONAL STANDARD OF CANADA ENTITLED MODEL CODE FOR THE PROTECTION OF PERSONAL INFORMATION, CAN/ CSA – Q830-96</p> <p>4.3 Principle 3 – Consent</p>

⁷ Subject to exceptions, Canadian privacy statutes generally require consent for collection, use and disclosure of personal (health) information. Where consent is required for the use and disclosure of personal (health) information, this chart sets out, where provided, the requirement for consent as well as the elements of such consent.

<p>Federal</p>		<p>The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.</p> <p>Note: In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, organizations that do not have a direct relationship with the individual may not always be able to seek consent. For example, seeking consent may be impractical for a charity or a direct-marketing firm that wishes to acquire a mailing list from another organization. In such cases, the organization providing the list would be expected to obtain consent before disclosing personal information.</p> <p>[Note: Subsections 7(1), 7(2) and 7(3) of the Act, regarding the collection, use and disclosure of personal information, respectively, apply despite the note that accompanies clause 4.3. Subsection 7(1) has been reproduced in “Collection of Personal (Health) Information”; subsections 7(2) and 7(3) have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>4.3.1 Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified).</p> <p>4.3.2 The principle requires “knowledge and consent”. Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.</p> <p>4.3.3 An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use or disclosure of information beyond that required to fulfil the explicitly specified, and legitimate purposes.</p> <p>4.3.4 The form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, organizations shall take into account the sensitivity of the information. Although some information (for example, medical records and income records) is almost always considered to be sensitive, any information can be sensitive, depending on the context. For example, the names and addresses of subscribers to a newsmagazine would generally not be considered sensitive information. However, the names and addresses of subscribers to some special-interest magazines might be considered sensitive.</p>
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<p>Federal</p>		<p>4.3.5 In obtaining consent, the reasonable expectations of the individual are also relevant. For example, an individual buying a subscription to a magazine should reasonably expect that the organization, in addition to using the individual's name and address for mailing and billing purposes, would also contact the person to solicit the renewal of the subscription. In this case, the organization can assume that the individual's request constitutes consent for specific purposes. On the other hand, an individual would not reasonably expect that personal information given to a health-care professional would be given to a company selling health-care products, unless consent were obtained. Consent shall not be obtained through deception.</p> <p>4.3.6 The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).</p> <p>4.3.7 Individuals can give consent in many ways. For example: (a) an application form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses; (b) a checkoff box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties; (c) consent may be given orally when information is collected over the telephone; or (d) consent may be given at the time that individuals use a product or service.</p> <p>4.3.8 An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The organization shall inform the individual of the implications of such withdrawal.</p>
<p>British Columbia</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i></p>	<p>PART 3 – PROTECTION OF PRIVACY</p> <p>Division 2 – Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 32 A public body must ensure that personal information in its custody or under its control is used only [...] (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or [...]</p> <p>S. 33.1(1) A public body may disclose personal information referred to in section 33 inside or outside Canada as follows: [...] (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to its disclosure inside or outside Canada, as applicable; [...]</p>

British Columbia	<i>Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 323/93</i>	<p>S. 6 The consent of an individual to a public body disclosing any of the individual's personal information under section 33 (b) [sic] of the Act must</p> <p>(a) be in writing, and</p> <p>(b) specify to whom the personal information may be disclosed and how the personal information may be used.</p>
	<i>Personal Information Protection Act, S.B.C. 2003, c. 63</i>	<p>Part 3 — Consent</p> <p>S. 6(1) An organization must not</p> <p>(a) collect personal information about an individual,</p> <p>(b) use personal information about an individual, or</p> <p>(c) disclose personal information about an individual.</p> <p>(2) Subsection (1) does not apply if</p> <p>(a) the individual gives consent to the collection, use or disclosure,</p> <p>(b) this Act authorizes the collection, use or disclosure without the consent of the individual, or</p> <p>(c) this Act deems the collection, use or disclosure to be consented to by the individual.</p> <p>S. 7(1) An individual has not given consent under this Act to an organization unless</p> <p>(a) the organization has provided the individual with the information required under section 10 (1), and</p> <p>(b) the individual's consent is provided in accordance with this Act.</p> <p>[Note: Section 10(1) is reproduced under “Collection of Personal (Health) Information”]</p> <p>(2) An organization must not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond what is necessary to provide the product or service.</p> <p>(3) If an organization attempts to obtain consent for collecting, using or disclosing personal information by</p> <p>(a) providing false or misleading information respecting the collection, use or disclosure of the information; or</p> <p>(b) using deceptive or misleading practices</p> <p>any consent provided in those circumstances is not validly given.</p> <p>S. 8(1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if</p> <p>(a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and</p> <p>(b) the individual voluntarily provides the personal information to the organization for that purpose.</p> <p>(2) An individual is deemed to consent to the collection, use or disclosure of personal information for the purpose of his or her enrollment or coverage under an insurance, pension, benefit or similar plan, policy or contract if he or she</p> <p>(a) is a beneficiary or has an interest as an insured under the plan, policy or contract, and</p>

<p>British Columbia</p>		<p>(b) is not the applicant for the plan, policy or contract.</p> <p>(3) An organization may collect, use or disclose personal information about an individual for specified purposes if</p> <p>(a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,</p> <p>(b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,</p> <p>(c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and</p> <p>(d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.</p> <p>(4) Subsection (1) does not authorize an organization to collect, use or disclose personal information for a different purpose than the purpose to which that subsection applies.</p> <p>S. 9(1) Subject to subsections (5) and (6), on giving reasonable notice to the organization, an individual may withdraw consent to the collection, use or disclosure of personal information about the individual at any time.</p> <p>(2) On receipt of notice referred to in subsection (1), an organization must inform the individual of the likely consequences to the individual of withdrawing his or her consent.</p> <p>(3) An organization must not prohibit an individual from withdrawing his or her consent to the collection, use or disclosure of personal information related to the individual.</p> <p>(4) Subject to section 35, if an individual withdraws consent to the collection, use or disclosure of personal information by an organization, the organization must stop collecting, using or disclosing the personal information unless the collection, use or disclosure is permitted without consent under this Act.</p> <p>[Note: Section 35 is reproduced in “Safeguarding and Retention of Personal (Health) Information”]</p> <p>(5) An individual may not withdraw consent if withdrawing the consent would frustrate the performance of a legal obligation.</p>
<p>Alberta</p>	<p><i>Health Information Act, R.S.A. 2000, Chapter H-5</i></p>	<p>Part 5 – Disclosure of Health Information</p> <p>Division 1 – General Disclosure Rules</p> <p>S. 34(1) Subject to sections 35 to 40, a custodian may disclose individually identifying health information to a person other than the individual who is the subject of the information if the individual has consented to the disclosure.</p> <p>[Note: Sections 35 to 40 have been reproduced in “Use and Disclosure of Personal (Health) Information”]</p>

<p>Alberta</p>		<p>(2) A consent referred to in subsection (1) must be provided in writing or electronically and must include</p> <p>(a) an authorization for the custodian to disclose the health information specified in the consent,</p> <p>(b) the purpose for which the health information may be disclosed,</p> <p>(c) the identity of the person to whom the health information may be disclosed,</p> <p>(d) an acknowledgment that the individual providing the consent has been made aware of the reasons why the health information is needed and the risks and benefits to the individual of consenting or refusing to consent,</p> <p>(e) the date the consent is effective and the date, if any, on which the consent expires, and</p> <p>(f) a statement that the consent may be revoked at any time by the individual providing it.</p> <p>(3) A disclosure of health information pursuant to this section must be carried out in accordance with the terms of the consent.</p> <p>(4) A revocation of a consent must be provided in writing or electronically.</p> <p>(5) A consent or revocation of a consent that is provided in writing must be signed by the person providing it.</p> <p>(6) A consent or revocation of a consent that is provided electronically is valid only if it complies with the requirements set out in the regulations.</p> <p>Part 8 – General Provisions</p> <p>S. 108(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(e) respecting the requirements of a consent or a revocation of a consent that is provided electronically for the purposes of sections 34 and 59; [...]</p> <p>[Note: Section 59 has been repealed by 2003 c23 s3.]</p>
	<p><i>Health Information Act, Health Information Regulation, Alta. Reg. 70/2001</i></p>	<p>S. 6(1) In this section, “electronic consent” means a consent provided electronically.</p> <p>(2) For the purposes of sections 34 and 59 of the Act, an electronic consent or a revocation of an electronic consent is valid only if the level of authentication is sufficient to identify the individual who is granting the consent or revoking the consent, as the case may be.</p> <p>[Section 59 has been repealed by 2003 c23 s3.]</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>Part 6 General Provisions</p> <p>Part 2 Protection of Privacy</p> <p>Division 2 Use and Disclosure of Personal Information by Public Bodies</p>

<p>Alberta</p>		<p>S. 39(1) A public body may use personal information only [...] (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use, or [...]</p> <p>S. 40(1) A public body may disclose personal information only [...] (d) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure, [...]</p> <p>S. 94 The Lieutenant Governor in Council may make regulations [...] (l) respecting the manner of giving consent for the purposes of sections 17(2)(a), 39(1)(b) and 40(1)(d); [...]</p> <p>[Note: Section 17(2)(a) has been reproduced in “Use and Disclosure of Personal (Health) Information”]</p>
	<p><i>Freedom of Information and Protection of Privacy Regulation, Alta. Reg. 200/95</i></p>	<p>S. 6(1) The consent of an individual to a public body's using or disclosing any of the individual's personal information under sections 39(1)(b) or 40(1)(d) of the Act (a) must be in writing, and (b) must specify to whom the personal information may be disclosed and how the personal information may be used.</p> <p>(2) The consent or request of a third party under section 17(2)(a) of the Act must be in writing.</p>
	<p><i>Personal Information Protection Act, R.S.A. 2003, c. P-6.5</i></p>	<p>PART 2 — Protection of Personal Information</p> <p>S.7(1) Except where this Act provides otherwise, an organization shall not, with respect to personal information about an individual, (a) collect that information unless the individual consents to the collection of that information, (b) collect that information from a source other than the individual unless the individual consents to the collection of that information from the other source, (c) use that information unless the individual consents to the use of that information, or (d) disclose that information unless the individual consents to the disclosure of that information.</p> <p>(2) An organization shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal information about an individual beyond what is necessary to provide the product or service.</p> <p>(3) An individual may give a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.</p> <p>S. 8(1) An individual may give his or her consent in writing or orally to the collection, use or disclosure of personal information about the individual.</p>

(2) An individual is deemed to consent to the collection, use or disclosure of personal information about the individual by an organization for a particular purpose if

(a) the individual, without actually giving a consent referred to in subsection (1), voluntarily provides the information to the organization for that purpose, and

(b) it is reasonable that a person would voluntarily provide that information.

(3) Notwithstanding section 7(1), an organization may collect, use or disclose personal information about an individual for particular purposes if

(a) the organization

(i) provides the individual with a notice, in a form that the individual can reasonably be expected to understand, that the organization intends to collect, use or disclose personal information about the individual for those purposes, and

(ii) with respect to that notice, gives the individual a reasonable opportunity to decline or object to having his or her personal information collected, used or disclosed for those purposes,

(b) the individual does not, within a reasonable time, give to the organization a response to that notice declining or objecting to the proposed collection, use or disclosure, and

(c) having regard to the level of the sensitivity, if any, of the information in the circumstances, it is reasonable to collect, use or disclose the information as permitted under clauses (a) and (b).

(4) Subsections (2) and (3) are not to be construed so as to authorize an organization to collect, use or disclose personal information for any purpose other than the particular purposes for which the information was collected.

(5) Consent in writing may be given or otherwise transmitted by electronic means to an organization if the organization receiving that transmittal produces or is able at any time to produce a printed copy or image or a reproduction of the consent in paper form.

S. 9(1) Subject to subsection (5), on giving reasonable notice to an organization, an individual may at any time withdraw or vary consent to the collection, use or disclosure by the organization of personal information about the individual.

(2) On receipt of notice referred to in subsection (1), an organization must, subject to subsection (3), inform the individual of the likely consequences to the individual of withdrawing or varying the consent.

(3) An organization is not required to inform an individual under subsection (2) if the likely consequences of withdrawing or varying the consent would be reasonably obvious to the individual.

(4) Except where the collection, use or disclosure of personal information without consent of the individual is permitted under this Act, if an individual withdraws or varies a consent to the collection, use or disclosure of personal information about the individual by an organization, the organization must,

<p>Alberta</p>		<p>(a) in the case of the withdrawal of a consent, stop collecting, using or disclosing the information, and (b) in the case of a variation of a consent, abide by the consent as varied.</p> <p>(5) If withdrawing or varying a consent would frustrate the performance of a legal obligation, any withdrawal or variation of the consent does not, unless otherwise agreed to by the parties who are subject to the legal obligation, operate to the extent that the withdrawal or variation would frustrate the performance of the legal obligation owed between those parties.</p> <p>(6) A withdrawal or variation of a consent by an individual may be given to an organization in the same manner as a consent may be given.</p> <p>(7) An individual may, subject to this section, withdraw or vary a consent subject to any reasonable terms, conditions or qualifications established, set, approved by or otherwise acceptable to the individual.</p> <p>(8) Nothing in this section is to be construed so as to empower (a) an individual, as part of the withdrawal or variation of a consent, to impose an obligation or a liability on an organization unless the organization agrees otherwise, or (b) an organization, as part of the withdrawal or variation of a consent, to impose an obligation or liability on an individual unless the individual agrees otherwise.</p> <p>S. 10 If an organization obtains or attempts to obtain consent to the collection, use or disclosure of personal information by (a) providing false or misleading information respecting the collection, use or disclosure of the information, or (b) using deceptive or misleading practices, any consent provided or obtained under those circumstances is negated.</p> <p>Part 7 – General Provisions</p> <p>S. 62(1) The Lieutenant Governor in Council may make regulations [...] (c) governing the giving of consent and any other direction under this Act; [...]</p>
<p>Saskatchewan</p>	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>PART II Rights of the Individual</p> <p>S. 5(1) Subject to subsection (2), an individual has the right to consent to the use or disclosure of personal health information about himself or herself.</p> <p>(2) A trustee shall use or disclose personal health information about an individual only: (a) with the consent of the subject individual; or (b) in accordance with a provision of this Act that authorizes the use or disclosure.</p> <p>S. 6(1) Where consent is required by this Act for the collection, use or disclosure of personal health information, the consent: (a) must relate to the purpose for which the information is required; (b) must be informed; (c) must be given voluntarily; and</p>

(d) must not be obtained through misrepresentation, fraud or coercion.

(2) A consent to the collection, use or disclosure of personal health information is informed if the individual who gives the consent is provided with the information that a reasonable person in the same circumstances would require in order to make a decision about the collection, use or disclosure of personal health information.

(3) A consent may be given that is effective for a limited period.

(4) Consent may be express or implied unless otherwise provided.

(5) An express consent need not be in writing.

(6) A trustee, other than the trustee who obtained the consent, may act in accordance with an express consent in writing or a record of an express consent having been given without verifying that the consent meets the requirements of subsection (1) unless the trustee who intends to act has reason to believe that the consent does not meet those requirements.

S. 7(1) An individual may revoke his or her consent to the collection of personal health information or to the use or disclosure of personal health information in the custody or control of a trustee.

(2) A consent may be revoked at any time, but no revocation shall have retroactive effect.

(3) A trustee must take all reasonable steps to comply with a revocation of consent promptly after receiving the revocation.

PART IV

Limits on Collection, Use and Disclosure of Personal Health Information by Trustees

S. 26(1) A trustee shall not use personal health information in the custody or control of the trustee except with the consent of the subject individual or in accordance with this section.

(2) A trustee may use personal health information:

- (a) for a purpose for which the information may be disclosed by the trustee pursuant to section 27, 28 or 29;
- (b) for the purposes of de-identifying the personal health information;
- (c) for a purpose that will primarily benefit the subject individual; or
- (d) for a prescribed purpose.

[Note: Section 29 has been reproduced in “Use and Disclosure of Personal (Health) Information”]

(3) Nothing in subsection (2) authorizes a trustee as an employer to use or obtain access to the personal health information of an individual who is an employee or prospective employee for any purpose related to the employment of the individual without the individual’s consent.

S. 27(1) A trustee shall not disclose personal health information in the custody or control of the trustee except with the consent of the subject

<p>Saskatchewan</p>	<p>individual or in accordance with this section, section 28 or section 29.</p> <p>(2) A subject individual is deemed to consent to the disclosure of personal health information:</p> <p>(a) for the purpose for which the information was collected by the trustee or for a purpose that is consistent with that purpose;</p> <p>(b) for the purpose of arranging, assessing the need for, providing, continuing, or supporting the provision of, a service requested or required by the subject individual;</p> <p>[...]</p> <p>(3) A trustee shall not disclose personal health information on the basis of a consent pursuant to subsection (2) unless:</p> <p>(a) in the case of a trustee other than a health professional, the trustee has established policies and procedures to restrict the disclosure of personal health information to those persons who require the information to carry out a purpose for which the information was collected or to carry out a purpose authorized pursuant to this Act; or</p> <p>(b) in the case of a trustee who is a health professional, the trustee makes the disclosure in accordance with the ethical practices of the trustee's profession.</p> <p>(4) A trustee may disclose personal health information in the custody or control of the trustee without the consent of the subject individual in the following cases:</p> <p>[...]</p> <p>(e) if the subject individual is deceased:</p> <p>(i) where the disclosure is being made to the personal representative of the subject individual for a purpose related to the administration of the subject individual's estate; or</p> <p>(ii) where the information relates to circumstances surrounding the death of the subject individual or services recently received by the subject individual, and the disclosure:</p> <p>(A) is made to a member of the subject individual's immediate family or to anyone else with whom the subject individual had a close personal relationship; and</p> <p>(B) is made in accordance with established policies and procedures of the trustee, or where the trustee is a health professional, made in accordance with the ethical practices of that profession;[...]</p> <p>(k) where the disclosure is being made for the purpose of:</p> <p>[...]</p> <p>(ii) planning, delivering, evaluating or monitoring a program of the trustee;</p> <p>[...]</p> <p>(n) in the case of a trustee who controls the operation of a pharmacy as defined in <i>The Pharmacy Act, 1996</i>, a physician, a dentist or the minister, where the disclosure is being made pursuant to a program to monitor the use of drugs that is authorized by a bylaw made pursuant to <i>The Medical Profession Act, 1981</i> and approved by the minister;</p> <p>(o) in the case of a trustee who controls the operation of a pharmacy as defined in <i>The Pharmacy Act, 1996</i>, where the disclosure is being made pursuant to a program to monitor the use of drugs that is authorized by a bylaw made pursuant to <i>The Pharmacy Act, 1996</i> and approved by the minister;</p>
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<p>Saskatchewan</p>	<p><i>The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01</i></p>	<p>(p) in prescribed circumstances.</p> <p>PART IV PROTECTION OF PRIVACY</p> <p>S. 28 No government institution shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except: (a) for the purpose of which the information was obtained or compiled, or for a use that is consistent with that purpose; or (b) for a purpose for which the information may be disclosed to the government institution pursuant to subsection 29(2).</p> <p>S. 29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except in accordance with this section or section 30.</p> <p>[Note: Section 30 has been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>(2) Subject to any other Act or regulation, personal information in the possession or under the control of a government institution may be disclosed: (a) for the purpose for which the information was obtained or compiled by the government institution or for a use that is consistent with that purpose; (or) [...] (k) to any person or body for research or statistical purposes if the head: (i) is satisfied that the purpose for which the information is to be disclosed is not contrary to the public interest and cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates; and (ii) obtains from the person or body a written agreement not to make a subsequent disclosure of the information in a form that could reasonably be expected to identify the individual to whom it relates; [...]</p> <p>S. 29(4) Subject to any other Act or regulation, the Provincial Archivist may release personal information that is in the possession or under the control of The Saskatchewan Archives Board where, in opinion of the Provincial Archivist, the release would not constitute an unreasonable invasion of privacy.</p> <p>PART VIII GENERAL</p> <p>S. 69 The Lieutenant Governor in Council may make regulations: [...] (p) prescribing manners in which the consent of an individual may be given; [...]</p>
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Saskatchewan	<i>Freedom of Information and Protection of Privacy Regulation, Chapter F-22.01 Reg. 1</i>	S. 18 Where the Act requires the consent of an individual to be given, the consent is to be in writing unless, in the opinion of the head, it is not reasonably practicable to obtain the written consent of the individual.
	<i>The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1</i>	S. 57 The Lieutenant Governor in Council may make regulations: [...] (j) prescribing manners in which the consent of an individual may be given; [...] (l) prescribing any matter that is to be included in a notice that is required by this Act; [...]
	<i>The Local Authority Freedom of Information and Protection of Privacy Act, Local Authority Freedom of Information and Protection of Privacy Regulations, R.R.S. 2000, c. L-27.1</i>	S. 11 Where the Act requires the consent of an individual to be given, the consent is to be in writing unless, in the opinion of the head, it is not reasonably practicable to obtain the written consent of the individual.
Manitoba	<i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 3 RESTRICTIONS ON USE AND DISCLOSURE OF INFORMATION</p> <p>RESTRICTIONS ON USE OF INFORMATION</p> <p>S. 21 A trustee may use personal health information only for the purpose for which it was collected or received, and shall not use it for any other purpose, unless [...] (b) the individual the personal health information is about has consented to the use; [...]</p> <p>RESTRICTIONS ON DISCLOSURE OF INFORMATION</p> <p>S. 22(1) Except as permitted by subsection (2), a trustee may disclose personal health information only if [...] (b) the individual the information is about has consented to the disclosure.</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 66(1) The Lieutenant Governor in Council may make regulations [...] (e) respecting the giving of authorizations and consents by individuals under this Act;</p>

<p>Manitoba</p>	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>[...]</p> <p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 3 RESTRICTIONS ON USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>GENERAL DUTIES OF PUBLIC BODIES</p> <p>S. 43 A public body may use personal information only [...] (b) if the individual the information is about has consented to the use; or [...]</p> <p>RESTRICTIONS ON DISCLOSURE OF INFORMATION</p> <p>S. 44(1) A public body may disclose personal information only [...] (b) if the individual the information is about has consented to its disclosure; (or) [...]</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 87 The Lieutenant Governor in Council may make regulations [...] (h) respecting the giving of consents by individuals under this Act; [...]</p>
<p>Ontario</p>	<p><i>Personal Health Information Protection Act, S.O. 2004, c. 3</i></p>	<p>PART III CONSENT CONCERNING PERSONAL HEALTH INFORMATION</p> <p>S. 18(1) If this Act or any other Act requires the consent of an individual for the collection, use or disclosure of personal health information by a health information custodian, the consent, (a) must be a consent of the individual; (b) must be knowledgeable; (c) must relate to the information; and (d) must not be obtained through deception or coercion.</p> <p>(2) Subject to subsection (3), a consent to the collection, use or disclosure of personal health information about an individual may be express or implied.</p> <p>(3) A consent to the disclosure of personal health information about an individual must be express, and not implied, if, (a) a health information custodian makes the disclosure to a person that is not a health information custodian; or (b) a health information custodian makes the disclosure to another health information custodian and the disclosure is not for the purposes of providing health care or assisting in providing health care.</p> <p>(4) Subsection (3) does not apply to,</p>

<p>Ontario</p>	<p>(a) a disclosure pursuant to an implied consent described in subsection 20(4); [...]</p> <p>(c) a prescribed type of disclosure that does not include information about an individual's state of health.</p> <p>[Note: Section 20(4) provides that if an individual who is a resident or patient in a facility that is a health information custodian provides to the custodian information about his or her religious or other organizational affiliation, the facility may assume that it has the individual's implied consent to provide his or her name and location in the facility to a representative of the religious or other organization, where the custodian has offered the individual the opportunity to withhold or withdraw the consent and the individual has not done so.]</p> <p>(5) A consent to the collection, use or disclosure of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use or disclosure, as the case may be; and (b) that the individual may give or withhold consent.</p> <p>(6) Unless it is not reasonable in the circumstances, it is reasonable to believe that an individual knows the purposes of the collection, use or disclosure of personal health information about the individual by a health information custodian if the custodian posts or makes readily available a notice describing the purposes where it is likely to come to the individual's attention or provides the individual with such a notice.</p> <p>[...]</p> <p>S. 19(1) If an individual consents to have a health information custodian collect, use or disclose personal health information about the individual, the individual may withdraw the consent, whether the consent is express or implied, by providing notice to the health information custodian, but the withdrawal of the consent shall not have retroactive effect.</p> <p>(2) If an individual places a condition on his or her consent to have a health information custodian collect, use or disclose personal health information about the individual, the condition is not effective to the extent that it purports to prohibit or restrict any recording of personal health information by a health information custodian that is required by law or by established standards of professional practice or institutional practice.</p> <p>S. 20(1) A health information custodian who has obtained an individual's consent to a collection, use or disclosure of personal health information about the individual or who has received a copy of a document purporting to record the individual's consent to the collection, use or disclosure is entitled to assume that the consent fulfils the requirements of this Act and the individual has not withdrawn it, unless it is not reasonable to assume so.</p> <p>(4) If an individual who is a resident or patient in a facility that is a</p>
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<p>Ontario</p>		<p>health information custodian provides to the custodian information about his or her religious or other organizational affiliation, the facility may assume that it has the individual's implied consent to provide his or her name and location in the facility to a representative of the religious or other organization, where the custodian has offered the individual the opportunity to withhold or withdraw the consent and the individual has not done so.</p> <p>PART IV COLLECTION, USE AND DISCLOSURE OF PERSONAL HEALTH INFORMATION</p> <p>S. 29 A health information custodian shall not collect, use or disclose personal health information about an individual unless, (a) it has the individual's consent under this Act and the collection, use or disclosure, as the case may be, to the best of the custodian's knowledge, is necessary for a lawful purpose; or (b) the collection, use or disclosure, as the case may be, is permitted or required by this Act.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F-31</i></p>	<p>PART III PROTECTION OF INDIVIDUAL PRIVACY USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 41 An institution shall not use personal information in its custody or under its control except, (a) where the person to whom the information relates has identified that information in particular and consented to its use; [...]</p> <p>S. 42 An institution shall not disclose personal information in its custody or under its control except, [...] (b) where the person to whom the information relates has identified that information in particular and consented to its disclosure; [...]</p>
<p>Quebec</p>	<p><i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i></p>	<p>CHAPTER III PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION I CONFIDENTIALITY OF NOMINATIVE INFORMATION</p> <p>S. 53 Nominative information is confidential, except in the following cases: (1) where its disclosure is authorized by the person concerned by the information; [...]</p> <p>S. 59 A public body shall not release nominative information without the consent of the person concerned. Notwithstanding the foregoing, a public body may release nominative information without the consent of the person concerned in the following cases and strictly on the following conditions: [...]</p> <p>(5) to a person authorized by the Commission d'accès à l'information, in accordance with section 125, to use the information for study, research or</p>

Quebec		<p>statistics purposes; [...]</p> <p>[Note: Section 125 has been reproduced in “Use and Disclosure of Personal (Health) Information”]</p>
	<p><i>An Act respecting the Protection of Personal Information in the Private Sector, R.S.Q. c. P-39.1</i></p>	<p>DIVISION III CONFIDENTIALITY OF PERSONAL INFORMATION</p> <p>§1. – Retention, use and non-communication of information</p> <p>S. 12. Once the object of a file has been achieved, no information contained in it may be used otherwise than with the consent of the person concerned, subject to the time limit prescribed by law or by a retention schedule established by government regulation.</p> <p>S. 13 No person may communicate to a third person the personal information contained in a file he holds on another person, or use it for purposes not relevant to the object of the file, unless the person concerned consents thereto or such communication or use is provided for by this Act.</p> <p>S. 14 Consent to the communication or use of personal information must be manifest, free, and enlightened, and must be given for specific purposes. Such consent is valid only for the length of time needed to achieve the purposes for which it was requested. Consent given otherwise than in accordance with the first paragraph is without effect.</p>
New Brunswick	<p><i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i></p>	<p>Schedule A The Statutory Code of Practice</p> <p>Principle 3: Consent</p> <p>The consent of the individual is required for the collection, use, or disclosure of personal information, except where inappropriate.</p> <p>Schedule B Interpretation and Application of the Statutory Code of Practice</p> <p>Principle 3: Consent</p> <p>S. 3.1 Consent may be express or implied.</p> <p>S. 3.2 The actions for which consent can be implied are those that an individual should reasonably expect the public body to take, and would be unlikely to disapprove of, having regard to</p> <p>(a) the nature of the personal information in question, including whether it is or is not sensitive or confidential,</p> <p>(b) any benefit or detriment to the individual,</p> <p>(c) any explanation that the public body has given of its intended actions,</p> <p>(d) any indication that the individual has given of his or her actual wishes, and</p> <p>(e) the ease or difficulty with which the actual wishes of the individual might be discovered.</p>
Nova Scotia	<p><i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i></p>	<p>PROTECTION OF PERSONAL PRIVACY</p> <p>COLLECTION, PROTECTION, RETENTION, USE AND DISCLOSURE OF PERSONAL INFORMATION</p>

Nova Scotia		<p>S. 26 A public body may use personal information only [...] (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use; or [...]</p> <p>S. 27 A public body may disclose personal information only [...] (b) if the individual the information is about has identified the information and consented in writing to its disclosure; [...]</p>
	<p><i>Freedom of Information and Protection of Privacy Regulation, N.S. Reg. 105/94</i></p>	<p>S. 7(2) The consent of an individual to a public body disclosing any of the individual's personal information pursuant to clause 27(b) of the Act may be in Form 3.</p> <p>S. 8 For the purposes of clause 26(b) of the Act, the consent of an individual to a public body using personal information (a) must (i) be in writing, (ii) identify the information, and (iii) specify to whom the information may be disclosed and how the information may be used; (b) may be in Form 4.</p>
Prince Edward Island	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>PART II PROTECTION OF PRIVACY</p> <p>Division 2 Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 36(1) A public body may use personal information only [...] (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; or [...]</p> <p>S. 37(1) A public body may disclose personal information only [...] (c) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure; [...]</p> <p>PART V GENERAL PROVISIONS</p> <p>S.77(1) The Lieutenant Governor in Council may make regulations: [...] (1) respecting the manner of giving consent for the purposes of subclauses 36(1)(b) and 37(1)(c) [...]</p>
	<p><i>Freedom of Information and the Protection of Privacy Act General Regulations, P.E.I. Reg. EC2002-564</i></p>	<p>S. 6 The consent of an individual to a public body's using or disclosing any of the individual's personal information under clauses 36(1)(b) or 37(1)(c) of the Act shall (a) be in writing; and (b) specify to whom the personal information may be disclosed and how the personal information may be used.</p>

<p>Newfoundland and Labrador</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.L. 2002 c. A-1.1</i></p>	<p>[Part IV to be Proclaimed]</p> <p>PART IV PROTECTION OF PRIVACY</p> <p>S. 38(1) A public body may use personal information only [...] (b) where the individual the information is about has identified the information and has consented to the use, in the manner set by the minister responsible for this Act; or [...]</p> <p>S. 39(1) A public body may disclose personal information only [...] (b) where the individual the information is about has identified the information and consented to the disclosure in the manner set by the minister responsible for this Act; [...]</p>
<p>Yukon</p>	<p><i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>S. 35 A public body may use personal information only [...] (b) if the individual the information is about has consented to the use; or [...]</p> <p>S. 36 A public body may disclose personal information only [...] (b) if the individual the information is about has consented, in the prescribed manner, to its disclosure; [...]</p>
	<p><i>Access to Information Regulation, Y.O.I.C. 1996/053</i></p>	<p>S. 2(1) An individual's consent under paragraph 36(b) of the Act to the public body disclosing personal information about them must (a) be in writing, and (b) specify to whom the personal information may be disclosed and how it may be used.</p>
<p>Northwest Territories</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i></p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION B - USE OF PERSONAL INFORMATION</p> <p>S. 43 A public body may use personal information only [...] (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; [...]</p> <p>DIVISION C - DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 48 A public body may disclose personal information [...] (b) where the individual the information relates to has identified the information and consented, in the prescribed manner, to its disclosure; [...]</p>

Northwest Territories		<p>PART 4 ADMINISTRATION</p> <p>DIVISION B - OTHER MATTERS</p> <p>S. 73 The Commissioner in Executive Council may make regulations [...] (i) prescribing ways in which an individual may give consent; [...]</p>
	<i>Access to Information and Protection of Privacy Regulations, N.W.T. Reg. 206-96</i>	<p>S. 5 The consent of an individual to a public body's use or disclosure of his or her personal information [...] (a) must be in writing; and (b) must specify to whom the personal information may be disclosed or how the personal information may be used.</p>
Nunavut	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION B - USE OF PERSONAL INFORMATION</p> <p>S. 43 A public body may use personal information only [...] (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; [...]</p> <p>DIVISION C - DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 48 A public body may disclose personal information [...] (b) where the individual the information relates to has identified the information and consented, in the prescribed manner, to its disclosure; [...]</p> <p>PART 4 ADMINISTRATION</p> <p>DIVISION B - OTHER MATTERS</p> <p>S. 73 The Commissioner in Executive Council may make regulations [...] (i) prescribing ways in which an individual may give consent; [...]</p>
	<i>Access to Information and Protection of Privacy Regulations, Nu. Reg. 206-96</i>	<p>S. 5 The consent of an individual to a public body's use or disclosure of his or her personal information [...] (a) must be in writing; and (b) must specify to whom the personal information may be disclosed or how the personal information may be used.</p>

**SUBSTITUTE DECISION-MAKING RESPECTING PERSONAL (HEALTH)
INFORMATION IN PRIVACY LEGISLATION**

Federal	<i>Privacy Act, R.S.C. 1985, c. P-21</i>	<p>GENERAL</p> <p>S. 77(1) The Governor in Council may make regulations [...] (m) prescribing the class of individuals who may act on behalf of minors, incompetents, deceased persons or any other individuals under this Act and regulating the manner in which any rights or actions of individuals under this Act may be exercised or performed on their behalf; [...]</p>
	<i>Privacy Regulations, S.O.R. / 83-508</i>	<p>PROCEDURES</p> <p>S. 10 The rights or actions provided for under the Act and these Regulations may be exercised or performed (a) on behalf of a minor or an incompetent person by a person authorized by or pursuant to the law of Canada or a province to administer the affairs or estate of that person; (b) on behalf of a deceased person by a person authorized by or pursuant to the law of Canada or a province to administer the estate of that person, but only for the purpose of such administration; and (c) on behalf of any other individual by any person authorized in writing to do so by the individual.</p>
	<i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5</i>	<p>SCHEDULE 1</p> <p>PRINCIPLES SET OUT IN THE NATIONAL STANDARD OF CANADA ENTITLED MODEL CODE FOR THE PROTECTION OF PERSONAL INFORMATION, CAN/ CSA – Q830-96</p> <p>4.3.6 The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).</p>
British Columbia	<i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i>	<p>PART 6 – GENERAL PROVISIONS</p> <p>S. 76(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows: [...] (h) prescribing the classes of individuals who may act for minors, incompetents, deceased persons or any other individuals under this Act and regulating the manner in which, and the extent to which, any rights or powers of individuals under this Act may be exercised on their behalf; [...]</p>
	<i>Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 323/93</i>	<p>S. 3 The right to [...] consent to disclosure of personal information under section 33 of the Act may be exercised as follows: (a) on behalf of an individual under 19 years of age, by the individual’s parent or guardian if the individual is incapable of exercising those rights; (b) on behalf of an individual who has a committee, by the individual’s committee;</p>

British Columbia		(c) on behalf of a deceased individual, by the deceased's nearest relative or personal representative.
	<i>Personal Information Protection Act, S.B.C. 2003, c. 63</i>	<p>PART 12 – GENERAL PROVISIONS</p> <p>S.58(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:</p> <p>[...]</p> <p>(e) prescribing the classes of individuals who may act for minors, incompetents, deceased persons or any other individuals under this Act and regulating the manner in which, and the extent to which, any rights or powers of individuals under this Act may be exercised on their behalf;</p> <p>[...]</p>
	<i>Personal Information Protection Act Regulations, B.C. Reg. 473/2003</i>	<p>S. 1 In this regulation:</p> <p>[...]</p> <p>"nearest relative" means the first person in the following order of priority:</p> <p>(a) spouse;</p> <p>(b) adult child;</p> <p>(c) parent;</p> <p>(d) adult brother or sister;</p> <p>(e) other adult relation by birth or adoption;</p> <p>"spouse" means a person who</p> <p>(a) is married to another person, or</p> <p>(b) is living and cohabiting with another person in a marriage-like relationship for at least one year immediately before the death of the other person, including a marriage-like relationship between persons of the same gender.</p> <p>S.2 (1) In this section, "representative" means any of the following persons:</p> <p>(a) a committee under the <i>Patients Property Act</i>;</p> <p>(b) an attorney acting under an enduring power of attorney;</p> <p>(c) a litigation guardian;</p> <p>(d) a representative under the <i>Representation Agreement Act</i>.</p> <p>(2) Subject to subsection (3), the guardian of the person of a minor may</p> <p>(a) exercise the rights of the minor under section 23 of the Act, if the minor is incapable of exercising his or her rights under that section,</p> <p>(b) make a request for the minor under section 24 of the Act, if the minor is incapable of exercising his or her rights under that section, and</p> <p>(c) give or refuse consent to the collection, use and disclosure of personal information of the minor under the Act, if the minor is incapable of exercising that right.</p> <p>(3) If an individual has a representative, the representative may</p> <p>(a) exercise the rights of the individual under section 23 of the Act,</p> <p>(b) make a request for the individual under section 24 of the Act, and</p> <p>(c) give or refuse consent to the collection, use and disclosure of personal information of the individual under the Act.</p> <p>S.3 If an individual is deceased, the personal representative of the individual at the time of the individual's death or, if there is no personal representative, the nearest relative of the individual may</p> <p>(a) exercise the rights of the deceased individual under section 23 of the Act,</p>

<p>British Columbia</p>		<p>(b) make a request for the deceased individual under section 24 of the Act, and (c) give or refuse consent to the collection, use and disclosure of personal information of the deceased individual under the Act.</p> <p>S. 4(1) If the person who is referred to at the top of the order of the priority list of the definition of "nearest relative" is unavailable or unwilling to make a decision, then the right to act under sections 2 and 3 passes to the person who is next in priority.</p> <p>(2) If the right to act under section 2 or 3 passes to persons of equal rank in the list of persons in the definition of "nearest relative" then the right passes to the person who is eldest of the persons and descends in order of age.</p>
<p>Alberta</p>	<p><i>Health Information Act, R.S.A. 2000, Chapter H-5</i></p>	<p>Part 5 – Disclosure of Health Information</p> <p>Division 1 – General Disclosure Rules</p> <p>S. 34(1) Subject to sections 35 to 40, a custodian may disclose individually identifying health information to a person other than the individual who is the subject of the information if the individual has consented to the disclosure.</p> <p>[Note: Sections 35 to 40 have been reproduced in “Use and Disclosure of Personal Health Information”]</p> <p>(2) A consent referred to in subsection (1) must be provided in writing or electronically and must include (a) an authorization for the custodian to disclose the health information specified in the consent, (b) the purpose for which the health information may be disclosed, (c) the identity of the person to whom the health information may be disclosed, (d) an acknowledgment that the individual providing the consent has been made aware of the reasons why the health information is needed and the risks and benefits to the individual of consenting or refusing to consent, (e) the date the consent is effective and the date, if any, on which the consent expires, and (f) a statement that the consent may be revoked at any time by the individual providing it.</p> <p>(3) A disclosure of health information pursuant to this section must be carried out in accordance with the terms of the consent.</p> <p>(4) A revocation of a consent must be provided in writing or electronically.</p> <p>(5) A consent or revocation of a consent that is provided in writing must be signed by the person providing it.</p> <p>(6) A consent or revocation of a consent that is provided electronically is valid only if it complies with the requirements set out in the regulations.</p>

<p>Alberta</p>		<p>Part 8 – General Provisions</p> <p>S. 104(1) Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) if the individual is 18 years of age or older, by the individual,</p> <p>(b) if the individual is under 18 years of age and understands the nature of the right or power and the consequences of exercising the right or power, by the individual,</p> <p>(c) if the individual is under 18 years of age but does not meet the criterion in clause (b), by the guardian of the individual,</p> <p>(d) if the individual is deceased, by the individual’s personal representative if the exercise of the right or power relates to the administration of the individual’s estate,</p> <p>(e) if a guardian or trustee has been appointed for the individual under the <i>Dependant Adults Act</i>, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee,</p> <p>(f) if an agent has been designated under a personal directive under the <i>Personal Directives Act</i>, by the agent if the directive so authorizes,</p> <p>(g) if a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties conferred by the power of attorney,</p> <p>(h) if the individual is a formal patient as defined in the <i>Mental Health Act</i>, by the individual’s nearest relative as defined in that Act if the exercise of the right or power is necessary to carry out the obligations of the nearest relative under that Act, or</p> <p>(i) by any person with written authorization from the individual to act on the individual’s behalf.</p> <p>(2) Any notice required to be given to an individual under this Act may be given to the person entitled to exercise the individual’s rights or powers referred to in subsection (1).</p> <p>S. 108(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(e) respecting the requirements of a consent or a revocation of a consent that is provided electronically for the purposes of sections 34 and 59; [...]</p> <p>[Note: Section 59 has been repealed.]</p>
	<p><i>Health Information Act, Health Information Regulation, Alta. Reg. 70/2001</i></p>	<p>S. 6(1) In this section, “electronic consent” means a consent provided electronically.</p> <p>(2) For the purposes of sections 34 and 59 of the Act, an electronic consent or a revocation of an electronic consent is valid only if the level of authentication is sufficient to identify the individual who is granting the consent or revoking the consent, as the case may be.</p> <p>[Note: Section 59 has been repealed.]</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>Part 6 General Provisions</p> <p>S. 84(1) Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) if the individual is deceased, by the individual’s personal representative if the exercise of the right or power relates to the</p>

<p>Alberta</p>		<p>administration of the individual's estate, (b) if a guardian or trustee has been appointed for the individual under the <i>Dependent Adults Act</i>, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee, (c) if an agent has been designated under a personal directive under the <i>Personal Directives Act</i>, by the agent under the authority of the directive if the directive so authorizes, (d) if a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney, (e) if the individual is a minor, by a guardian of the minor in circumstances where, in the opinion of the head of the public body concerned, the exercise of the right or power by the guardian would not constitute an unreasonable invasion of the personal privacy of the minor, or (f) by any person with written authorization from the individual to act on the individual's behalf.</p>
	<p><i>Personal Information Protection Act, R.S.A. 2003, c. P-6.5</i></p>	<p>Part 7 – General Provisions</p> <p>S. 61(1) Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) if the individual is 18 years of age or older, by the individual; (b) if the individual is under 18 years of age and understands the nature of the right or power and the consequences of exercising the right or power, by the individual; (c) if the individual is under 18 years of age but does not meet the criterion in clause (b), by the guardian of the individual; (d) if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate; (e) if a guardian or trustee has been appointed for the individual under the <i>Dependent Adults Act</i>, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee; (f) if an agent has been designated under a personal directive under the <i>Personal Directives Act</i>, by the agent if the directive so authorizes; (g) if a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties conferred by the power of attorney; (h) by any person with written authorization from the individual to act on the individual's behalf.</p>
<p>Saskatchewan</p>	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>PART II Rights of the Individual</p> <p>S. 5(1) Subject to subsection (2), an individual has the right to consent to the use or disclosure of personal health information about himself or herself.</p> <p>(2) A trustee shall use or disclose personal health information about an individual only:</p> <p>(a) with the consent of the subject individual; or (b) in accordance with a provision of this Act that authorizes the use or disclosure.</p> <p>S. 6(1) Where consent is required by this Act for the collection, use or disclosure of personal health information, the consent:</p>

<p>Saskatchewan</p>	<p>(a) must relate to the purpose for which the information is required; (b) must be informed; (c) must be given voluntarily; and (d) must not be obtained through misrepresentation, fraud or coercion.</p> <p>(2) A consent to the collection, use or disclosure of personal health information is informed if the individual who gives the consent is provided with the information that a reasonable person in the same circumstances would require in order to make a decision about the collection, use or disclosure of personal health information.</p> <p>(3) A consent may be given that is effective for a limited period.</p> <p>(4) Consent may be express or implied unless otherwise provided.</p> <p>(5) An express consent need not be in writing.</p> <p>(6) A trustee, other than the trustee who obtained the consent, may act in accordance with an express consent in writing or a record of an express consent having been given without verifying that the consent meets the requirements of subsection (1) unless the trustee who intends to act has reason to believe that the consent does not meet those requirements.</p> <p>S. 7(1) An individual may revoke his or her consent to the collection of personal health information or to the use or disclosure of personal health information in the custody or control of a trustee.</p> <p>(2) A consent may be revoked at any time, but no revocation shall have retroactive effect.</p> <p>(3) A trustee must take all reasonable steps to comply with a revocation of consent promptly after receiving the revocation.</p> <p>S. 15 An individual may designate in writing another person to exercise on behalf of the individual any of the individual's rights or powers with respect to personal health information.</p> <p>PART VIII General</p> <p>S. 56 Any right or power conferred on an individual by this Act may be exercised:</p> <p>(a) where the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate; (b) where a personal guardian has been appointed for the individual, by the guardian if the exercise of the right or power relates to the powers and duties of the guardian; (c) by an individual who is less than 18 years of age in situations where, in the opinion of the trustee, the individual understands the nature of the right or power and the consequences of exercising the right or power; (d) where the individual is less than 18 years of age, by the individual's legal custodian in situations where, in the opinion of the trustee, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual;</p>
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Saskatchewan		<p>(e) where the individual does not have the capacity to give consent:</p> <p>(i) by a person designated by the Minister of Community Resources and Employment if the individual is receiving services pursuant to <i>The Residential Services Act</i> or <i>The Rehabilitation Act</i>; or</p> <p>(ii) by a person who, pursuant to <i>The Health Care Directives and Substitute Health Care Decision Makers Act</i>, is entitled to make a health care decision, as defined in that Act, on behalf of the individual; or</p> <p>(f) by any person designated in writing by the individual pursuant to section 15.</p>
	<p><i>The Freedom of Information and Protection of Privacy Act</i>, S.S. 1990-91, c. F-22.01</p>	<p>PART VIII GENERAL</p> <p>S. 59 Any right or power conferred on an individual by this Act may be exercised:</p> <p>(a) where the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate;</p> <p>(b) where a personal guardian or property guardian has been appointed for the individual, by the guardian if the exercise of the right or power relates to the powers and duties of the guardian;</p> <p>(c) where a power of attorney has been granted, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;</p> <p>(d) where the individual is less than 18 years of age, by the individual's legal custodian in situations where, in the opinion of the head, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual; or</p> <p>(e) by any person with written authorization from the individual to act on the individual's behalf.</p>
	<p><i>The Local Authority Freedom of Information and Protection of Privacy Act</i>, S.S. 1990-91, c. L-27.1</p>	<p>S. 49 Any right or power conferred on an individual by this Act may be exercised:</p> <p>(a) where the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate;</p> <p>(b) where a personal guardian or property guardian has been appointed for the individual, by the guardian if the exercise of the right or power relates to the powers and duties of the guardian;</p> <p>(c) where a power of attorney has been granted, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;</p> <p>(d) where the individual is less than 18 years of age, by the individual's legal custodian in situations where, in the opinion of the head, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual; or</p> <p>(e) by any person with written authorization from the individual to act on the individual's behalf.</p>
Manitoba	<p><i>The Personal Health Information Act</i>, C.C.S.M., c. P-33.5</p>	<p>PART 6 GENERAL PROVISIONS</p> <p>S. 60 The rights of an individual under this Act may be exercised</p> <p>(a) by any person with written authorization from the individual to act on the individual's behalf;</p> <p>(b) by a proxy appointed by the individual under <i>The Health Care Directives Act</i>;</p>

Manitoba		<p>(c) by a committee appointed for the individual under <i>The Mental Health Act</i> if the committee has the power to make health care decisions on the individual's behalf;</p> <p>(d) by a substitute decision maker for personal care appointed for the individual under <i>The Vulnerable Persons Living with a Mental Disability Act</i> if the exercise of the right relates to the powers and duties of the substitute decision maker;</p> <p>(e) by the parent or guardian of an individual who is a minor, if the minor does not have the capacity to make health care decisions; or</p> <p>(f) if the individual is deceased, by his or her personal representative.</p> <p>S. 66(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(e) respecting the giving of authorizations and consents by individuals under this Act; [...]</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>PART 6 GENERAL PROVISIONS</p> <p>S. 79 Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) by any person with written authorization from the individual to act on the individual's behalf;</p> <p>(b) by a committee appointed for the individual under <i>The Mental Health Act</i> or a substitute decision maker appointed for the individual under <i>The Vulnerable Persons Living with a Mental Disability Act</i>, if the exercise of the right or power relates to the powers and duties of the committee or substitute decision maker;</p> <p>(c) by an attorney acting under a power of attorney granted by the individual, if the exercise of the right or power relates to the powers and duties conferred by the power of attorney;</p> <p>(d) by the parent or guardian of a minor when, in the opinion of the head of the public body concerned, the exercise of the right or power by the parent or guardian would not constitute an unreasonable invasion of the minor's privacy; or</p> <p>(e) if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate.</p>
Ontario	<p><i>Personal Health Information Protection Act, S.O. 2004, c. 3</i></p>	<p>PART I INTERPRETATION AND APPLICATION</p> <p>S. 5(1)In this Act, "substitute decision-maker", in relation to an individual, means, unless the context requires otherwise, a person who is authorized under this Act to consent on behalf of the individual to the collection, use or disclosure of personal health information about the individual.</p> <p>(2) A substitute decision-maker of an individual within the meaning of section 9 of the Health Care Consent Act, 1996 shall be deemed to be a substitute decision-maker of the individual in respect of the collection, use or disclosure of personal health information about the individual if the purpose of the collection, use or disclosure is necessary for, or ancillary to, a decision about a treatment under Part II of that Act.</p> <p>(3) A substitute decision-maker of an individual within the meaning of</p>

section 39 of the Health Care Consent Act, 1996 shall be deemed to be a substitute decision-maker of the individual in respect of the collection, use or disclosure of personal health information about the individual if the purpose of the collection, use or disclosure is necessary for, or ancillary to, a decision about admission to a care facility under Part III of that Act.

(4) A substitute decision-maker of an individual within the meaning of section 56 of the Health Care Consent Act, 1996 shall be deemed to be a substitute decision-maker of the individual in respect of the collection, use or disclosure of personal health information about the individual if the purpose of the collection, use or disclosure is necessary for, or ancillary to, a decision about a personal assistance service under Part IV of that Act.

**PART III
CONSENT CONCERNING PERSONAL HEALTH
INFORMATION**

S. 18(1) If this Act or any other Act requires the consent of an individual for the collection, use or disclosure of personal health information by a health information custodian, the consent,

- (a) must be a consent of the individual;
- (b) must be knowledgeable;
- (c) must relate to the information; and
- (d) must not be obtained through deception or coercion.

(2) Subject to subsection (3), a consent to the collection, use or disclosure of personal health information about an individual may be express or implied.

(3) A consent to the disclosure of personal health information about an individual must be express, and not implied, if,

- (a) a health information custodian makes the disclosure to a person that is not a health information custodian; or
 - (b) a health information custodian makes the disclosure to another health information custodian and the disclosure is not for the purposes of providing health care or assisting in providing health care.
- [...]

(5) A consent to the collection, use or disclosure of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows,

- (a) the purposes of the collection, use or disclosure, as the case may be; and
- (b) that the individual may give or withhold consent.

(6) Unless it is not reasonable in the circumstances, it is reasonable to believe that an individual knows the purposes of the collection, use or disclosure of personal health information about the individual by a health information custodian if the custodian posts or makes readily available a notice describing the purposes where it is likely to come to the individual's attention or provides the individual with such a notice.

[...]

<p>Ontario</p>	<p>S. 19(1) If an individual consents to have a health information custodian collect, use or disclose personal health information about the individual, the individual may withdraw the consent, whether the consent is express or implied, by providing notice to the health information custodian, but the withdrawal of the consent shall not have retroactive effect.</p> <p>(2) If an individual places a condition on his or her consent to have a health information custodian collect, use or disclose personal health information about the individual, the condition is not effective to the extent that it purports to prohibit or restrict any recording of personal health information by a health information custodian that is required by law or by established standards of professional practice or institutional practice.</p> <p>S.20(1) A health information custodian who has obtained an individual's consent to a collection, use or disclosure of personal health information about the individual or who has received a copy of a document purporting to record the individual's consent to the collection, use or disclosure is entitled to assume that the consent fulfils the requirements of this Act and the individual has not withdrawn it, unless it is not reasonable to assume so.</p> <p>(2) A health information custodian described in paragraph 1, 2, 3 or 4 of the definition of "health information custodian" in subsection 3(1), that receives personal health information about an individual from the individual, the individual's substitute decision-maker or another health information custodian for the purpose of providing health care or assisting in the provision of health care to the individual, is entitled to assume that it has the individual's implied consent to collect, use or disclose the information for the purposes of providing health care or assisting in providing health care to the individual, unless the custodian that receives the information is aware that the individual has expressly withheld or withdrawn the consent.</p> <p>(3) If a health information custodian discloses, with the consent of an individual, personal health information about the individual to a health information custodian described in paragraph 1, 2, 3 or 4 of the definition of "health information custodian" in subsection 3(1) for the purpose of the provision of health care to the individual and if the disclosing custodian does not have the consent of the individual to disclose all the personal health information about the individual that it considers reasonably necessary for that purpose, the disclosing custodian shall notify the custodian to whom it disclosed the information of that fact.</p> <p>(4) If an individual who is a resident or patient in a facility that is a health information custodian provides to the custodian information about his or her religious or other organizational affiliation, the facility may assume that it has the individual's implied consent to provide his or her name and location in the facility to a representative of the religious or other organization, where the custodian has offered the individual the opportunity to withhold or withdraw the consent and the individual has not done so.</p> <p>S. 23(1) If this Act or any other Act refers to a consent required of an individual to a collection, use or disclosure of personal health information</p>
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<p>Ontario</p>	<p>about the individual, a person described in one of the following paragraphs may give, withhold or withdraw the consent:</p> <ol style="list-style-type: none"> 1. If the individual is capable of consenting to the collection, use or disclosure of the information, <ol style="list-style-type: none"> i. the individual, or ii. if the individual is at least 16 years of age, any person who is capable of consenting, whom the individual has authorized in writing to act on his or her behalf and who, if a natural person, is at least 16 years of age. 2. If the individual is a child who is less than 16 years of age, a parent of the child or a children's aid society or other person who is lawfully entitled to give or refuse consent in the place of the parent unless the information relates to, <ol style="list-style-type: none"> i. treatment within the meaning of the Health Care Consent Act, 1996, about which the child has made a decision on his or her own in accordance with that Act, or ii. counselling in which the child has participated on his or her own under the Child and Family Services Act. 3. If the individual is incapable of consenting to the collection, use or disclosure of the information, a person who is authorized under subsection 5 (2), (3) or (4) or section 26 to consent on behalf of the individual. 4. If the individual is deceased, the deceased's estate trustee or the person who has assumed responsibility for the administration of the deceased's estate, if the estate does not have an estate trustee. 5. A person whom an Act of Ontario or Canada authorizes or requires to act on behalf of the individual. <p>(2) In subsection (1), "parent" does not include a parent who has only a right of access to the child.</p> <p>(3) If the individual is a child who is less than 16 years of age and who is capable of consenting to the collection, use or disclosure of the information and if there is a person who is entitled to act as the substitute decision-maker of the child under paragraph 2 of subsection (1), a decision of the child to give, withhold or withdraw the consent or to provide the information prevails over a conflicting decision of that person.</p> <p>S. 25(1) If this Act permits or requires an individual to make a request, give an instruction or take a step and a substitute decision-maker is authorized to consent on behalf of the individual to the collection, use or disclosure of personal health information about the individual, the substitute decision-maker may make the request, give the instruction or take the step on behalf of the individual.</p> <p>(2) If a substitute decision-maker makes a request, gives an instruction or takes a step under subsection (1) on behalf of an individual, references in this Act to the individual with respect to the request made, the instruction given or the step taken by the substitute decision-maker shall be read as references to the substitute decision-maker, and not to the individual.</p> <p>S. 26(1) If an individual is determined to be incapable of consenting to the collection, use or disclosure of personal health information by a health information custodian, a person described in one of the following</p>
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<p>Ontario</p>	<p>paragraphs may, on the individual's behalf and in the place of the individual, give, withhold or withdraw the consent:</p> <ol style="list-style-type: none"> 1. The individual's guardian of the person or guardian of property, if the consent relates to the guardian's authority to make a decision on behalf of the individual. 2. The individual's attorney for personal care or attorney for property, if the consent relates to the attorney's authority to make a decision on behalf of the individual. 3. The individual's representative appointed by the Board under section 27, if the representative has authority to give the consent. 4. The individual's spouse or partner. 5. A child or parent of the individual, or a children's aid society or other person who is lawfully entitled to give or refuse consent in the place of the parent. This paragraph does not include a parent who only has a right of access to the individual. If a children's aid society or other person is lawfully entitled to consent in the place of the parent, this paragraph does not include the parent. 6. A parent of the individual with only a right of access to the individual. 7. A brother or sister of the individual. 8. Any other relative of the individual. <p>(2) A person described in subsection (1) may consent only if the person,</p> <ol style="list-style-type: none"> (a) is capable of consenting to the collection, use or disclosure of personal health information by a health information custodian; (b) in the case of an individual, is at least 16 years old or is the parent of the individual to whom the personal health information relates; (c) is not prohibited by court order or separation agreement from having access to the individual to whom the personal health information relates or from giving or refusing consent on the individual's behalf; (d) is available; and (e) is willing to assume the responsibility of making a decision on whether or not to consent. <p>(3) For the purpose of clause 2(d), a person is available if it is possible, within a time that is reasonable in the circumstances, to communicate with the person and obtain a consent.</p> <p>(4) A person described in a paragraph of subsection (1) may consent only if no person described in an earlier paragraph meets the requirements of subsection (2).</p> <p>(5) Despite subsection (4), a person described in a paragraph of subsection (1) who is present or has otherwise been contacted may consent if the person believes that,</p> <ol style="list-style-type: none"> (a) no other person described in an earlier paragraph or the same paragraph exists; or (b) although such other person exists, the other person is not a person described in paragraph 1 or 2 of subsection (1) and would not object to the person who is present or has otherwise been contacted making the decision. <p>(6) If no person described in subsection (1) meets the requirements of subsection (2), the Public Guardian and Trustee may make the decision to consent.</p>
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Ontario

(7) If two or more persons who are described in the same paragraph of subsection (1) and who meet the requirements of subsection (2) disagree about whether to consent, and if their claims rank ahead of all others, the Public Guardian and Trustee may make the decision in their stead.

(8) Where an individual, to whom personal health information relates, appointed a representative under section 36.1 of the Mental Health Act before the day this section comes into force, the representative shall be deemed to have the same authority as a person mentioned in paragraph 2 of subsection (1).

(9) The authority conferred on the representative by subsection (8) is limited to the purposes for which the representative was appointed.

(10) An individual who is capable of consenting with respect to personal health information may revoke the appointment in subsection (8) in writing.

(11) A person who is entitled to be the substitute decision-maker of the individual under this section may act as the substitute decision-maker only in circumstances where there is no person who may act as the substitute decision-maker of the individual under subsection 5(2), (3) or (4).

S. 27(1) An individual who is 16 years old or older and who is determined to be incapable of consenting to the collection, use or disclosure of personal health information may apply to the Board for appointment of a representative to consent on the individual's behalf to a collection, use or disclosure of the information by a health information custodian.

(2) If an individual is incapable of consenting to a collection, use or disclosure of personal health information, another individual who is 16 years old or older may apply to the Board to be appointed as a representative to consent on behalf of the incapable individual to a collection, use or disclosure of the information.

(3) Subsections (1) and (2) do not apply if the individual to whom the personal health information relates has a guardian of the person, a guardian of property, an attorney for personal care, or an attorney for property, who has authority to give or refuse consent to the collection, use or disclosure.

(4) The parties to the application are:

1. The individual to whom the personal health information relates.
2. The proposed representative named in the application.
3. Every person who is described in paragraph 4, 5, 6 or 7 of subsection 26(1).
4. All other persons whom the Board specifies.

(5) In an appointment under this section, the Board may authorize the representative to consent, on behalf of the individual to whom the personal health information relates, to,
(a) a particular collection, use or disclosure at a particular time;
(b) a collection, use or disclosure of the type specified by the Board, if

<p>Ontario</p>		<p>the individual is determined to be incapable of consenting to the collection, use or disclosure of personal health information at the time the collection is sought; or</p> <p>(c) any collection, use or disclosure at any time, if the individual is determined to be incapable of consenting to the collection, use or disclosure of personal health information at the time the consent is sought.</p> <p>(6) The Board may make an appointment under this section if it is satisfied that the following requirements are met:</p> <ol style="list-style-type: none"> 1. The individual to whom the personal health information relates does not object to the appointment. 2. The representative consents to the appointment, is at least 16 years old and is capable of consenting to the collection, use or disclosure of personal health information. 3. The appointment is in the best interests of the individual to whom the personal health information relates. <p>(7) Unless the individual to whom the personal health information relates objects, the Board may,</p> <ol style="list-style-type: none"> (a) appoint as representative a different individual than the one named in the application; (b) limit the duration of the appointment; (c) impose any other condition on the appointment; or (d) on any person's application, remove, vary or suspend a condition imposed on the appointment or impose an additional condition on the appointment. <p>(8) The Board may, on any person's application, terminate an appointment made under this section if,</p> <ol style="list-style-type: none"> (a) the individual to whom the personal health information relates or the representative requests the termination; (b) the representative is no longer capable of consenting to the collection, use or disclosure of personal health information; (c) the appointment is no longer in the best interests of the individual to whom the personal health information relates; or (d) the individual to whom the personal health information relates has a guardian of the person, a guardian of property, an attorney for personal care, or an attorney for property, who has authority to give or refuse consent to the types of collections, uses and disclosures for which the appointment was made and in the circumstances to which the appointment applies. <p>(9) Sections 73 to 81 of the Health Care Consent Act, 1996 apply with necessary modifications to an application under this section.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31</i></p>	<p>PART V GENERAL</p> <p>S. 66. Any right or power conferred on an individual by this Act may be exercised,</p> <ol style="list-style-type: none"> (a) where the individual is deceased, by the individual's personal representative if exercise of the right or power relates to the administration of the individual's estate; (b) by the individual's attorney under a continuing power of attorney, the individual's attorney under a power of attorney for personal care, the

Ontario		individual's guardian of the person, or the individual's guardian of property; and (c) where the individual is less than sixteen years of age, by a person who has lawful custody of the individual.
	<i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i>	S. 54 Any right or power conferred on an individual by this Act may be exercised, (a) if the individual is deceased, by the individual's personal representative if exercise of the right or power relates to the administration of the individual's estate; (b) by the individual's attorney under a continuing power of attorney, the individual's attorney under a power of attorney for personal care, the individual's guardian of the person, or the individual's guardian of property; and (c) if the individual is less than 16 years of age, by a person who has lawful custody of the individual.
Quebec	<i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i>	CHAPTER Iii PROTECTION OF PERSONAL INFORMATION DIVISION I CONFIDENTIALITY OF NOMINATIVE INFORMATION S. 53 Nominative information is confidential, except in the following cases: 1) where its disclosure is authorized by the person concerned by the information; in the case of a minor, the authorization may also be given by the person having parental authority; [...]
New Brunswick	<i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i>	Schedule B Interpretation and Application of the Statutory Code of Practice Principle 3: Consent S. 3.3 Consent can be given by a parent, guardian or other representative of the individual in appropriate circumstances.
Nova Scotia	<i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i>	GENERAL S. 43 Any right or power conferred on an individual by this Act may be exercised (a) where the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate; (b) where a personal guardian or property guardian has been appointed for the individual, by the guardian if the exercise of the right or power relates to the powers and duties of the guardian; (c) where a power of attorney has been granted, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney; (d) where the individual is less than the age of majority, by the individual's legal custodian in situations where, in the opinion of the head of a public body, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual; or (e) by a person with written authorization from the individual to act on the individual's behalf.

<p>Prince Edward Island</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>PART V GENERAL PROVISIONS</p> <p>S. 71(1) Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate;</p> <p>(b) if a guardian or trustee has been appointed for the individual by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee;</p> <p>(c) if a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;</p> <p>(d) if the individual is a minor, by a guardian of the minor in circumstances where, in the opinion of the head of the public body concerned, the exercise of the right or power by the guardian would not constitute an unreasonable invasion of the personal privacy of the minor; or</p> <p>(e) by any person with written authorization from the individual to act on the individual's behalf.</p>
<p>Newfoundland and Labrador</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1</i></p>	<p>[Part IV to be Proclaimed]</p> <p>PART VII GENERAL</p> <p>S. 65 A right or power of an individual given in this Act may be exercised</p> <p>(a) by a person with written authorization from the individual to act on the individual's behalf;</p> <p>(b) by a court appointed guardian of a mentally disabled person, where the exercise of the right or power relates to the powers and duties of the guardian;</p> <p>(c) by an attorney acting under a power of attorney, where the exercise of the right or power relates to the powers and duties conferred by the power of attorney;</p> <p>(d) by the parent or guardian of a minor where, in the opinion of the head of the public body concerned, the exercise of the right or power by the parent or guardian would not constitute an unreasonable invasion of the minor's privacy; or</p> <p>(e) where the individual is deceased, by the individual's personal representative, where the exercise of the right or power relates to the administration of the individual's estate.</p>
<p>Yukon</p>	<p><i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i></p>	<p>PART 6 GENERAL PROVISIONS</p> <p>S. 62 Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate;</p> <p>(b) if a guardian or committee has been appointed for the individual, by the guardian or committee if the exercise of the right or power relates to the powers and duties of the guardian or committee;</p> <p>(c) if a power of attorney has been granted, by the attorney if the</p>

Yukon		<p>exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;</p> <p>(d) if the individual is less than 19 years of age, by the individual's legal custodian in situations where the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the individual; or</p> <p>(e) by any person with written authorization from the individual to act on the individual's behalf.</p>
Northwest Territories	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i></p>	<p>PART 3 GENERAL</p> <p>S. 52(1) Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) where the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate;</p> <p>(b) where a guardian or trustee has been appointed for the individual, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee;</p> <p>(c) where a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;</p> <p>(d) where the individual is a minor, by a person who has lawful custody of the minor in circumstances where, in the opinion of the head of the public body concerned, the exercise of the right or power by that person would not constitute an unreasonable invasion of the privacy of the minor; or</p> <p>(e) by any person with written authorization from the individual to act on the individual's behalf.</p>
Nunavut	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>PART 3 GENERAL</p> <p>S. 52(1) Any right or power conferred on an individual by this Act may be exercised</p> <p>(a) where the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate;</p> <p>(b) where a guardian or trustee has been appointed for the individual, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee;</p> <p>(c) where a power of attorney has been granted by the individual, by the attorney if the exercise of the right or power relates to the powers and duties of the attorney conferred by the power of attorney;</p> <p>(d) where the individual is a minor, by a person who has lawful custody of the minor in circumstances where, in the opinion of the head of the public body concerned, the exercise of the right or power by that person would not constitute an unreasonable invasion of the privacy of the minor; or</p> <p>(e) by any person with written authorization from the individual to act on the individual's behalf.</p>

6. Safeguarding, retention and destruction

Canadian privacy statutes typically contain a general obligation to implement safeguards to protect personal (health) information from unauthorized access, disclosure, copying, use, modification, destruction and/or similar risks.

Such safeguards may include administrative safeguards (such as security clearance of persons allowed access and a detailed record of each access), technological safeguards (such as passwords, firewalls and encryption), physical safeguards (such as locked cabinets and restricted access to offices) and additional safeguards (such as ongoing training of employees and agents on how to implement security safeguards).

Certain statutes set out detailed requirements, either in the legislation itself or in related regulations, on how specifically to limit access to and ensure security of personal records.

Health privacy legislation in Alberta and Manitoba contain the most detailed safeguarding provisions, including specific requirements relating to personal health information in electronic form, obligations to periodically assess/audit safeguards and, with respect to Alberta's *Health Information Act*, an obligation to perform privacy impact assessments.

Ontario's *Personal Health Information Protection Act* is the only Canadian privacy statute that requires a data holder to notify an individual

at the first reasonable opportunity if the personal health information is stolen, lost or accessed by unauthorized persons.

British Columbia's *Freedom of Information and Protection of Privacy Act* is the only statute that requires personal information to be stored or accessed only in Canada.

For the most part, privacy statutes contain provisions pertaining to the retention and destruction of personal (health) information. Some statutes specify a minimum retention period of one or two years, in order to afford individuals with a reasonable opportunity to gain access thereto (typically in situations where the information might be used as the basis for a decision that could directly affect the individual). Alberta's *Health Information Act* provides that a custodian that discloses a record containing individually identifying diagnostic, treatment and care information must retain that information for a period of 10 years following the date of the disclosure. Most privacy statutes will more generally provide that personal (health) information may be retained only as long as necessary to fulfil the purpose for which it was collected. In certain instances, other non-privacy statutes or regulations may set out specific retention requirements, the details of which are beyond the scope of this compendium. For instance, under the Food and Drug Regulations – Division 5 – C.05.012 (4), records for clinical trials must be retained for 25 years.

Many statutes require that all reasonable steps be taken when actually destroying or disposing of the personal (health) information to protect the privacy of the individual the information is about. Some statutes expressly require the maintenance of a disposal record that details the personal information that was destroyed, the time period to which it relates and the date and the method of destruction, including the name of

the person responsible for supervising the destruction. Note also that retention, return and disposal of records may be addressed in the research agreement entered into between a custodian and a researcher, as required under applicable privacy legislation.

More generally, privacy statutes require organizations to prepare and implement policies and procedures with respect to their safeguarding and retention practices.

SAFEGUARDING, RETENTION AND DESTRUCTION⁸

Federal	<i>Privacy Act, R.S.C. 1985, c. P-21</i>	<p>COLLECTION, RETENTION AND DISPOSAL OF PERSONAL INFORMATION</p> <p>S. 6(1) Personal information that has been used by a government institution for an administrative purpose shall be retained by the institution for such period of time after it is so used as may be prescribed by regulation in order to ensure that the individual to whom it relates has reasonable opportunity to obtain access to the information.</p> <p>(2) A government institution shall take all reasonable steps to ensure that personal information that is used for an administrative purpose by the institution is as accurate, up-to-date and complete as possible.</p> <p>(3) A government institution shall dispose of personal information under the control of the institution in accordance with the regulations and in accordance with any directives or guidelines issued by the designated minister in relation to the disposal of that information.</p> <p>GENERAL</p> <p>S. 62 The Privacy Commissioner and every person acting on behalf or under the direction of the Commissioner who receives or obtains information relating to any investigation under this Act or any other Act of Parliament shall, with respect to access to and the use of that information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of that information.</p> <p>S. 77(1) The Governor in Council may make regulations [...] (b) prescribing the period of time for which any class of personal information is to be retained under subsection 6(1); (c) prescribing the circumstances and the manner in which personal information under the control of a government institution is to be disposed of under subsection 6(3); [...]</p>
	<i>Privacy Regulations, S.O.R. / 83-508</i>	<p>RETENTION OF PERSONAL INFORMATION THAT HAS BEEN USED BY A GOVERNMENT INSTITUTION FOR AN ADMINISTRATIVE PURPOSE</p> <p>S. 4(1) Personal information concerning an individual that has been used by a government institution for an administrative purpose shall be retained by the institution (a) for at least two years following the last time the personal information</p>

⁸ While Canadian privacy legislation may be silent on the requirement to perform privacy impact assessments or risk vulnerability assessments, as a matter of administrative practice, many public sector entities may be required to perform privacy impact assessments in connection with the design and implementation of programs and/or systems involving the collection, use or disclosure of personal information.

A list of privacy impact assessment tools developed by Canadian governmental or regulatory authorities is set out at Schedule A.

<p>Federal</p>		<p>was used for an administrative purpose unless the individual consents to its disposal; and b) where a request for access to the information has been received, until such time as the individual has had the opportunity to exercise all his rights under the Act.</p> <p>(2) Notwithstanding subsection (1) where personal information is under the control of a government institution at a post abroad, the head of the post or the senior officer in charge thereof may order the destruction of the information in an emergency in order to prevent the removal of the information from the control of the institution.</p> <p>S. 7 The head of a government institution shall retain for a period of at least two years following the date on which a request for access to personal information is received by the institution under paragraph 8(2)(e) of the Act (a) a copy of every request received; and (b) a record of any information disclosed pursuant to such a request.</p> <p>[Note: Section 8(2)(e) of the Act states that “Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed to an investigative body specified in the regulations, on the written request of the body, for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed”]</p>
	<p><i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c.5</i></p>	<p>Schedule 1</p> <p>4.1 Principle 1 -- Accountability</p> <p>4.1.3 An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.</p> <p>4.1.4 Organizations shall implement policies and practices to give effect to the principles, including (a) implementing procedures to protect personal information; (b) establishing procedures to receive and respond to complaints and inquiries; (c) training staff and communicating to staff information about the organization's policies and practices; and (d) developing information to explain the organization's policies and procedures.</p> <p>4.5 Principle 5 – Limiting Use, Disclosure, and Retention</p> <p>Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.</p> <p>4.5.2 Organizations should develop guidelines and implement procedures with respect to the retention of personal information. These guidelines</p>

<p>Federal</p>		<p>should include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. An organization may be subject to legislative requirements with respect to retention periods.</p> <p>4.5.3 Personal information that is no longer required to fulfill the identified purposes should be destroyed, erased, or made anonymous. Organizations shall develop guidelines and implement procedures to govern the destruction of personal information.</p> <p>4.7 Principle 7 – Safeguards</p> <p>Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.</p> <p>4.7.1 The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Organizations shall protect personal information regardless of the format in which it is held.</p> <p>4.7.2 The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution and format of the information, and the method of storage. More sensitive information should be safeguarded by a higher level of protection. [...]</p> <p>4.7.3 The methods of protection should include</p> <ul style="list-style-type: none"> (a) physical measures, for example, locked filing cabinets and restricted access to offices; (b) organizational measures, for example, security clearances and limiting access on a “need-to-know” basis; and (c) technological measures, for example, the use of passwords and encryption. <p>4.7.4 Organizations shall make their employees aware of the importance of maintaining the confidentiality of personal information.</p> <p>4.7.5 Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information (see Clause 4.5.3).</p>
<p>British Columbia</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i></p>	<p>Part 3 – Protection of Privacy</p> <p>Division 1- Collection, Protection and Retention of Personal Information by Public Bodies</p> <p>S. 28 If</p> <ul style="list-style-type: none"> (a) an individual’s personal information is in the custody or under the control of a public body, and (b) the personal information will be used by or on behalf of the public body to make a decision that directly affects the individual, <p>the public body must make every reasonable effort to ensure that the personal information is accurate and complete.</p> <p>S. 30 A public body must protect personal information in its custody or under its control by making reasonable security arrangements against</p>

such risks as unauthorized access, collection, use, disclosure or disposal.

S. 30.1 A public body must ensure that personal information in its custody or under its control is stored only in Canada and accessed only in Canada, unless one of the following applies:

- (a) if the individual the information is about has identified the information and has consented, in the prescribed manner, to it being stored in or accessed from, as applicable, another jurisdiction;
- (b) if it is stored in or accessed from another jurisdiction for the purpose of disclosure allowed under this Act.

S. 30.2 (1) In this section:

"foreign demand for disclosure" means a subpoena, warrant, order, demand or request that is

- (a) from a foreign court, an agency of a foreign state or another authority outside Canada, and
- (b) for the unauthorized disclosure of personal information to which this Act applies;

"unauthorized disclosure of personal information" means disclosure of, production of or the provision of access to personal information to which this Act applies, if that disclosure, production or access is not authorized by this Act.

(2) If a public body, an employee of a public body or an employee or associate of a service provider

- (a) receives a foreign demand for disclosure,
- (b) receives a request to disclose, produce or provide access to personal information to which this Act applies, if the public body, employee or other person receiving the request
 - (i) knows that the request is for the purpose of responding to a foreign demand for disclosure, or
 - (ii) has reason to suspect that it is for such a purpose, or
- (c) has reason to suspect that unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure, the head of the public body, the employee or other person must immediately notify the minister responsible for this Act.

(3) The notice under subsection (2) must include, as known or suspected,

- (a) the nature of the foreign demand for disclosure,
- (b) who made the foreign demand for disclosure,
- (c) when the foreign demand for disclosure was received, and
- (d) what information was sought by or disclosed in response to the foreign demand for disclosure.

S. 31 If an individual's personal information

- (a) is in the custody or under the control of a public body, and
 - (b) is used by or on behalf of the public body to make a decision that directly affects the individual,
- the public body must ensure that the personal information is retained for at least one year after being used so that the affected individual has a reasonable opportunity to obtain access to that personal information.

Part 6 – General Provisions

British Columbia		<p>S. 69(1) In this section, [...] "privacy impact assessment" means an assessment that is conducted to determine if a new enactment, system, project or program meets the requirements of Part 3 of this Act.</p> <p>(5) The head of a ministry must conduct a privacy impact assessment and prepare an information sharing agreement in accordance with the directions of the minister responsible for this Act.</p> <p>S. 76(2) [...] [T]he Lieutenant Governor in Council may make regulations as follows: [...] (m) providing for the retention and disposal of records by a public body if the <i>Document Disposal Act</i> does not apply to the public body; [...]</p>
	<p><i>Personal Information Protection Act</i>, S.B.C. 2003, c. 63</p>	<p>Part 2 — General Rules Respecting Protection of Personal Information by Organizations</p> <p>S. 5 An organization must (a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act, (b) develop a process to respond to complaints that may arise respecting the application of this Act, and (c) make information available on request about (i) the policies and practices referred to in paragraph (a), and (ii) the complaint process referred to in paragraph (b).</p> <p>Part 9 – Care of Personal Information</p> <p>S. 34 An organization must protect personal information in its custody or under its control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.</p> <p>S. 35(1) Despite subsection (2), if an organization uses an individual's personal information to make a decision that directly affects the individual, the organization must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p> <p>(2) An organization must destroy its documents containing personal information, or remove the means by which the personal information can be associated with particular individuals, as soon as it is reasonable to assume that (a) the purpose for which that personal information was collected is no longer being served by retention of the personal information, and (b) retention is no longer necessary for legal or business purposes.</p>
Alberta	<p><i>Health Information Act</i>, R.S.A. 2000, c. H-5</p>	<p>Part 1 – Introductory Matters</p> <p>S. 3 This Act [...] (c) does not prohibit the transfer, storage or destruction of a record in accordance with an enactment of Alberta or Canada.</p> <p>Part 5 – Disclosure of Health Information</p>

Division 1- General Disclosure Rules

S. 41(1) A custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1) or (4) must make a note of the following information:

- (a) the name of the person to whom the custodian discloses the information;
- (b) the date and purpose of the disclosure;
- (c) a description of the information disclosed.

[Note: Section 35(1) has been reproduced in “Use and Disclosure of Personal (Health) Information”]

(2) The information referred to in subsection (1) must be retained by the custodian for a period of 10 years following the date of the disclosure.

(3) An individual who is the subject of information referred to in subsection (1) may ask a custodian for access to and a copy of the information, and Part 2 applies to the request.

S. 46(1) The Minister or the Department may request another custodian to disclose individually identifying health information for any of the purposes listed in section 27(2)

[...]

(b) if the information requested relates to a health service provided by the other custodian

- (i) that is fully or partially paid for by the Department, or
- (ii) that is provided using financial, physical or human resources provided, administered or paid for by the Department.

[...]

(5) Where health information is requested under subsection (1)(b), the Department

- (a) must prepare a privacy impact assessment describing how disclosure of the health information may affect the privacy of the individual who is the subject of the information, and submit the privacy impact assessment to the Commissioner for review and comment, and
- (b) must consider the comments of the Commissioner, if any, made in response to the privacy impact assessment before disclosing the health information under subsection (3).

[Note : Subsection 27(2) refers to the use by a custodian of individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible:

- (a) planning and resource allocation;**
- (b) health system management;**
- (c) public health surveillance;**
- (d) health policy development.]**

Part 6 – Duties and Powers of Custodians Relating to Health Information

<p>Alberta</p>		<p>Division 1- General Duties and Powers</p> <p>S. 60(1) A custodian must take reasonable steps in accordance with the regulations to maintain administrative, technical and physical safeguards that will</p> <ul style="list-style-type: none"> (a) protect the confidentiality of health information that is in its custody or under its control and the privacy of the individuals who are the subjects of that information, (b) protect the confidentiality of health information that is to be stored or used in a jurisdiction outside Alberta or that is to be disclosed by the custodian to a person in a jurisdiction outside Alberta and the privacy of the individuals who are the subjects of that information, (c) protect against any reasonably anticipated <ul style="list-style-type: none"> (i) threat or hazard to the security or integrity of the health information or of loss of the health information, or (ii) unauthorized use, disclosure or modification of the health information or unauthorized access to the health information, and (d) otherwise ensure compliance with this Act by the custodian and its affiliates. <p>(2) The safeguards to be maintained under subsection (1) must include appropriate measures</p> <ul style="list-style-type: none"> (a) for the security and confidentiality of records, which measures must address the risks associated with electronic health records, and (b) for the proper disposal of records to prevent any reasonably anticipated unauthorized use or disclosure of the health information or unauthorized access to the health information following its disposal. <p>(3) In subsection (2)(a), “electronic health records” means records of health information in electronic form.</p> <p>S. 62(1) Each custodian must identify its affiliates who are responsible for ensuring that this Act, the regulations and the policies and procedures established or adopted under section 63 are complied with. [...]</p> <p>S. 63(1) Each custodian must establish or adopt policies and procedures that will facilitate the implementation of this Act and the regulations.</p> <p>(2) A custodian must at the request of the Minister or the Department provide the Minister or the Department, as the case may be, with a copy of the policies and procedures established or adopted under this section.</p> <p>S. 64(1) Each custodian must prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information.</p> <p>(2) The custodian must submit the privacy impact assessment to the Commissioner for review and comment before implementing any proposed new practice or system described in subsection (1) or any proposed change to existing practices and systems described in subsection (1).</p>
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<p>Alberta</p>		<p>S. 66(6) [...] a custodian continues to be responsible for compliance with this Act and the regulations in respect of the information disclosed by the custodian to the information manager.</p> <p>PART 8 GENERAL PROVISIONS</p> <p>S. 108(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(g) respecting the retention, disposal and archival storage of records for the purposes of section 60;</p> <p>(h) respecting the administrative, technical and physical safeguards that a custodian must maintain in respect of health information pursuant to section 60;</p> <p>[...]</p>
	<p>Health Information Regulation, Alta. Reg. 70/2001</p>	<p>S. 8(1) A custodian must identify, and maintain a written record of, all of its administrative, technical and physical safeguards in respect of health information.</p> <p>(2) A custodian must designate an individual who is responsible for the overall security and protection of health information in the custody or under the control of the custodian.</p> <p>(3) A custodian must periodically assess its administrative, technical and physical safeguards in respect of</p> <p>(a) the confidentiality of health information that is in its custody or under its control and the privacy of the individuals who are the subjects of that information,</p> <p>(b) any reasonably anticipated threat or hazard to the security or integrity of the health information or to the loss of the health information, and</p> <p>(c) any unauthorized use, disclosure or modification of the health information or unauthorized access to the health information.</p> <p>(4) In order to ensure the privacy and confidentiality of health information that is to be stored or used by a person in a jurisdiction outside Alberta or that is to be disclosed to a person in a jurisdiction outside Alberta, the custodian must, prior to the storage, use or disclosure of the information, enter into a written agreement with the person that</p> <p>(a) provides for the custodian to retain control over the health information,</p> <p>(b) adequately addresses the risks associated with the storage, use or disclosure of the health information,</p> <p>(c) requires the person to implement and maintain adequate safeguards for the security and protection of the health information,</p> <p>(d) allows the custodian to monitor compliance with the terms and conditions of the agreement, and</p> <p>(e) contains remedies to address any non-compliance with or breach of the terms and conditions of the agreement by the other person.</p> <p>(5) Subsection (4) does not apply to health information about an individual that is used in a jurisdiction outside Alberta solely for the purpose of providing continuing treatment and care to the individual.</p> <p>(6) A custodian must ensure that its affiliates are aware of and adhere to all of the custodian's administrative, technical and physical safeguards in</p>

<p>Alberta</p>		<p>respect of health information.</p> <p>(7) A custodian must establish sanctions that may be imposed against affiliates who breach, or attempt to breach, the custodian's administrative, technical and physical safeguards in respect of health information.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>Part 2 Protection of Privacy</p> <p>Division 1- Collection of Personal Information</p> <p>S. 35 If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body must</p> <p>(a) make every reasonable effort to ensure that the information is accurate and complete, and</p> <p>(b) retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it, or for any shorter period of time as agreed to in writing by</p> <p>(i) the individual,</p> <p>(ii) the public body, and</p> <p>(iii) if the body that approves the records and retention and disposition schedule for the public body is different from the public body, that body.</p> <p>S. 38 The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.</p> <p>S. 94(1) The Lieutenant Governor in Council may make regulations</p> <p>[...]</p> <p>j) respecting technical standards and safeguards to be observed for the security and protection of personal information;</p> <p>[...]</p>
	<p><i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i></p>	<p>Part 2 - Protection of Personal Information</p> <p>Division 1 -Compliance and Policies</p> <p>S. 6 An organization must</p> <p>(a) develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act, and</p> <p>(b) make information about the policies and practices referred to in clause (a) available on request.</p> <p>Part 3 – Access to and Correction and Care of Personal Information</p> <p>Division 2- Care of Personal Information</p> <p>S. 34 An organization must protect personal information that is in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction.</p>

Alberta		<p>S. 35 Notwithstanding that a consent has been withdrawn or varied under section 9, an organization may for legal or business purposes retain personal information as long as is reasonable.</p> <p>[Note: Section 9 has been reproduced in “Consent Requirement and Elements of Consent”]</p>
	<p><i>Municipal Government Act, R.S.A. 2000, c. M-26</i></p>	<p>S. 214 [...]</p> <p>(2) A council may pass a bylaw respecting the destruction of other records and documents of the municipality.</p> <p>(3) A bylaw under subsection (2) must provide that if an individual’s personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p>
Saskatchewan	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>PART III Duty of Trustee to Protect Personal Health Information</p> <p>S. 16 Subject to the regulations, a trustee that has custody or control of personal health information must establish policies and procedures to maintain administrative, technical and physical safeguards that will:</p> <p>(a) protect the integrity, accuracy and confidentiality of the information;</p> <p>(b) protect against any reasonably anticipated:</p> <p>(i) threat or hazard to the security or integrity of the information;</p> <p>(ii) loss of the information; or</p> <p>(iii) unauthorized access to or use, disclosure or modification of the information; and</p> <p>(c) otherwise ensure compliance with this Act by its employees.</p> <p>S. 17(1) [Not yet proclaimed.] A trustee must:</p> <p>(a) have a written policy concerning the retention and destruction of personal health information that meets the requirements set out in the regulations; and</p> <p>(b) comply with that policy and any prescribed standards with respect to the retention and destruction of personal health information.</p> <p>(2) A trustee must ensure that:</p> <p>(a) personal health information stored in any format is retrievable, readable and useable for the purpose for which it was collected for the full retention period of the information established in the policy mentioned in subsection(1); and</p> <p>(b) personal health information is destroyed in a manner that protects the privacy of the subject individual.</p> <p>[...]</p> <p>S. 23(2) A trustee must establish policies and procedures to restrict access by the trustee’s employees to an individual’s personal health information that is not required by the employee to carry out the purpose for which the information was collected or to carry out a purpose authorized pursuant to this Act.</p> <p>PART VIII General</p>

Saskatchewan		<p>S. 63(1) For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:</p> <p>[...]</p> <p>(h) prescribing and governing administrative, technical and physical safeguards for the protection of personal health information;</p> <p>(i) prescribing and governing standards for the retention and destruction of personal health information and governing retention and destruction policies;</p> <p>[...]</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, R.S.S. 1990-91, c.F-22.01</i></p>	<p>S. 27 A government institution shall ensure that personal information being used by the government institution for an administrative purpose is as accurate and complete as is reasonably possible.</p>
Manitoba	<p><i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 1 RESTRICTIONS ON COLLECTION AND RETENTION OF INFORMATION</p> <p>S. 17(1) A trustee shall establish a written policy concerning the retention and destruction of personal health information and shall comply with that policy.</p> <p>(2) A policy under subsection (1) must conform with any requirements of the regulations.</p> <p>(3) In accordance with any requirements of the regulations, a trustee shall ensure that personal health information is destroyed in a manner that protects the privacy of the individual the information is about.</p> <p>(4) A trustee who destroys personal health information shall keep a record of</p> <p>(a) the individual whose personal health information is destroyed and the time period to which the information relates; and</p> <p>(b) the method of destruction and the person responsible for supervising the destruction.</p> <p>(5) This section does not override or modify any requirement in an enactment of Manitoba or Canada concerning the retention or destruction of records maintained by public bodies.</p> <p>DIVISION 2 SECURITY SAFEGUARDS</p> <p>S. 18(1) In accordance with any requirements of the regulations, a trustee shall protect personal health information by adopting reasonable administrative, technical and physical safeguards that ensure the confidentiality, security, accuracy and integrity of the information.</p> <p>(2) Without limiting subsection (1), a trustee shall</p> <p>(a) implement controls that limit the persons who may use personal health information maintained by the trustee to those specifically authorized by the trustee to do so;</p>

(b) implement controls to ensure that personal health information maintained by the trustee cannot be used unless

- (i) the identity of the person seeking to use the information is verified as a person the trustee has authorized to use it, and
- (ii) the proposed use is verified as being authorized under this Act;

(c) if the trustee uses electronic means to request disclosure of personal health information or to respond to requests for disclosure, implement procedures to prevent the interception of the information by unauthorized persons; and

(d) when responding to requests for disclosure of personal health information, ensure that the request contains sufficient detail to uniquely identify the individual the information is about.

(3) A trustee who maintains personal health information in electronic form shall implement any additional safeguards for such information required by the regulations.

S. 19 In determining the reasonableness of security safeguards required under section 18, a trustee shall take into account the degree of sensitivity of the personal health information to be protected.

S. 20(3) A trustee shall limit the use and disclosure of personal health information it maintains to those of its employees and agents who need to know the information to carry out the purpose for which the information was collected or received or to carry out a purpose authorized under section 21.

[Note: Section 21 has been reproduced in “Use and Disclosure of Personal (Health) Information”]

**DIVISION 4
Miscellaneous Requirements
Information Managers**

S. 25(1) A trustee may provide personal health information to an information manager for the purpose of processing, storing or destroying it or providing the trustee with information management or information technology services.

[...]

S. 25(3) A trustee who wishes to provide personal health information to an information manager under this section must enter into a written agreement with the information manager that provides for the protection of the personal health information against such risks as unauthorized access, use, disclosure, destruction or alteration, in accordance with the regulations.

[...]

S. 25(5) Personal health information that has been provided to an information manager under an agreement described in subsection (3) is deemed to be maintained by the trustee for the purposes of this Act.

<p>Manitoba</p>		<p>PART 6 GENERAL PROVISIONS</p> <p>S. 66(1) The Lieutenant Governor in Council may make regulations [...] (f) for the purpose of section 17, governing policies of trustees concerning retention periods for personal health information and respecting the destruction of that information, and requiring the policies to be made available to the public; [...] (h) respecting security safeguards for personal health information that trustees must establish, including requirements for information held in electronic form; [...]</p>
	<p><i>Personal Health Information Regulation, Man. Reg. 245/97</i></p>	<p>S. 2 A trustee shall establish and comply with a written policy and procedures containing the following: (a) provisions for the security of personal health information during its collection, use, disclosure, storage, and destruction, including measures (i) to ensure the security of the personal health information when a record of the information is removed from a secure designated area, and (ii) to ensure the security of personal health information in electronic form when the computer hardware or removable electronic storage media on which it has been recorded is being disposed of or used for another purpose; (b) provisions for the recording of security breaches; (c) corrective procedures to address security breaches.</p> <p>S. 3 A trustee shall (a) ensure that personal health information is maintained in a designated area or areas and is subject to appropriate security safeguards; (b) limit physical access to designated areas containing personal health information to authorized persons; (c) take reasonable precautions to protect personal health information from fire, theft, vandalism, deterioration, accidental destruction or loss and other hazards; and (d) ensure that removable media used to record personal health information is stored securely when not in use.</p> <p>S. 4(1) A trustee shall ensure every electronic information system that the trustee designs or acquires after December 11, 2000 (a) produces an electronic record of every successful or unsuccessful attempt to (i) gain access to the personal health information maintained on the system, (ii) add to, delete or modify the personal health information maintained on the system; and (b) records every transmission of personal health information maintained on the system.</p> <p>(2) A trustee shall regularly review the electronic records produced under subsection (1) to detect any security breaches.</p> <p>(3) The requirements of this section only apply to an electronic information system used by a trustee to maintain personal health</p>

<p>Manitoba</p>		<p>information.</p> <p>S. 5 A trustee shall, for each of its employees and agents, determine the personal health information that he or she is authorized to access.</p> <p>S. 6 A trustee shall provide orientation and ongoing training for its employees and agents about the trustee's policy and procedures referred to in section 2.</p> <p>S. 7 A trustee shall ensure that each employee and agent signs a pledge of confidentiality that includes an acknowledgement that he or she is bound by the policy and procedures referred to in section 2 and is aware of the consequences of breaching them.</p> <p>S. 8(1) A trustee shall conduct an audit of its security safeguards at least every two years.</p> <p>(2) If an audit identifies deficiencies in the trustee's security safeguards, the trustee shall take steps to correct the deficiencies as soon as practicable.</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 2 COLLECTION, CORRECTION AND RETENTION OF PERSONAL INFORMATION</p> <p>S. 38 If personal information about an individual will be used by a public body to make a decision that directly affects the individual, the public body shall take reasonable steps to ensure that the information is accurate and complete.</p> <p>S. 40(1) A public body that uses personal information about an individual to make a decision that directly affects the individual shall, in the absence of another legal requirement to do so, establish and comply with a written policy concerning the retention of the personal information.</p> <p>(2) A policy under subsection (1) must</p> <p>(a) require that personal information be retained for a reasonable period of time so that the individual the information is about has a reasonable opportunity to obtain access to it; and</p> <p>(b) comply with any additional requirements set out in the regulations.</p> <p>S. 41 The head of a public body shall, in accordance with any requirements set out in the regulations, protect personal information by making reasonable security arrangements against such risks as unauthorized access, use, disclosure or destruction.</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 87 The Lieutenant Governor in Council may make regulations [...]</p> <p>(g) for the purpose of clause 40(2)(b), governing policies of public bodies concerning retention periods for personal information and respecting the</p>

Manitoba		<p>destruction of personal information; [...] (j) respecting standards for and requiring administrative, technical and physical safeguards to ensure the security and confidentiality of records and personal information in the custody or under the control of public bodies; [...]</p>
Ontario	<p><i>Personal Health Information Protection Act, S.O. 2004, c. 3</i></p>	<p>PART I INTERPRETATION AND APPLICATION</p> <p>PURPOSES, DEFINITIONS AND INTERPRETATION</p> <p>S. 2 In this Act, [...] “information practices”, in relation to a health information custodian, means the policy of the custodian for actions in relation to personal health information, including, [...] (b) the administrative, technical and physical safeguards and practices that the custodian maintains with respect to the information; [...]</p> <p>PART II PRACTICES TO PROTECT PERSONAL HEALTH INFORMATION</p> <p>GENERAL</p> <p>S. 12(1) A health information custodian shall take steps that are reasonable in the circumstances to ensure that personal health information in the custodian’s custody or control is protected against theft, loss and unauthorized use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or disposal.</p> <p>(2) Subject to subsection (3) and subject to the exceptions and additional requirements, if any, that are prescribed, a health information custodian that has custody or control of personal health information about an individual shall notify the individual at the first reasonable opportunity if the information is stolen, lost, or accessed by unauthorized persons.</p> <p>(3) If the health information custodian is a researcher who has received the personal health information from another health information custodian under subsection 44 (1), the researcher shall not notify the individual that the information is stolen, lost or accessed by unauthorized persons unless the health information custodian under that subsection first obtains the individual’s consent to having the researcher contact the individual and informs the researcher that the individual has given the consent.</p> <p>[Note: Section 44(1) has been reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>S. 13(1) A health information custodian shall ensure that the records of personal health information that it has in its custody or under its control are retained, transferred and disposed of in a secure manner and in</p>

accordance with the prescribed requirements, if any.

(2) Despite subsection (1), a health information custodian that has custody or control of personal health information that is the subject of a request for access under section 53 shall retain the information for as long as necessary to allow the individual to exhaust any recourse under this Act that he or she may have with respect to the request.

S. 14(1) A health information custodian may keep a record of personal health information about an individual in the individual's home in any reasonable manner to which the individual consents, subject to any restrictions set out in a regulation, by-law or published guideline under the Regulated Health Professions Act, 1991, an Act referred to in Schedule 1 of that Act, the Drugless Practitioners Act or the Social Work and Social Service Work Act, 1998.

(2) A health care practitioner may keep a record of personal health information about an individual in a place other than the individual's home and other than a place in the control of the practitioner if,

(a) the record is kept in a reasonable manner;

(b) the individual consents;

(c) the health care practitioner is permitted to keep the record in the place in accordance with a regulation, by-law or published guideline under the Regulated Health Professions Act, 1991, an Act referred to in Schedule 1 to that Act, the Drugless Practitioners Act or the Social Work and Social Service Work Act, 1998, if the health care practitioner is described in any of clauses (a) to (c) of the definition of "health care practitioner" in section 2; and

(d) the prescribed conditions, if any, are satisfied.

[...]

S. 17(3) An agent of a health information custodian shall notify the custodian at the first reasonable opportunity if personal health information handled by the agent on behalf of the custodian is stolen, lost or accessed by unauthorized persons.

**PART IV
COLLECTION, USE AND DISCLOSURE OF PERSONAL
HEALTH INFORMATION**

S. 45(1) A health information custodian may disclose to a prescribed entity personal health information for the purpose of analysis or compiling statistical information with respect to the management of, evaluation or monitoring of, the allocation of resources to or planning for all or part of the health system, including the delivery of services, if the entity meets the requirements under subsection (3).

(3) A health information custodian may disclose personal health information to a prescribed entity under subsection (1) if,

(a) the entity has in place practices and procedures to protect the privacy of the individuals whose personal health information it receives and to maintain the confidentiality of the information; and

(b) the Commissioner has approved the practices and procedures, if the custodian makes the disclosure on or after the first anniversary of the day

<p>Ontario</p>		<p>this section comes into force.</p> <p>PART VII GENERAL</p> <p>S. 73(1) Subject to section 74, the Lieutenant Governor in Council may make regulations, [...]</p> <p>(g) specifying requirements with respect to information practices for the purposes of subsection 10 (1), including conditions that a health information custodian is required to comply with when collecting, using or disclosing personal health information or classes of personal health information, or specifying procedural processes or requirements for setting requirements with respect to information practices for the purposes of that subsection;</p> <p>(h) specifying requirements, or a process for setting requirements, for the purposes of subsection 10 (3) with which a health information custodian is required to comply when using electronic means to collect, use, modify, disclose, retain or dispose of personal health information, including standards for transactions, data elements for transactions, code sets for data elements and procedures for the transmission and authentication of electronic signatures;</p> <p>[...]</p> <p>[Note: Section 10(3) has been reproduced in “Accountability and transparency in the management of personal (health) information”]</p>
	<p><i>Personal Health Information Protection Act, General Regulation, O. Reg. 329/04</i></p>	<p>S. 6(1) Except as otherwise required by law, the following are prescribed as requirements for the purposes of subsection 10 (4) of the Act with respect to a person who supplies services for the purpose of enabling a health information custodian to use electronic means to collect, use, modify, disclose, retain or dispose of personal health information, and who is not an agent of the custodian:</p> <ol style="list-style-type: none"> 1. The person shall not use any personal health information to which it has access in the course of providing the services for the health information custodian except as necessary in the course of providing the services. 2. The person shall not disclose any personal health information to which it has access in the course of providing the services for the health information custodian. 3. The person shall not permit its employees or any person acting on its behalf to be able to have access to the information unless the employee or person acting on its behalf agrees to comply with the restrictions that apply to the person who is subject to this subsection. <p>[Note: Section 10(4) has been reproduced in “Accountability and transparency in the management of personal (health) information”]</p> <p>(2) In subsection (3), “health information network provider” or “provider” means a person who provides services to two or more health information custodians where the services are provided primarily to custodians to enable the custodians to use electronic means to disclose personal health information to one another, whether or not the person is an agent of any of the custodians.</p>

- (3) The following are prescribed as requirements with respect to a health information network provider in the course of providing services to enable a health information custodian to use electronic means to collect, use, disclose, retain or dispose of personal health information:
1. The provider shall notify every applicable health information custodian at the first reasonable opportunity if,
 - i. the provider accessed, used, disclosed or disposed of personal health information other than in accordance with paragraphs 1 and 2 of subsection (1), or
 - ii. an unauthorized person accessed the personal health information.
 2. The provider shall provide to each applicable health information custodian a plain language description of the services that the provider provides to the custodians, that is appropriate for sharing with the individuals to whom the personal health information relates, including a general description of the safeguards in place to protect against unauthorized use and disclosure, and to protect the integrity of the information.
 3. The provider shall make available to the public,
 - i. the description referred to in paragraph 2,
 - ii. any directives, guidelines and policies of the provider that apply to the services that the provider provides to the health information custodians to the extent that these do not reveal a trade secret or confidential scientific, technical, commercial or labour relations information, and
 - iii. a general description of the safeguards implemented by the person in relation to the security and confidentiality of the information.
 4. The provider shall to the extent reasonably practical, and in a manner that is reasonably practical, keep and make available to each applicable health information custodian, on the request of the custodian, an electronic record of,
 - i. all accesses to all or part of the personal health information associated with the custodian being held in equipment controlled by the provider, which record shall identify the person who accessed the information and the date and time of the access, and
 - ii. all transfers of all or part of the information associated with the custodian by means of equipment controlled by the provider, which record shall identify the person who transferred the information and the person or address to whom it was sent, and the date and time it was sent.
 5. The provider shall perform, and provide to each applicable health information custodian a written copy of the results of, an assessment of the services provided to the health information custodians, with respect to,
 - i. threats, vulnerabilities and risks to the security and integrity of the personal health information, and
 - ii. how the services may affect the privacy of the individuals who are the subject of the information.
 6. The provider shall ensure that any third party it retains to assist in providing services to a health information custodian agrees to comply with the restrictions and conditions that are necessary to enable the provider to comply with this section.
 7. The provider shall enter into a written agreement with each health information custodian concerning the services provided to the custodian that,
 - i. describes the services that the provider is required to provide for the

custodian,
 ii. describes the administrative, technical and physical safeguards relating to the confidentiality and security of the information, and
 iii. requires the provider to comply with the Act and the regulations.

(4) A health information custodian who uses goods or services supplied by a person referred to in subsection 10(4) of the Act, other than a person who is an agent of the custodian, for the purpose of using electronic means to collect, use, modify, disclose, retain or dispose of personal health information shall not be considered in so doing to make the information available or to release it to that person for the purposes of the definition of “disclose” in section 2 of the Act if,
 (a) the person complies with subsections (1) and (3), to the extent that either is applicable, in supplying services; and
 (b) in the case of a person supplying goods to the health information custodian, the custodian does not, in returning the goods to the person, enable the person to access the personal health information except where subsection (1) applies and is complied with.

[Note: The definition of “disclose” in Section 2 has been reproduced in “Use and Disclosure of Personal (Health) Information”]

S. 13(1) The following are prescribed persons for the purposes of clause 39(1)(c) of the Act:

1. Cardiac Care Network of Ontario in respect of its registry of cardiac services.
2. INSCYTE (Information System for Cytology etc.) Corporation in respect of CytoBase.
3. London Health Sciences Centre in respect of the Ontario Joint Replacement Registry.
4. Canadian Stroke Network in respect of the Canadian Stroke Registry.

[Note: Section 39(1)(c) has been reproduced in “Use and Disclosure of Personal (Health) Information”]

(2) A person that is a prescribed person for the purposes of clause 39(1)(c) of the Act shall put in place practices and procedures approved by the Commissioner to protect the privacy of the individuals whose personal health information it receives and to maintain the confidentiality of the information, except that the practices and procedures are not required to be approved by the Commissioner until the first anniversary of the day that section 45 of the Act comes into force.

[...]

S. 14(1) Subject to clause 42(3)(b) of the Act, a health information custodian may transfer records of personal health information under that clause to a person who,

- (a) has put in place reasonable measures to ensure that personal health information in the person’s custody or control is protected against theft, loss and unauthorized use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or disposal;
- (b) has put in place measures to allow an individual to have reasonable access to the individual’s own record of personal health information held

	<p>by the person;</p> <p>(c) has made available to the public a written statement that,</p> <ul style="list-style-type: none"> (i) provides a general description of the person's information practices, (ii) describes how an individual may obtain access to a record of personal health information about the individual that is in the custody or control of the person, (iii) describes the mandate, and organizational links and affiliations, of the person in maintaining the archive, and (iv) describes how to make a complaint to the person and to the Commissioner under the Act; and <p>(d) has registered with the Commissioner the intention to act as a recipient of information under this section, and provided to the Commissioner the statement set out in (c), and any further information reasonably requested by the Commissioner.</p> <p>(2) If a person that received records under clause 42(3)(b) of the Act ceases to exercise the functions of collecting and preserving records of historical or archival importance or ceases to comply with the conditions set out in subsection (1), the person shall immediately transfer the records, including any health number contained in the records, to another person who is authorized to receive transfers of records under clause 42(3)(a) or (b) of the Act, subject to the agreement of the person who is to receive the transfer.</p> <p>[Note: Sections 42(3)(a) and 42(3)(b) have been reproduced in "Use and Disclosure of Personal (Health) Information"]</p> <p>(3) Despite subsection 49(1) of the Act, and subject to the agreement of the person who is to receive the transfer, a person who is not a health information custodian to whom a health information custodian disclosed personal health information may transfer any records containing the personal health information, including any health number contained in the records to,</p> <ul style="list-style-type: none"> (a) the Archives of Ontario; or (b) a person prescribed under subsection (1), if the disclosure is made for the purpose of that function. <p>[Note: Section 49(1) provides that: Except as permitted or required by law and subject to the exceptions and additional requirements, if any, that are prescribed, a person who is not a health information custodian and to whom a health information custodian discloses personal health information, shall not use or disclose the information for any purpose other than,</p> <ul style="list-style-type: none"> (a) the purpose for which the custodian was authorized to disclose the information under this Act; or (b) the purpose of carrying out a statutory or legal duty.] <p>(4) A person who receives a transfer of records of personal health information under subsection (2) or (3) or under clause 42(3)(b) of the Act may,</p> <ul style="list-style-type: none"> (a) collect any health number contained in the records incidentally to receiving the transfer of the records; (b) use personal health information contained in the records, including any health number contained in the records, as if it were a health
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<p>Ontario</p>		<p>information custodian for the purposes of clause 37(1)(j) and subsection 37(3) of the Act; and</p> <p>(c) disclose personal health information contained in the records, including any health number contained in the records, as if it were a health information custodian for the purposes of sections 44, 45 and 47 of the Act.</p> <p>[Note: Sections 37(1)(j), 37(3), 44, 45 and 47 have been reproduced in "Use and Disclosure of Personal (Health) Information"]</p> <p>(5) A person who, before November 1, 2004, received a transfer of a record of personal health information to which subsection (4) would have applied on or after November 1, 2004, may disclose and use it, including any health number contained in the record, for research as if it were a health information custodian under the Act.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F-31</i></p>	<p>PART III PROTECTION OF INDIVIDUAL PRIVACY</p> <p>COLLECTION AND RETENTION OF PERSONAL INFORMATION</p> <p>S. 40(1) Personal information that has been used by an institution shall be retained after use by the institution for the period prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the personal information.</p> <p>(2) The head of an institution shall take reasonable steps to ensure that personal information on the records of the institution is not used unless it is accurate and up to date.</p> <p>[...]</p> <p>(4) A head shall dispose of personal information under the control of the institution in accordance with the regulations.</p> <p>PART V GENERAL</p> <p>S. 60(1) The Lieutenant Governor in Council may make regulations,</p> <p>[...]</p> <p>(d) setting standards for and requiring administrative, technical and physical safeguards to ensure the security and confidentiality of records and personal information under the control of institutions;</p> <p>(e) setting standards for the accuracy and completeness of personal information that is under the control of an institution;</p> <p>(f) prescribing time periods for the purposes of subsection 40(1);</p> <p>[...]</p> <p>(j) prescribing conditions relating to the security and confidentiality of records used for a research purpose;</p> <p>[...]</p>
	<p><i>Freedom of Information and Protection of Privacy Act, General Regulations, R.R.O. 1990, Reg. 460</i></p>	<p>S. 4(1) Every head shall ensure that reasonable measures to prevent unauthorized access to the records in his or her institution are defined, documented and put in place, taking into account the nature of the records to be protected.</p> <p>(2) Every head shall ensure that only those individuals who need a record</p>

<p>Ontario</p>		<p>for the performance of their duties shall have access to it.</p> <p>(3) Every head shall ensure that reasonable measures to protect the records in his or her institution from inadvertent destruction or damage are defined, documented and put in place, taking into account the nature of the records to be protected.</p> <p>S. 5(1) Personal information that has been used by an institution shall be retained by the institution for at least one year after use, unless the individual to whom the information relates consents to its earlier disposal.</p> <p>S. 10(1) The following are the terms and conditions relating to security and confidentiality that a person is required to agree to before a head may disclose personal information to that person for a research purpose:</p> <ol style="list-style-type: none"> 1. The person shall use the information only for a research purpose set out in the agreement or for which the person has written authorization from the institution. 2. The person shall name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified. 3. Before disclosing personal information to other persons under paragraph 2, the person shall enter into an agreement with those persons to ensure that they will not disclose it to any other person. 4. The person shall keep the information in a physically secure location to which access is given only to the person and to the persons given access under paragraph 2. 5. The person shall destroy all individual identifiers in the information by the date specified in the agreement. 6. The person shall not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the institution. 7. The person shall ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the institution. 8. The person shall notify the institution in writing immediately if the person becomes aware that any of the conditions set out in this section have been breached. <p>(2) An agreement relating to the security and confidentiality of personal information to be disclosed for a research purpose shall be in Form 1.</p>
	<p><i>Freedom of Information and Protection of Privacy Act, Disposal of Personal Information Regulation, R.R.O. 1990, Reg. 459</i></p>	<p>S. 2 An institution may dispose of personal information only by transferring it to the Archives or by destroying it.</p> <p>S. 3 Where personal information is in the custody or under the control of an institution, no person shall destroy it without the authorization of the head.</p> <p>S. 4(1) Every head shall ensure that all reasonable steps are taken to protect the security and confidentiality of personal information that is to be destroyed, including protecting its security and confidentiality during its storage, transportation, handling and destruction.</p> <p>(2) Every head shall ensure that all reasonable steps are taken to protect</p>

<p>Ontario</p>		<p>the security and confidentiality of personal information that is to be transferred to the Archives, including protecting its security and confidentiality during its storage, transportation and handling.</p> <p>(3) In determining whether all reasonable steps are taken under subsection (1) or (2), the head shall consider the nature of the personal information to be destroyed or transferred.</p> <p>S. 5 Every head shall take all reasonable steps to ensure that when personal information is to be destroyed, it is destroyed in such a way that it cannot be reconstructed or retrieved.</p> <p>S. 6(1) Every head of an institution shall ensure that the institution maintains a disposal record setting out what personal information has been destroyed or transferred to the Archives and the date of that destruction or transfer.</p> <p>(2) The head shall ensure that the disposal record maintained under subsection (1) does not contain personal information.</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i></p>	<p>S. 30(1) Personal information that has been used by an institution shall be retained after use by the institution for the period prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the personal information.</p> <p>[...]</p> <p>(4) A head shall dispose of personal information under the control of the institution in accordance with the regulations.</p> <p>S. 47(1) The Lieutenant Governor in Council may make regulations, [...] (c) setting standards for and requiring administrative, technical and physical safeguards to ensure the security and confidentiality of records and personal information under the control of institutions; [...]</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, General Regulations, O. Reg. 823</i></p>	<p>S. 3(1) Every head shall ensure that reasonable measures to prevent unauthorized access to the records in his or her institution are defined, documented and put in place, taking into account the nature of the records to be protected.</p> <p>(2) Every head shall ensure that only those individuals who need a record for the performance of their duties shall have access to it.</p> <p>(3) Every head shall ensure that reasonable measures to protect the records in his or her institution from inadvertent destruction or damage are defined, documented and put in place, taking into account the nature of the records to be protected.</p> <p>S. 5 Personal information that has been used by an institution shall be retained by the institution for the shorter of one year after use or the period set out in a by-law or resolution made by the institution or made by another institution affecting the institution, unless the individual to whom the information relates consents to its earlier disposal.</p>

<p>Quebec</p>	<p><i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i></p>	<p>CHAPTER III PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION III ESTABLISHMENT AND MAINTENANCE OF FILES</p> <p>S. 72 Every public body must see to it that the nominative information kept by it is up to date, accurate and complete so as to serve the purposes for which it is collected.</p> <p>S. 73 When the object for which nominative information was collected has been achieved, the public body shall destroy the document, subject to the <i>Archives Act</i> (chapter A-21.1).</p> <p>S. 76 The establishment of a file must be the subject of a declaration to the Commission. The declaration must contain the following indications: 1) the title of the file, the kind of information it contains, the use to which the information is to be put and the method by which the file is maintained; 2) the source of the information entered in the file; 3) the categories of persons concerned in the information entered in the file; 4) the categories of persons who have access to the file in carrying on their duties; 5) the security measures taken within the public body to ensure the confidentiality of the nominative information and its use according to the purposes for which it was collected; 6) the title, address and telephone number of the person in charge of protection of personal information; 7) the modalities of access to the file of the person concerned; 8) any other indication prescribed by government regulation.</p> <p>The declaration must be made in accordance with the rules established by the Commission.</p> <p>S. 78 Sections 64 to 77 do not apply to the processing of nominative information collected and used as a working tool by a natural person, to the extent that the information is not disclosed to any person other than the person concerned or to a body other than that to which he belongs, and that it is used judiciously. The same rule applies to the processing of nominative information collected by a natural person and which is used by him for scientific research purposes. The public body is subject to the said sections from the time the person contemplated in the first or second paragraph discloses to the public body nominative information that he has collected or which was obtained through processing.</p> <p>[Note: Sections 64, 65 and 66 are reproduced in “Collection of Personal Health Information”. Sections 67 and 71 are reproduced in “Accountability and transparency in the management of personal (health) information”. Sections 68, 69 and 70 are reproduced in “Use and Disclosure of Personal (Health) Information”.</p>
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Quebec		<p>Sections 74 and 75 have been repealed.]</p> <p>CHAPTER VI REGULATIONS</p> <p>S. 155 The Government may make regulations [...] (5) fixing appropriate security standards to ensure the confidentiality of the information entered in a personal information file; [...]</p>
	<p><i>An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1</i></p>	<p>DIVISION III CONFIDENTIALITY OF PERSONAL INFORMATION</p> <p>§1. – Retention, use and non-communication of information</p> <p>S. 10 Every person carrying on an enterprise who collects, holds, uses or communicates personal information about other persons must establish and apply such safety measures as are appropriate to ensure the confidentiality of the information.</p> <p>S. 11 Every person carrying on an enterprise must ensure that any file held on another person is up to date and accurate when used to make a decision in relation to the person concerned.</p> <p>S. 12 Once the object of a file has been achieved, no information contained in it may be used otherwise than with the consent of the person concerned, subject to the time limit prescribed by law or by a retention schedule established by government regulation.</p> <p>[...]</p> <p>S. 20 In the carrying on of an enterprise, authorized employees, mandataries or agents may have access to personal information without the consent of the person concerned only if the information is needed for the performance of their duties or the execution of their mandates.</p> <p>DIVISION IV ACCESS BY PERSONS CONCERNED</p> <p>§ 1. — General provisions</p> <p>S. 36 The person holding information that is the subject of a request for access or rectification must, if he does not grant the request, retain the information for such time as is necessary to allow the person concerned to exhaust the recourses provided by law.</p>
New Brunswick	<p><i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i></p>	<p>S. 2(1) Every public body is subject to the Statutory Code of Practice.</p> <p>(2) The Statutory Code of Practice shall be interpreted and applied in accordance with Schedule B and with any regulations made under paragraph 7(b).</p> <p>Schedule A The Statutory Code of Practice</p>

<p>New Brunswick</p>		<p>Principle 5: Limiting Use, Disclosure and Retention</p> <p>[...] Personal information shall be retained only as long as necessary for the fulfillment of those purposes.</p> <p>Principle 6: Accuracy</p> <p>Personal information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.</p> <p>Principle 7: Safeguards</p> <p>Personal information shall be protected by safeguards appropriate to the sensitivity of the information.</p> <p>Schedule B Interpretation and Application of the Statutory Code of Practice</p> <p>Principle 5: Limiting Use, Disclosure and Retention</p> <p>S. 5.1 A public body may discharge its obligation not to retain personal information by converting that information into non-identifying form.</p> <p>S. 5.2 Personal information that is maintained outside a personal records system and is not readily accessible to a person who has no prior knowledge of the information shall be deemed to be converted into non-identifying form when the use of the information ceases.</p> <p>Principle 7: Safeguards</p> <p>S. 7.1 The safeguards to be adopted include training and administrative, technical, physical and other measures, as appropriate in the circumstances, and include safeguards that are to be adopted when a public body discloses personal information to a third party or makes arrangements for a third party to collect personal information on its behalf.</p>
<p>Nova Scotia</p>	<p><i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i></p>	<p>PROTECTION OF PERSONAL PRIVACY</p> <p>COLLECTION, PROTECTION, RETENTION, USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 24(2) Where an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body shall make every reasonable effort to ensure that the information is accurate and complete.</p> <p>(3) The head of the public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.</p> <p>(4) Where a public body uses an individual's personal information to make a decision that directly affects the individual, the public body shall retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p>

Nova Scotia	<i>Municipal Government Act, S.N.S. 1998, c. 18</i>	<p>S. 483 [...]</p> <p>(4) Where a municipality uses an individual's personal information to make a decision that directly affects the individual, the municipality shall retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p>
Prince Edward Island	<i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i>	<p>PART II PROTECTION OF PRIVACY</p> <p>Division 1 Collection of Personal Information</p> <p>S. 33 If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body shall</p> <p>(a) make every reasonable effort to ensure that the information is accurate and complete; and</p> <p>(b) retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p> <p>S. 35 The head of a public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, disposal or destruction.</p> <p>S. 77(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(j) respecting technical standards and safeguards to be observed for the security and protection of personal information; [...]</p>
Newfoundland and Labrador	<i>Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1</i>	<p>[Part IV to be Proclaimed]</p> <p>PART IV PROTECTION OF PRIVACY</p> <p>S. 34 Where an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body shall make every reasonable effort to ensure that the information is accurate and complete.</p> <p>S. 36 The head of a public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.</p> <p>S. 37 Where a public body uses an individual's personal information to make a decision that directly affects the individual, the public body shall retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p> <p>S. 51 In addition to the commissioner's powers and duties respecting reviews, the commissioner may: [...]</p> <p>(e) comment on the implications for protection of privacy of (i) using or disclosing personal information for record linkage, or (ii) using information technology in the collection, storage, use or transfer of personal information; [...]</p> <p>PART VII GENERAL</p>

Newfoundland and Labrador		S. 73 The Lieutenant-Governor in Council may make regulations (I) providing for the retention and disposal of records by a public body if the <i>Archives Act</i> does not apply to the public body; [...]
Yukon	<i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>S. 31 If an individual's personal information will be used by a public body to make a decision that affects the individual, the public body must make every reasonable effort to ensure that the information is accurate and complete.</p> <p>S. 33 The public body must protect personal information by making reasonable security arrangements against such risks as accidental loss or alteration, and unauthorized access, collection, use, disclosure or disposal.</p> <p>S. 34 If a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.</p>
Northwest Territories	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION A – COLLECTION OF PERSONAL INFORMATION</p> <p>S. 42 The head of a public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.</p> <p>DIVISION B - USE OF PERSONAL INFORMATION</p> <p>S. 44 Where a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must</p> <p>(a) make every reasonable effort to ensure that the information is accurate and complete; and</p> <p>(b) retain the information for at least one year after using it so that the individual has a reasonable opportunity of obtaining access to it.</p>
Nunavut	<i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION A – COLLECTION OF PERSONAL INFORMATION</p> <p>S. 42 The head of a public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.</p> <p>DIVISION B - USE OF PERSONAL INFORMATION</p> <p>S. 44 Where a public body uses an individual's personal information to make a decision that directly affects the individual, the public body must</p> <p>(a) make every reasonable effort to ensure that the information is accurate and complete; and</p> <p>(b) retain the information for at least one year after using it so that the individual has a reasonable opportunity of obtaining access to it.</p>

SCHEDULE A

Jurisdiction	Privacy Impact Assessment Tools
Federal	Treasury Board of Canada Secretariat - <i>Privacy Impact Assessment Policy</i> (http://www.tbs-sct.gc.ca/pubs_pol/ciopubs/pia-pefr/paipg-pefrld2_e.asp#1.Introduction)
British Columbia	Ministry of Management Services for British Columbia, Information Policy and Privacy Branch - <i>Privacy Impact Assessment (PIA) Process</i> (http://www.msar.gov.bc.ca/privacyaccess/PIA/PIAprocess.htm)
Alberta	Information and Privacy Commissioner of Alberta - <i>Privacy Impact Assessment: Instructions and Annotated Questionnaire</i> (http://www.oipc.ab.ca/ims/client/upload/pia-instructions-1.1.pdf)
Saskatchewan	Office of the Saskatchewan Information and Privacy Commissioner - <i>Privacy Impact Assessment (Short Form)</i> (http://www.oipc.sk.ca/Web%20Site%20Documents/PIA%20Short%20Form%20-%20Official%20Version%20April,%202004.pdf)
Manitoba	Ombudsman Manitoba, Access and Privacy Division - <i>Privacy Compliance Tool Checklist</i> (http://www.ombudsman.mb.ca/pdf/Final%20Version%20PCT%20Checklist%20PDF%202003-10-07.pdf) Manitoba Health - <i>Privacy Impact Assessment (PIA) Guide</i> (Not available on-line)
Ontario	Information and Privacy Commissioner/Ontario - <i>Privacy Diagnostic Tool (PDT) Workbook</i> (http://www.ipc.on.ca/userfiles/page_attachments/pdt.pdf) Management Board of Cabinet - <i>Privacy Impact Assessment Guidelines</i> (http://www.gov.on.ca/mbs/english/fip/pia/pia.html)
Quebec	Ministère des Relations avec les citoyens et de L'immigration (Quebec) - <i>Modèle de pratiques de protection des renseignements personnels – dans le contexte du développement des systèmes d'information par les organismes publics</i> (http://www.aiprp.gouv.qc.ca/publications/pdf/PRP_net.pdf)
New Brunswick	N/A
Nova Scotia	N/A
Prince Edward Island	N/A
Newfoundland and Labrador	Office of the Information and Privacy Commissioner for Newfoundland and Labrador – <i>Privacy Audit, A Compliance Review Tool</i> (www.gov.nl.ca/oipc) Centre for Health Information – <i>Privacy Impact Assessment for Researchers</i> (http://www.nlchi.nf.ca/pdf/pia.pdf)
Yukon	N/A
Northwest Territories	N/A
Nunavut	N/A

7. Data matching and data linkage

Health researchers often require access to a variety of health, social, economic, cultural, geographic and other data for the purpose of assessing the potential (and interrelated) impact of many different factors on health status. Linking or matching data from two or more databases is a common and useful method for these types of assessments.

Most Canadian public sector privacy statutes deal with the concept of data linkage or data matching in the context of disclosures of personal information without consent for research purposes. In these circumstances, the statutes typically include a condition that the disclosure may only take place provided that the linkage would not likely harm the individuals and the benefits to be derived from the linkage/research are in the public interest.

Alberta's *Health Information Act* and Quebec's *An act respecting access to documents held by public bodies and the protection of personal information* are the only statutes which contain a set of general requirements specifically addressing data matching. Alberta's *Health Information Act* requires that a privacy impact assessment be conducted by a custodian before performing the data matching and obligates the custodian to notify the Privacy Commissioner of such data matching.

Quebec's *An Act respecting Access to documents held by public bodies and the protection of personal information* requires a "favourable" opinion of the Commissioner about the proposed matching activities, or, in the absence of such an opinion, Government approval and a tabling of the approval in the National Assembly.

With the exception of British Columbia's *Personal Information Protection Act* (which deals with data linkage in the research context similar to most of the Canadian public sector privacy legislation) and Alberta's *Health Information Act*, privacy statutes that apply to the private sector do not contain any specific provisions on data matching or data linkage. However, data holders should be aware that any data linkage or matching activity involving the use and/or disclosure of personal (health) information requires a consideration of other statutory provisions, including the consent requirements contained in privacy legislation for the use and disclosure of personal (health) information for research purposes.

DATA MATCHING AND DATA LINKAGE

Federal	-	-
British Columbia	<p><i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i></p>	<p>Part 3 — Protection of Privacy</p> <p>Division 2 — Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 35 A public body may disclose personal information or may cause personal information in its custody or under its control to be disclosed for a research purpose, including statistical research, only if [...] (b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest, [...]</p> <p>[Note: The complete text of Section 35 is reproduced in “Use and Disclosure of Personal (Health) Information”]</p>
	<p><i>Personal Information Protection Act, S.B.C. 2003, c. 63</i></p>	<p>Part 6 – Disclosure of Personal Information</p> <p>S. 21(1) An organization may disclose, without the consent of the individual, personal information for a research purpose, including statistical research, only if [...] (c) linkage of the personal information to other information is not harmful to the individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest, [...]</p> <p>[Note: The complete text of Section 21 is reproduced in “Use and Disclosure of Personal (Health) Information”]</p>
Alberta	<p><i>Health Information Act, R.S.A. 2000, c. H-5</i></p>	<p>Part 5 Disclosure of Health Information</p> <p>Division 1 General Disclosure Rules</p> <p>S. 32(2) If a disclosure under subsection (1) is to a person that is not a custodian, the custodian must inform the person that the person must notify the Commissioner of an intention to use the information for data matching before performing the data matching.</p> <p>Part 6 Duties and Powers of Custodians Relating to Health Information</p> <p>Division 2 Data Matching</p> <p>S. 68 A custodian must not (a) collect the health information to be used in data matching, or (b) use or disclose the health information to be used in data matching or created through data matching in contravention of this Act.</p> <p>[Note: This Act defines “data matching” in Section (1)(1)(g) as “the</p>

<p>Alberta</p>		<p>creation of individually identifying health information by combining individually identifying or non-identifying health information or other information from 2 or more electronic databases, without the consent of the individuals who are the subjects of the information”.]</p> <p>S. 69 A custodian may perform data matching using information that is in its custody or under its control.</p> <p>S. 70(1) A custodian may perform data matching by combining information that is in its custody or under its control with information that is in the custody or under the control of another custodian.</p> <p>(2) Before performing data matching under this section, the custodian in whose custody and control the information that is created through data matching will be stored must prepare a privacy impact assessment and submit the assessment to the Commissioner for review and comment.</p> <p>(3) A privacy impact assessment referred to in subsection (2) must</p> <p>(a) describe how the information to be used in the data matching is to be collected, and</p> <p>(b) set out how the information that is created through data matching is to be used or disclosed.</p> <p>S. 71(1) A custodian may perform data matching by combining information that is in its custody or under its control with information that is in the custody or under the control of a person that is not a custodian.</p> <p>(2) Before performing data matching under this section, the custodian must prepare a privacy impact assessment and submit the assessment to the Commissioner for review and comment.</p> <p>(3) A privacy impact assessment referred to in subsection (2) must meet the requirements of section 70(3).</p> <p>S. 72 If data matching is performed for the purpose of conducting research, sections 48 to 56 must be complied with before the data matching is performed.</p> <p>[Note: Sections 48 to 56 are reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>Part 8 – General Provisions</p> <p>S. 107(5) No person to whom non-identifying health information is disclosed and who intends to use the information to perform data matching shall fail to comply with section 32(2).</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>Part 2 Protection of Privacy</p> <p>Division 2- Use and Disclosure of Personal Information by Public Bodies</p> <p>S. 42 A public body may disclose personal information for a research purpose, including statistical research, only if</p>

Alberta		<p>[...] (b) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest, [...]</p> <p>[Note: The complete text of Section 42 is reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>Part 4 Office and Powers of Information and Privacy Commissioner</p> <p>S. 53(1) In addition to the Commissioner's powers and duties under Part 5 with respect to reviews, the Commissioner is generally responsible for monitoring how this Act is administered to ensure that its purposes are achieved, and may [...] (g) comment on the implications for protection of personal privacy of using or disclosing personal information for record linkage, [...]</p> <p>Part 6 General Provisions</p> <p>S. 94(1) The Lieutenant Governor in Council may make regulations : [...] (k) respecting standards to be observed and procedures to be followed by a public body implementing a program for data matching, data sharing or data linkage; [...]</p>
Saskatchewan	-	-
Manitoba	<p><i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 2 SECURITY SAFEGUARDS</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 66(1) The Lieutenant Governor in Council may make regulations [...] (h) respecting security safeguards for personal health information that trustees must establish, including requirements for information held in electronic form; [...]</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>DIVISION 3 RESTRICTIONS ON USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 46(1) This section applies only to uses and disclosures not otherwise authorized under this Division.</p>

[Note: Use and disclosure for research purposes is otherwise authorized by this Act under certain conditions. See “Use and Disclosure of Personal (Health) Information”]

(2) When a public body

(a) proposes to use or disclose personal information in order to link information databases or match personal information in one information database with information in another; or

(b) receives a request for disclosure on a volume or bulk basis of personal information in a public registry or another collection of personal information;

the personal information may be used or disclosed only if an approval is given by the head of the public body under this section.

(3) If a proposal or request is made under subsection (2) by or to a department or a government agency, the head must refer it to the review committee for its advice.

[...]

(5) The review committee shall assess a proposal or request referred to it under this section and provide advice to the head of the public body about the matters referred to in subsection (6).

(6) The head may approve the proposal or request only if

(a) any advice that was requested from the review committee has been received and considered;

(b) the head is satisfied that

(i) the purpose of the proposal or request cannot reasonably be accomplished unless the personal information is provided in a form that identifies individuals,

(ii) it is unreasonable or impracticable to obtain consent from the individuals the personal information is about, and

(iii) the use or disclosure is not likely to harm the individuals the personal information is about and the benefits to be derived from the use or disclosure are clearly in the public interest;

(c) the head has approved conditions relating to

(i) the use of the personal information,

(ii) the protection of the personal information, including security and confidentiality,

(iii) the removal or destruction of individual identifiers at the earliest time, where appropriate, and

(iv) any subsequent use or disclosure of the personal information in a form that identifies individuals without the express written authorization of the public body; and

(d) the recipient of the personal information has entered into a written agreement to comply with the approved conditions.

S. 47(4) The head of the public body may disclose personal information for a research purpose only if [...]

(b) the head is satisfied that [...]

(iv) disclosure of the personal information, and any information linkage, is not likely to harm the individuals the information is about and the benefits to be derived from the research and any information linkage are clearly in the public interest; [...]

[Note: The complete text of Section 47 is reproduced in “Use and

Manitoba		<p>Disclosure of Personal (Health) Information”]</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 87 The Lieutenant Governor in Council may make regulations [...] (i) respecting written agreements for the purposes of sections 44, 46 and 47; [...] (k) respecting the appointment of members of the review committee established under section 77 and governing the duties and functions of the review committee and all related matters; [...]</p>
Ontario	<i>Personal Health Information Protection Act, S.O. 2004, c. 3</i>	<p>PART VII GENERAL</p> <p>S. 73(1) Subject to section 74, the Lieutenant Governor in Council may make regulations, [...] (g) specifying requirements with respect to information practices for the purposes of subsection 10(1), including conditions that a health information custodian is required to comply with when collecting, using or disclosing personal health information or classes of personal health information, or specifying procedural processes or requirements for setting requirements with respect to information practices for the purposes of that subsection; [...]</p>
	<i>Personal Health Information Protection Act, General Regulation, O. Reg 329/04</i>	<p>S. 16 The following are prescribed as additional requirements that must be set out in research plans for the purposes of clause 44 (2) (c) of the Act: [...]</p> <p>3. A description of how the personal health information will be used in the research, and if it will be linked to other information, a description of the other information as well as how the linkage will be done. [...]</p> <p>[Note: Section 44 is reproduced in “Use and Disclosure of Personal (Health) Information”]</p>
Quebec	<i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i>	<p>CHAPTER III PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION II COLLECTION, KEEPING AND USE OF NOMINATIVE INFORMATION</p> <p>S. 68.1 A public body may, without the consent of the person concerned, release a personal information file for the purposes of comparing, pairing or matching it with a file held by a person or body, if the release is necessary for the carrying out of an Act in Québec. An operation under this section shall be carried out under the terms of a written agreement.</p> <p>S. 69 The release of nominative information contemplated in sections 67, 67.1, 67.2, 68 and 68.1 shall be made in such a manner as to ensure the confidentiality of the nominative information. In cases where a written</p>

Quebec		<p>agreement is required, the agreement shall provide for the means to ensure confidentiality.</p> <p>[Note: Section 67 is reproduced in “Accountability and transparency in the management of personal (health) information”. Sections 67.2, 68 and 68.1 are reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>S. 70 Every agreement under section 68 or 68.1 must be submitted to the Commission for an opinion. The agreement comes into force on the favourable opinion of the Commission.</p> <p>Should the Commission give an unfavourable opinion, the agreement may be submitted to the Government for approval; the agreement comes into force on the day of its approval.</p> <p>The agreement, together with the opinion of the Commission and, where applicable, the approval of the Government shall be tabled in the National Assembly within thirty days of such opinion and approval if the Assembly is sitting or, if it is not sitting, within thirty days of the opening of the next session, or of resumption.</p> <p>The agreement must, in addition, be published in the <i>Gazette officielle du Québec</i> within thirty days of its tabling in the National Assembly.</p> <p>The Government may, after obtaining the opinion of the Commission, revoke the agreement at any time.</p>
New Brunswick	-	-
Nova Scotia	<p><i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5</i></p>	<p>PROTECTION OF PERSONAL PRIVACY</p> <p>COLLECTION, PROTECTION, RETENTION, USE AND DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 29 A public body may disclose personal information for a research purpose, including statistical research, if [...]</p> <p>(b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest; [...]</p>
Prince Edward Island	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>Division 2 Use and Disclosure of Personal information by Public Bodies</p> <p>S. 39 A public body may disclose personal information for a research purpose, including statistical research, only if [...]</p> <p>(b) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest; [...]</p> <p>PART V GENERAL PROVISIONS</p> <p>S. 77(1) The Lieutenant Governor in Council may make regulations [...]</p> <p>(k) respecting standards to be observed and procedures to be followed by a public body implementing a program for data matching, data sharing or data linkage;</p>

<p>Newfoundland and Labrador</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1</i></p>	<p>[Part IV to be proclaimed]</p> <p>PART IV PROTECTION OF PRIVACY</p> <p>S. 41 A public body may disclose personal information for a research purpose, including statistical research, only where [...] (b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest;</p> <p>PART V REVIEWS AND COMPLAINTS</p> <p>S. 51 In addition to the commissioner’s powers and duties respecting reviews, the commissioner may [...] (e) comment on the implications for protection of privacy of (i) using or disclosing personal information for record linkage, or (ii) using information technology in the collection, storage, use or transfer of personal information; [...]</p>
<p>Yukon</p>	<p><i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i></p>	<p>PART 3 PROTECTION OF PRIVACY</p> <p>S. 38 A public body may disclose personal information for a research purpose, including statistical research, only if [...] (b) any link between the record and any other records is not harmful to the individuals that the information is about and the benefits to be derived from the record linkage are clearly in the public interest; [...]</p>
<p>Northwest Territories</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i></p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION C – DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 49 A public body may only disclose personal information for a research purpose, including statistical research, where [...] (b) any record linkage resulting from the disclosure is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest; [...]</p>
<p>Nunavut</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>PART 2 PROTECTION OF PRIVACY</p> <p>DIVISION C - DISCLOSURE OF PERSONAL INFORMATION</p> <p>S. 49 A public body may only disclose personal information for a research purpose, including statistical research, where [...] (b) any record linkage resulting from the disclosure is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest;</p>

8. Accountability and transparency in the management of personal (health) information

All privacy statutes, in one form or another, embody the principle that organizations are accountable for the personal (health) information in their custody and control.

This accountability principle manifests itself in privacy legislation in different respects. For instance, privacy statutes typically require custodians of personal (health) information to establish and implement policies and practices to give effect to privacy protections and other legislative requirements. Moreover, most private sector and health sectoral privacy statutes contain provisions requiring organizations to appoint an individual to oversee the organization's compliance with the statute, implement organizational policies and practices, and inform and train employees about such policies and practices.

The accountability principle invariably includes the concept of organizational transparency. Most privacy statutes expressly provide that privacy policies must be made available to the public, and that individuals have a right of access to their personal information. These rights of access

include the obligation of an organization, upon written request, to provide an account of the organization's use and disclosure of an individual's personal information.

For the most part, public sector statutes require public bodies to publish an index of their personal information banks, including the name of the personal information bank, the authority for establishing the bank, the types of the personal information maintained by the public body, and how such information is used and disclosed. Quebec's public sector statute expressly requires public bodies to maintain a register of disclosures.

Private sector and health privacy statutes (expressly or implicitly) allow for the transfer of personal information to third parties for processing purposes, although the transferring organizations clearly remain accountable for the information transferred to third party processors. In these instances, organizations are generally obligated to ensure the protection of the personal information while processed by the third party. In such instances, written agreements between transferring organization and third party processors are expressly required under health privacy legislation in Alberta, Manitoba and Ontario, as well under Quebec's private sector statute. Several public sector privacy statutes expressly allow for transfers for processing purposes and, in such circumstances, similarly require written agreements providing for the safeguarding of the information.

Ontario's health sectoral privacy legislation is the only statute which obligates agents to notify custodians if personal health information is stolen, lost, or accessed by unauthorized persons.

The tables in this section of the Compendium set out the provisions relating to the general obligation of accountability, requirements for the development and publication of policies and procedures, and the responsibility of organizations over personal information in the custody of third party processors. Given the scope of this Compendium, the charts do not include provisions relating to the individual right of access, a fundamental privacy right linked to the accountability principle.

ACCOUNTABILITY AND TRANSPARENCY IN THE MANAGEMENT OF PERSONAL (HEALTH) INFORMATION

Federal	<i>Privacy Act, R.S.C. 1985, c. P-21</i>	<p>PERSONAL INFORMATION BANKS</p> <p>S. 10(1) The head of a government institution shall cause to be included in personal information banks all personal information under the control of the government institution that</p> <ul style="list-style-type: none"> (a) has been used, is being used or is available for use for an administrative purpose; or (b) is organized or intended to be retrieved by the name of an individual or by an identifying number, symbol or other particular assigned to an individual. <p>(2) Subsection (1) does not apply in respect of personal information under the custody or control of the Library and Archives of Canada that has been transferred there by a government institution for historical or archival purposes.</p> <p>PERSONAL INFORMATION INDEX</p> <p>S. 11(1) The designated Minister shall cause to be published on a periodic basis not less frequently than once each year, an index of</p> <ul style="list-style-type: none"> (a) all personal information banks setting forth, in respect of each bank, <ul style="list-style-type: none"> (i) the identification and a description of the bank, the registration number assigned to it by the designated Minister pursuant to paragraph 71(1)(b) and a description of the class of individuals to whom personal information contained in the bank relates, (ii) the name of the government institution that has control of the bank, (iii) the title and address of the appropriate officer to whom requests relating to personal information contained in the bank should be sent, (iv) a statement of the purposes for which personal information in the bank was obtained or compiled and a statement of the uses consistent with those purposes for which the information is used or disclosed, (v) a statement of the retention and disposal standards applied to personal information in the bank, and (vi) an indication, where applicable, that the bank was designated as an exempt bank by an order under section 18 and the provision of section 21 or 22 on the basis of which the order was made; and (b) all classes of personal information under the control of a government institution that are not contained in personal information banks, setting forth in respect of each class <ul style="list-style-type: none"> (i) a description of the class in sufficient detail to facilitate the right of access under this Act, and (ii) the title and address of the appropriate officer for each government institution to whom requests relating to personal information within the class should be sent. <p>(2) The designated Minister may set forth in the index referred to in subsection (1) a statement of any of the uses and purposes, not included in the statements made pursuant to subparagraph (1)(a)(iv), for which</p>
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<p>Federal</p>		<p>personal information contained in any of the personal information banks referred to in the index is used or disclosed on a regular basis.</p> <p>(3) The designated Minister shall cause the index referred to in subsection (1) to be made available throughout Canada in conformity with the principle that every person is entitled to reasonable access to the index.</p>
	<p><i>Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5</i></p>	<p>SCHEDULE 1</p> <p>4.1 Principle 1 – Accountability An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization’s compliance with the following principles.</p> <p>4.1.1 Accountability for the organization’s compliance with the principles rests with the designated individual(s), even though other individuals within the organization may be responsible for the day-to-day collection and processing of personal information. In addition, other individuals within the organization may be delegated to act on behalf of the designated individual(s).</p> <p>4.1.2 The identity of the individual(s) designated by the organization to oversee the organization’s compliance with the principles shall be made known upon request.</p> <p>4.1.3 An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.</p> <p>4.1.4 Organizations shall implement policies and practices to give effect to the principles, including</p> <ul style="list-style-type: none"> (a) implementing procedures to protect personal information; (b) establishing procedures to receive and respond to complaints and inquiries; (c) training staff and communicating to staff information about the organization’s policies and practices; and (d) developing information to explain the organization’s policies and procedures. <p>4.8 Principle 8 – Openness An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.</p> <p>4.8.1 Organizations shall be open about their policies and practices with respect to the management of personal information. Individuals shall be able to acquire information about an organization’s policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.</p> <p>4.8.2 The information made available shall include</p> <ul style="list-style-type: none"> (a) the name or title, and the address, of the person who is accountable for the organization’s policies and practices and to whom complaints or

Federal		<p>inquiries can be forwarded;</p> <p>(b) the means of gaining access to personal information held by the organization;</p> <p>(c) a description of the type of personal information held by the organization, including a general account of its use;</p> <p>(d) a copy of any brochures or other information that explain the organization's policies, standards, or codes; and</p> <p>(e) what personal information is made available to related organizations (e.g., subsidiaries).</p> <p>4.8.3 An organization may make information on its policies and practices available in a variety of ways. The method chosen depends on the nature of its business and other considerations. For example, an organization may choose to make brochures available in its place of business, mail information to its customers, provide online access, or establish a toll-free telephone number.</p>
British Columbia	<p><i>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165</i></p>	<p>S. 2(1) The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by</p> <p>(a) giving the public a right of access to records,</p> <p>(b) giving individuals a right of access to, and a right to request correction of, personal information about themselves,</p> <p>(c) specifying limited exceptions to the rights of access,</p> <p>(d) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and</p> <p>(e) providing for an independent review of decisions made under this Act.</p> <p>(2) This Act does not replace other procedures for access to information or limit in any way access to information that is not personal information and is available to the public.</p> <p>Part 6 – General Provisions</p> <p>S. 69(2) The minister responsible for this Act must maintain and publish a personal information directory to provide information about records in the custody or under the control of ministries of the government of British Columbia and about the use of those records.</p> <p>(3) The personal information directory must include a summary that meets the requirements of the minister responsible for this Act of the following information:</p> <p>(a) the personal information banks that are in the custody or control of each ministry of the government of British Columbia;</p> <p>(b) the information sharing agreements into which each ministry of the government of British Columbia has entered;</p> <p>(c) the privacy impact assessments that each ministry of the government of British Columbia has conducted;</p> <p>(d) any other information the minister responsible for this Act considers appropriate.</p> <p>[...]</p> <p>(5) The head of a ministry must conduct a privacy impact assessment and prepare an information sharing agreement in accordance with the directions of the minister responsible for</p>

<p>British Columbia</p>	<p>this Act.</p> <p>(6) The head of a public body that is not a ministry must make available for inspection and copying by the public a directory that lists the public body's personal information banks and includes the following information with respect to each personal information bank:</p> <ul style="list-style-type: none"> (a) its title and location; (b) a description of the kind of personal information and the categories of individuals whose personal information is included; (c) the authority for collecting the personal information; (d) the purposes for which the personal information was obtained or compiled and the purposes for which it is used or disclosed; (e) the categories of persons who use the personal information or to whom it is disclosed; (f) information required under subsection (7). <p>(7) The minister responsible for this Act may require one or more public bodies, or classes of public bodies, that are not ministries of the government of British Columbia</p> <ul style="list-style-type: none"> (a) to provide additional information for the purposes of subsection (6), and (b) to comply with one or more of the subsections in this section as if the public body were a ministry of the government of British Columbia. <p>S. 70(1) The head of a public body must make available to the public, without a request for access under this Act,</p> <ul style="list-style-type: none"> (a) manuals, instructions or guidelines issued to the officers or employees of the public body, or (b) substantive rules or policy statements adopted by the public body, <p>for the purpose of interpreting an enactment or of administering a program or activity that affects the public or a specific group of the public.</p> <p>(2) The head of a public body may delete from a record made available under this section any information he or she would be entitled to refuse to disclose to an applicant.</p> <p>(3) If information is deleted, the record must include a statement of</p> <ul style="list-style-type: none"> (a) the fact that the information has been deleted, (b) the nature of the information, and (c) the reason for the deletion. <p>(4) If a person asks for a copy of a record under this section, section 71(2) applies.</p> <p>S. 71(1) The head of a public body may prescribe categories of records that are in the custody or under the control of the public body and area available to the public, on demand, without a request for access under this Act.</p> <p>(2) The head of a public body may require a person who asks for a copy of an available record to pay a fee to the public body.</p>
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<p>British Columbia</p>	<p><i>Personal Information Protection Act, S.B.C. 2003, c. 63</i></p>	<p>S. 4(1) In meeting its responsibilities under this Act, an organization must consider what a reasonable person would consider appropriate in the circumstances.</p> <p>(2) An organization is responsible for personal information under its control, including personal information that is not in the custody of the organization.</p> <p>(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.</p> <p>(4) An individual designated under subsection (3) may delegate to another individual the duty conferred by that designation.</p> <p>(5) An organization must make available to the public</p> <p>(a) the position name or title of each individual designated under subsection (3) or delegated under subsection (4), and</p> <p>(b) contact information for each individual referred to in paragraph (a).</p> <p>S. 5 An organization must</p> <p>(a) develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,</p> <p>(b) develop a process to respond to complaints that may arise respecting the application of this Act, and</p> <p>(c) make information available on request about</p> <p>(i) the policies and practices referred to in paragraph (a), and</p> <p>(ii) the complaint process referred to in paragraph (b).</p>
<p>Alberta</p>	<p><i>Health Information Act, R.S.A. 2000, c. H-5</i></p>	<p>S. 2 The purposes of this Act are</p> <p>(a) to establish strong and effective mechanisms to protect the privacy of individuals with respect to their health information and to protect the confidentiality of that information,</p> <p>(b) to enable health information to be shared and accessed, where appropriate, to provide health services and to manage the health system,</p> <p>(c) to prescribe rules for the collection, use and disclosure of health information, which are to be carried out in the most limited manner and with the highest degree of anonymity that is possible in the circumstances,</p> <p>(d) to provide individuals with a right of access to health information about themselves, subject to limited and specific exceptions as set out in this Act,</p> <p>(e) to provide individuals with a right to request correction or amendment of health information about themselves,</p> <p>(f) to establish strong and effective remedies for contraventions of this Act, and</p> <p>(g) to provide for independent reviews of decisions made by custodians under this Act and the resolution of complaints under this Act.</p> <p>Part 6 – Duties and Powers of Custodians Relating to Health Information</p> <p>Division 1 - General Duties and Powers</p> <p>S. 62(1) Each custodian must identify its affiliates who are responsible for ensuring that this Act, the regulations and the policies and procedures established or adopted under section 63 are complied with.</p>

<p>Alberta</p>		<p>(2) Any collection, use or disclosure of health information by an affiliate of a custodian is considered to be collection, use or disclosure by the custodian.</p> <p>(3) Any disclosure of health information to an affiliate of a custodian is considered to be disclosure to the custodian.</p> <p>(4) Each affiliate of a custodian must comply with (a) this Act and the regulations, and (b) the policies and procedures established or adopted under section 63.</p> <p>S. 63(1) Each custodian must establish or adopt policies and procedures that will facilitate the implementation of this Act and the regulations.</p> <p>(2) A custodian must at the request of the Minister or the Department provide the Minister or the Department, as the case may be, with a copy of the policies and procedures established or adopted under this section.</p> <p>S. 64(1) Each custodian must prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information.</p> <p>(2) The custodian must submit the privacy impact assessment to the Commissioner for review and comment before implementing any proposed new practice or system described in subsection (1) or any proposed change to existing practices and systems described in subsection (1).</p> <p>S. 66 [...] (6) Despite subsection (5)(a), a custodian continues to be responsible for compliance with this Act and the regulations in respect of the information disclosed by the custodian to the information manager.</p>
	<p><i>Health Information Regulation, Alta. Reg. 70/2001</i></p>	<p>S. 8 [...] (2) A custodian must designate an individual who is responsible for the overall security and protection of health information in the custody or under the control of the custodian. [...] (6) A custodian must ensure that its affiliates are aware of and adhere to all of the custodian's administrative, technical and physical safeguards in respect of health information. [...]</p>
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25</i></p>	<p>S. 2 The purposes of this Act are (a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act, (b) to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information, (c) to allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body,</p>

(d) to allow individuals a right to request corrections to personal information about themselves that is held by a public body, and
 (e) to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.

S. 87(1) The Minister must publish, in printed or electronic form, a directory to assist in identifying and locating records.

(2) The directory must list each public body and include for each public body

(a) the name and business contact information of the individual that is the public body's contact person for matters relating to the administration of this Act, or

(b) if the public body does not have a contact person for matters relating to the administration of this Act, the name and business contact information of the head of the public body.

S. 87.1(1) The head of a public body must publish a directory, in printed or electronic form, that lists the public body's personal information banks.

(2) The directory must include, for each personal information bank, the following:

(a) the title and location of the personal information bank;

(b) a description of the kind of personal information and the categories of individuals whose personal information is included;

(c) the authority for collecting the personal information;

(d) the purposes for which the personal information was collected or compiled and the purposes for which it is used or disclosed.

(3) If personal information is used or disclosed by a public body for a purpose that is not included in the directory published under subsection (1), the head of the public body must

(a) keep a record of the purpose and either attach or link that record to the personal information, and

(b) ensure that the purpose is included in the next publication of the directory.

(4) The head of a public body must ensure that the directory referred to in subsection (1) is kept as current as is practicable, and that access to the directory is available to the public at an office of the public body.

(5) In this section, "personal information bank" means a collection of personal information that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.

S. 88(1) The head of a public body may specify categories of records that are in the custody or under the control of the public body and are available to the public without a request for access under this Act.

(2) The head of a public body may require a person who asks for a copy of an individual record to pay a fee to the public body, unless such a record can otherwise be accessed without a fee.

(3) Subsection (1) does not limit the discretion of the Government of

Alberta		<p>Alberta or a public body to release records that do not contain personal information.</p> <p>S. 89(1) The head of every public body must provide facilities at (a) the headquarters of the public body, and (b) any officers of the public body that, in the opinion of the head, are reasonably practicable, where the public may inspect any manual, handbook or other guideline used in decision-making processes that affect the public by employees of the public body in administering or carrying out programs or activities of the public body.</p> <p>(2) Any information in a record that the head of a public body would be authorized to refuse to give access to pursuant to this Act may be excluded from the manuals, handbooks or guidelines that may be inspected pursuant to subsection (1).</p>
	<p><i>Personal Information Protection Act, S.A. 2003, c. P-6.5</i></p>	<p>Part 2 Protection of Personal Information</p> <p>Division 1 Compliance and Policies</p> <p>S. 5(1) An organization is responsible for personal information that is in its custody or under its control.</p> <p>(2) For the purposes of this Act, where an organization engages the services of a person, whether as an agent, by contract or otherwise, the organization is, with respect to those services, responsible for that person's compliance with this Act.</p> <p>(3) An organization must designate one or more individuals to be responsible for ensuring that the organization complies with this Act.</p> <p>(4) An individual designated under subsection (3) may delegate to one or more individuals the duties conferred by that designation.</p> <p>(5) In meeting its responsibilities under this Act, an organization must act in a reasonable manner.</p> <p>(6) Nothing in subsection (2) is to be construed so as to relieve any person from that person's responsibilities or obligations under this Act.</p> <p>S. 6 An organization must (a) develop and follow policies and practices that are reasonable for the organization to meet its obligations under this Act, and (b) make information about the policies and practices referred to in clause (a) available on request.</p>
Saskatchewan	<p><i>The Health Information Protection Act, S.S. 1999, c. H-0.021</i></p>	<p>WHEREAS the Legislative Assembly recognizes the following principles with respect to personal health information: [...]</p> <p>THAT trustees shall be accountable to individuals with respect to the collection, use, disclosure and exercise of custody and control of personal health information;</p>

<p>Saskatchewan</p>		<p>THAT trustees shall be open about policies and practices with respect to the collection, use and disclosure of personal health information;</p> <p>THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: [...]</p> <p>PART II Rights of the Individual</p> <p>S. 9(1) An individual has the right to be informed about the anticipated uses and disclosures of the individual's personal health information.</p> <p>(2) When a trustee is collecting personal health information from the subject individual, the trustee must take reasonable steps to inform the individual of the anticipated use and disclosure of the information by the trustee.</p> <p>(3) A trustee must establish policies and procedures to promote knowledge and awareness of the rights extended to individuals by this Act, including the right to request access to their personal health information and to request amendment of that personal health information.</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01</i></p>	<p>PART VIII General</p> <p>64(1) The minister shall cause to be produced, and updated as reasonably required, a directory containing: (a) a list of all government institutions; (b) a general description of the categories of records in the possession or under the control of each government institution; and (c) the title and address of the appropriate officer for each government institution to whom applications for access to records should be sent.</p> <p>(2) The minister shall cause a copy of the directory to be made available to any government offices, public libraries and municipal offices that the minister considers appropriate.</p> <p>65(1) Within two years after this section comes into force, every head shall provide facilities at: (a) the headquarters of the government institution; and (b) any offices of the government institution that, in the opinion of the head, are reasonably practicable; where the public may inspect any manual, handbook or other guide-line used in decision-making processes that affect the public by employees of the government institution in administering or carrying out programs or activities of the government institution.</p> <p>(2) Any information in a record that a head would be authorized to refuse to give access to pursuant to this Act may be excluded from manuals, handbooks or guidelines that may be inspected pursuant to subsection (1).</p>

Saskatchewan	<i>The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1</i>	<p>S. 53(1) The Minister may cause to be produced, and updated as reasonably required, a directory containing:</p> <p>(a) a list of all local authorities; and</p> <p>(b) with respect to each local authority, the place at which applications for access to records should be made.</p> <p>(2) The Minister may require local authorities to produce any materials necessary to enable the Minister to fulfill the requirements of this section.</p>
Manitoba	<i>The Personal Health Information Act, C.C.S.M., c. P-33.5</i>	<p>S. 2 The purposes of this Act are</p> <p>(a) to provide individuals with a right to examine and receive a copy of personal health information about themselves maintained by a trustee, subject to the limited and specific exceptions set out in this Act;</p> <p>(b) to provide individuals with a right to request corrections to personal health information about themselves maintained by a trustee;</p> <p>(c) to control the manner in which trustees may collect personal health information;</p> <p>(d) to protect individuals against the unauthorized use, disclosure or destruction of personal health information by trustees;</p> <p>(e) to control the collection, use and disclosure of an individual's PHIN; and</p> <p>(f) to provide for an independent review of the decisions of trustees under this Act.</p> <p>DIVISION 4 MISCELLANEOUS REQUIREMENTS</p> <p>INFORMATION MANAGERS</p> <p>S. 25(5) Personal health information that has been provided to an information manager under an agreement described in subsection (3) is deemed to be maintained by the trustee for the purposes of this Act.</p> <p>PART 6 GENERAL PROVISIONS</p> <p>S. 57 A health care facility and a health services agency shall designate one or more of its employees as a privacy officer whose responsibilities include</p> <p>(a) dealing with requests from individuals who wish to examine and copy or to correct personal health information under this Act; and</p> <p>(b) generally facilitating the trustee's compliance with this Act.</p>
	<i>Personal Health Information Regulation, Man. Reg. 245/97</i>	<p>S. 2 A trustee shall establish and comply with a written policy and procedures containing the following:</p> <p>(a) provisions for the security of personal health information during its collection, use, disclosure, storage, and destruction, including measures</p> <p>(i) to ensure the security of the personal health information when a record of the information is removed from a secure designated area, and</p> <p>(ii) to ensure the security of personal health information in electronic form when the computer hardware or removable electronic storage media on which it has been recorded is being disposed of or used for another purpose;</p> <p>(b) provisions for the recording of security breaches;</p> <p>(c) corrective procedures to address security breaches.</p>

<p>Manitoba</p>		<p>S. 6 A trustee shall provide orientation and ongoing training for its employees and agents about the trustee's policy and procedures referred to in section 2.</p>
	<p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M., c. F-175</i></p>	<p>S. 2 The purposes of this Act are</p> <ul style="list-style-type: none"> (a) to allow any person a right of access to records in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act; (b) to allow individuals a right of access to records containing personal information about themselves in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act; (c) to allow individuals a right to request corrections to records containing personal information about themselves in the custody or under the control of public bodies; (d) to control the manner in which public bodies may collect personal information from individuals and to protect individuals against unauthorized use or disclosure of personal information by public bodies; and (e) to provide for an independent review of the decisions of public bodies under this Act. <p>PART 6 GENERAL PROVISIONS</p> <p>S. 75(1) The responsible minister shall</p> <ul style="list-style-type: none"> (a) prepare a directory to assist in identifying and locating records in the custody or under the control of public bodies; (b) make every reasonable effort to ensure that the directory is kept up to date; (c) ensure that copies of the directory are made available to public bodies; and (d) ensure that copies of the directory are available to the public through libraries and electronic information networks. <p>(2) The directory must include</p> <ul style="list-style-type: none"> (a) a description of the mandates, functions and organization of each public body; (b) a description of records, including personal information banks, in the custody or under the control of each public body; and (c) the title, business address and business telephone number of an officer or employee of each public body who may be contacted for information about this Act. <p>(3) The description of a personal information bank required under clause (2)(b) must include the following :</p> <ul style="list-style-type: none"> (a) the name of the personal information bank; (b) a description of the kind of information in the personal information bank and of the categories of individuals whom the information is about; (c) the authority and purposes for collecting the information; (d) the purposes for which the information is used or disclosed; and (e) the categories of persons who use this information or to whom it is disclosed. <p>[...]</p> <p>S. 76(1) The head of a public body may specify records or categories of</p>

Manitoba		<p>records that are in the custody or under the control of the public body and that are available without an application for access under this Act.</p> <p>(2) The head of a public body may require a person who asks for a copy of a record available under subsection (1) to pay a fee to the public body, unless such record can otherwise be accessed without a fee.</p>
Ontario	<p><i>Personal Health Information Protection Act, S.O. 2004, c. 3</i></p>	<p>PART II PRACTICES TO PROTECT PERSONAL HEALTH INFORMATION</p> <p>General</p> <p>S. 10(1) A health information custodian that has custody or control of personal health information shall have in place information practices that comply with the requirements of this Act and its regulations.</p> <p>(2) A health information custodian shall comply with its information practices.</p> <p>(3) A health information custodian that uses electronic means to collect, use, modify, disclose, retain or dispose of personal health information shall comply with the prescribed requirements, if any.</p> <p>(4) A person who provides goods or services for the purpose of enabling a health information custodian to use electronic means to collect, use, modify, disclose, retain or dispose of personal health information shall comply with the prescribed requirements, if any.</p> <p>S. 15(1) A health information custodian that is a natural person may designate a contact person described in subsection (3).</p> <p>(2) A health information custodian that is not a natural person shall designate a contact person described in subsection (3).</p> <p>(3) A contact person is an agent of the health information custodian and is authorized on behalf of the custodian to,</p> <ul style="list-style-type: none"> (a) facilitate the custodian's compliance with this Act; (b) ensure that all agents of the custodian are appropriately informed of their duties under this Act; (c) respond to inquiries from the public about the custodian's information practices; (d) respond to requests of an individual for access to or correction of a record of personal health information about the individual that is in the custody or under the control of the custodian; and (e) receive complaints from the public about the custodian's alleged contravention of this Act or its regulations. <p>(4) A health information custodian that is a natural person and that does not designate a contact person under subsection (1) shall perform on his or her own the functions described in clauses (3) (b), (c), (d) and (e).</p> <p>S. 16(1) A health information custodian shall, in a manner that is practical in the circumstances, make available to the public a written statement that,</p> <ul style="list-style-type: none"> (a) provides a general description of the custodian's information

<p>Ontario</p>		<p>practices;</p> <p>(b) describes how to contact,</p> <p>(i) the contact person described in subsection 15(3), if the custodian has one, or</p> <p>(ii) the custodian, if the custodian does not have that contact person;</p> <p>(c) describes how an individual may obtain access to or request correction of a record of personal health information about the individual that is in the custody or control of the custodian; and</p> <p>(d) describes how to make a complaint to the custodian and to the Commissioner under this Act.</p> <p>(2) If a health information custodian uses or discloses personal health information about an individual, without the individual's consent, in a manner that is outside the scope of the custodian's description of its information practices under clause (1) (a), the custodian shall,</p> <p>(a) inform the individual of the uses and disclosures at the first reasonable opportunity unless, under section 52, the individual does not have a right of access to a record of the information;</p> <p>(b) make a note of the uses and disclosures; and</p> <p>(c) keep the note as part of the records of personal health information about the individual that it has in its custody or under its control or in a form that is linked to those records.</p> <p>S. 17(1) A health information custodian is responsible for personal health information in the custody or control of the health information custodian and may permit the custodian's agents to collect, use, disclose, retain or dispose of personal health information on the custodian's behalf only if,</p> <p>(a) the custodian is permitted or required to collect, use, disclose, retain or dispose of the information, as the case may be;</p> <p>(b) the collection, use, disclosure, retention or disposition of the information, as the case may be, is in the course of the agent's duties and not contrary to the limits imposed by the custodian, this Act or another law; and</p> <p>(c) the prescribed requirements, if any, are met.</p> <p>(2) Except as permitted or required by law and subject to the exceptions and additional requirements, if any, that are prescribed, an agent of a health information custodian shall not collect, use, disclose, retain or dispose of personal health information on the custodian's behalf unless the custodian permits the agent to do so in accordance with subsection (1).</p> <p>(3) An agent of a health information custodian shall notify the custodian at the first reasonable opportunity if personal health information handled by the agent on behalf of the custodian is stolen, lost or accessed by unauthorized persons.</p>
	<p>Personal Health Information Protection Act, General Regulation, O. Reg 329/04</p>	<p>S. 6(3) The following are prescribed as requirements with respect to a health information network provider in the course of providing services to enable a health information custodian to use electronic means to collect, use, disclose, retain or dispose of personal health information:</p> <p>[...]</p> <p>2. The provider shall provide to each applicable health information custodian a plain language description of the services that the provider provides to the custodians, that is appropriate for sharing with the individuals to whom the personal health information relates, including a</p>

<p>Ontario</p>		<p>general description of the safeguards in place to protect against unauthorized use and disclosure, and to protect the integrity of the information.</p> <p>3. The provider shall make available to the public,</p> <ul style="list-style-type: none"> i. the description referred to in paragraph 2, ii. any directives, guidelines and policies of the provider that apply to the services that the provider provides to the health information custodians to the extent that these do not reveal a trade secret or confidential scientific, technical, commercial or labour relations information, and iii. a general description of the safeguards implemented by the person in relation to the security and confidentiality of the information. <p>4. The provider shall to the extent reasonably practical, and in a manner that is reasonably practical, keep and make available to each applicable health information custodian, on the request of the custodian, an electronic record of,</p> <ul style="list-style-type: none"> i. all accesses to all or part of the personal health information associated with the custodian being held in equipment controlled by the provider, which record shall identify the person who accessed the information and the date and time of the access, and ii. all transfers of all or part of the information associated with the custodian by means of equipment controlled by the provider, which record shall identify the person who transferred the information and the person or address to whom it was sent, and the date and time it was sent. <p>5. The provider shall perform, and provide to each applicable health information custodian a written copy of the results of, an assessment of the services provided to the health information custodians, with respect to,</p> <ul style="list-style-type: none"> i. threats, vulnerabilities and risks to the security and integrity of the personal health information, and ii. how the services may affect the privacy of the individuals who are the subject of the information.
	<p><i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31</i></p>	<p>PART II FREEDOM OF INFORMATION INFORMATION TO BE PUBLISHED OR AVAILABLE</p> <p>S. 31 The responsible minister shall cause to be published annually a compilation listing all institutions and, in respect of each institution, setting out,</p> <ul style="list-style-type: none"> (a) where a request for a record should be made; (b) the name and office of the head of the institution; (c) where the material referred to in sections 32, 33, 34 and 45 has been made available; and (d) whether the institution has a library or reading room which is available for public use, and if so, its address. <p>S. 32 The responsible minister shall cause to be published annually an indexed compilation containing,</p> <ul style="list-style-type: none"> (a) a description of the organization and responsibilities of each institution including details of the programs and functions of each division or branch of each institution; (b) a list of the general classes or types of records prepared by or in the custody or control of each institution; (c) the title, business telephone number and business address of the head

of each institution; and
 (d) any amendment of information referred to in clause (a), (b) or (c) that has been made available in accordance with this section.

S. 33(1) A head shall make available, in the manner described in section 35,

(a) manuals, directives or guidelines prepared by the institution, issued to its officers and containing interpretations of the provisions of any enactment or scheme administered by the institution where the interpretations are to be applied by, or are to be guidelines for, any officer who determines,

- (i) an application by a person for a right, privilege or benefit which is conferred by the enactment or scheme,
- (ii) whether to suspend, revoke or impose new conditions on a right, privilege or benefit already granted to a person under the enactment or scheme, or
- (iii) whether to impose an obligation or liability on a person under the enactment or scheme; or

(b) instructions to, and guidelines for, officers of the institution on the procedures to be followed, the methods to be employed or the objectives to be pursued in their administration or enforcement of the provisions of any enactment or scheme administered by the institution that affects the public.

(2) A head may delete from a document made available under subsection (1) any record or part of a record which the head would be entitled to refuse to disclose where the head includes in the document,

- (a) a statement of the fact that a deletion has been made;
- (b) a brief statement of the nature of the record which has been deleted; and
- (c) a reference to the provision of this Act or the Personal Health Information Protection Act, 2004 on which the head relies.

S. 34(1) A head shall make an annual report, in accordance with subsection (2), to the Commissioner

(2) A report made under subsection (1) shall specify,

- (a) the number of requests under this Act or the Personal Health Information Protection Act, 2004 for access to records made to the institution;
- (b) the number of refusals by the head to disclose a record, the provisions of this Act or the Personal Health Information Protection Act, 2004 under which disclosure was refused and the number of occasions on which each provision was invoked;
- (c) the number of uses or purposes for which personal information is disclosed where the use or purpose is not included in the statements of uses and purposes set forth under clauses 45 (d) and (e) or the written public statement provided under subsection 16 (1) of the Personal Health Information Protection Act, 2004;
- (d) the amount of fees collected by the institution under section 57 or under subsection 54 (10) of the Personal Health Information Protection Act, 2004; and
- (e) any other information indicating an effort by the institution to put into practice the purposes of this Act or the Personal Health Information Protection Act, 2004.

S. 35(1) The responsible minister shall cause the materials described in sections 31, 32 and 45 to be made generally available for inspection and copying by the public and shall cause them to be made available to the public in the reading room, library or office designated by each institution for this purpose.

(2) Every head shall cause the materials described in sections 33 and 34 to be made available to the public in the reading room, library or office designated by each institution for this purpose.

S. 36 Every head shall provide to the responsible minister at the responsible minister's request, the information needed by the responsible minister to prepare the materials described in sections 31, 32 and 45.

**PART III
PROTECTION OF INDIVIDUAL PRIVACY
PERSONAL INFORMATION BANKS**

S. 44 A head shall cause to be included in a personal information bank all personal information under the control of the institution that is organized or intended to be retrieved by the individual's name or by an identifying number, symbol or other particular assigned to the individual.

S. 45 The responsible minister shall publish at least once each year an index of all personal information banks setting forth, in respect of each personal information bank,

- (a) its name and location;
- (b) the legal authority for its establishment;
- (c) the types of personal information maintained in it;
- (d) how the personal information is used on a regular basis;
- (e) to whom the personal information is disclosed on a regular basis;
- (f) the categories of individuals about whom personal information is maintained; and
- (g) the policies and practices applicable to the retention and disposal of the personal information.

S. 46(1) A head shall attach or link to personal information in a personal information bank,

- (a) a record of any use of that personal information for a purpose other than a purpose described in clause 45(d); and
- (b) a record of any disclosure of that personal information to a person other than a person described in clause 45(e).

(2) A record retained under subsection (1) forms part of the personal information to which it is attached or linked.

(3) Where the personal information in a personal information bank under the control of an institution is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the institution but the use is not one of the uses included under clauses 45 (d) and (e), the head shall,

- (a) forthwith notify the responsible minister of the use or disclosure; and
- (b) ensure that the use is included in the index.

[...]

<p>Ontario</p>	<p><i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i></p>	<p>S. 1 The purposes of this Act are,</p> <p>(a) to provide a right of access to information under the control of institutions in accordance with the principles that,</p> <p>(i) information should be available to the public,</p> <p>(ii) necessary exemptions from the right of access should be limited and specific, and</p> <p>(iii) decisions on the disclosure of information should be reviewed independently of the institution controlling the information; and</p> <p>(b) to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.</p> <p>PART I FREEDOM OF INFORMATION INFORMATION TO BE PUBLISHED OR AVAILABLE</p> <p>S. 24(1) The Minister shall cause to be published a compilation listing all institutions and, in respect of each institution, setting out,</p> <p>(a) where a request for a record should be made; and</p> <p>(b) the title of the head of the institution.</p> <p>(2) The Minister shall cause the compilation to be published before the 1st day of January, 1992 and at least once every three years thereafter.</p> <p>S. 25(1) A head shall cause to be made available for inspection and copying by the public information containing,</p> <p>(a) a description of the organization and responsibilities of the institution;</p> <p>(b) a list of the general classes or types of records in the custody or control of the institution;</p> <p>(c) the title, business telephone and business address of the head; and</p> <p>(d) the address to which a request under this Act should be made.</p> <p>(2) The head shall ensure that the information made available is amended as required to ensure its accuracy.</p> <p>S. 26(1) A head shall make an annual report, in accordance with subsection (2), to the Commissioner.</p> <p>(2) A report made under subsection (1) shall specify,</p> <p>(a) the number of requests under this Act or the Personal Health Information Protection Act, 2004 for access to records made to the institution;</p> <p>(b) the number of refusals by the head to disclose a record, the provisions of this Act or the Personal Health Information Act, 2004 under which disclosure was refused and the number of occasions on which each provision was invoked;</p> <p>(c) the number of uses or purposes for which personal information is disclosed if the use or purpose is not included in the statements of uses and purposes set forth under clauses 34(1)(d) and (e) or the written public statement provided under subsection 16(1) of the Personal Health Information Act, 2004;</p> <p>(d) the amount of fees collected by the institution under section 45 or under subsection 54(10) of the Personal Health Information Act, 2004; and</p> <p>(e) any other information indicating an effort by the institution to put into practice the purposes of this Act or the Personal Health Information Act,</p>
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Ontario		<p>2004.</p> <p>PART II PROTECTION OF INDIVIDUAL PRIVACY PERSONAL INFORMATION BANKS</p> <p>S. 34(1) A head shall make available for inspection by the public an index of all personal information banks in the custody or under the control of the institution setting forth, in respect of each personal information bank,</p> <p>(a) its name and location;</p> <p>(b) the legal authority for its establishment;</p> <p>(c) the types of personal information maintained in it,</p> <p>(d) how the personal information is used on a regular basis;</p> <p>(e) to whom the personal information is disclosed on a regular basis;</p> <p>(f) the categories of individuals about whom personal information is maintained; and</p> <p>(g) the policies and practices applicable to the retention and disposal of the personal information.</p> <p>(2) The head shall ensure that the index is amended as required to ensure its accuracy.</p>
	<p><i>Municipal Freedom of Information and Protection of Privacy Act, General Regulation, O. Reg. 823</i></p>	<p>S. 4 [...]</p> <p>(2) For the purpose of subsection (1), the head shall make available for public inspection a statement describing the purpose of the collection of personal information and the reason that notice has not been given.</p> <p>[Note: Subsection 44(1) is reproduced in “Collection of Personal (Health) Information”]</p>
Quebec	<p><i>An Act respecting Access to documents held by public bodies and the Protection of personal information, R.S.Q., c. A-2.1</i></p>	<p>CHAPTER III PROTECTION OF PERSONAL INFORMATION</p> <p>DIVISION II COLLECTION, KEEPING AND USE OF NOMINATIVE INFORMATION</p> <p>S. 67.3 Every public body shall enter, in a register kept in accordance with the rules established by the Commission, every release of nominative information contemplated in sections 67, 67.1, 67.2, 68 and 68.1, except the release of nominative information required by a person or body for charging, to the account of a member of a public body, or to a member of its board of directors or of its personnel, an amount required by law to be withheld or paid.</p> <p>The register shall contain in particular</p> <p>(1) the nature or the type of the information released;</p> <p>(2) the persons or bodies to which the information is released;</p> <p>(3) the use for which the information is intended;</p> <p>(4) the reasons justifying the release;</p> <p>[...]</p> <p>DIVISION III</p>

<p>Quebec</p>		<p>ESTABLISHMENT AND MAINTENANCE OF FILES</p> <p>S. 71 Every public body shall file, in a personal information file established in accordance with this subdivision, all nominative information</p> <p>(1) that is identified or presented in such a manner as to be retrievable by reference to the name of a person or to a sign or symbol identifiable with that person, or</p> <p>(2) that has been or is intended to be used by it in making a decision concerning a person.</p> <p>S. 76 The establishment of a file must be the subject of a declaration to the Commission.</p> <p>The declaration must contain the following indications:</p> <p>(1) the title of the file, the kind of information it contains, the use to which the information is to be put and the method by which the file is maintained;</p> <p>(2) the source of the information entered in the file;</p> <p>(3) the categories of persons concerned in the information entered in the file;</p> <p>(4) the categories of persons who have access to the file in carrying on their duties;</p> <p>(5) the security measures taken within the public body to ensure the confidentiality of the nominative information and its use according to the purposes for which it was collected;</p> <p>(6) the title, address and telephone number of the person in charge of protection of personal information;</p> <p>(7) the modalities of access to the file of the person concerned;</p> <p>(8) any other indication prescribed by government regulation.</p> <p>The declaration must be made in accordance with the rules established by the Commission.</p>
	<p><i>An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1</i></p>	<p>DIVISION III</p> <p>CONFIDENTIALITY OF PERSONAL INFORMATION</p> <p>Retention, use and non-communication of information</p> <p>S. 17 Every person carrying on an enterprise in Québec who communicates, outside Québec, information relating to persons residing in Québec or entrusts a person outside Québec with the task of holding, using or communicating such information on his behalf must take all reasonable steps to ensure</p> <p>(1) that the information will not be used for purposes not relevant to the object of the file or communicated to third persons without the consent of the persons concerned, except in cases similar to those described in</p>

sections 18 and 23;

(2) in the case of nominative lists, that the persons concerned have a valid opportunity to refuse that personal information concerning them be used for purposes of commercial or philanthropic prospection and, if need be, to have such information deleted from the list.

**DIVISION VI
PERSONAL INFORMATION AGENTS**

S. 70 Every personal information agent carrying on an enterprise in Québec must be registered with the Commission.
Any person who, on a commercial basis, personally or through a representative, establishes files on other persons and prepares and communicates to third parties credit reports bearing on the character, reputation or solvency of the persons to whom the information contained in such files relates is a personal information agent.

S. 71 Every personal information agent must establish and apply a method of operation that ensures that the information communicated by him is up to date and accurate.

S. 74 The Commission shall keep a current register of personal information agents containing the information filed under section 72 and any relevant decisions rendered by the Commission in respect of registered agents.

S. 75 The register shall be available for public consultation during the regular business hours of the Commission.

The Commission shall furnish, free of charge, to any person who so requests any extract from the register concerning a personal information agent.

S. 76 The Commission shall publish annually, in a newspaper having general circulation, a list of the personal information agents.

S. 78 Every personal information agent must establish, apply within his enterprise and circulate rules of conduct that will allow any person concerned by a file held by him to have access to that file according to a procedure that ensures the protection of the information contained in the file, either by allowing the person concerned to have access thereto, free of charge, by telephone consultation or at a place in the region of the domicile of the person concerned during the regular business hours of the personal information agent's business establishment, or by transmitting a reproduction, transcription or copy of the file to him by mail or courier on payment of a reasonable charge.

S. 79 Every personal information agent must, not later than 60 days after 1 January 1994 and every two years thereafter, inform the public, by means of a notice published in a newspaper having general circulation in each region of Québec in which he does business, of

1) the fact that he holds files on other persons, that he gives communication of credit reports bearing on the character, reputation or solvency of the persons to whom the information in the files relates to

Quebec		<p>persons with whom he is bound by contract, and that he receives from the latter personal information relating to other persons;</p> <p>2) the rights of consultation and rectification that may be exercised according to law, by persons to whom the information relates, in respect of the files he holds;</p> <p>3) the name, address and telephone number of the person, in each region, to whom the persons to whom the information relates may apply to consult their file, and the procedure for consultation.</p>
New Brunswick	<p><i>Protection of Personal Information Act, S.N.B. 1998, c. P-19.1</i></p>	<p>Schedule A The Statutory Code of Practice</p> <p>Principle 1 : Accountability</p> <p>A public body is responsible for personal information under its control. The chief executive officer of a public body, and his or her designates, are accountable for the public body's compliance with the following principles.</p> <p>Principle 8 : Openness</p> <p>A public body shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.</p>
Nova Scotia	<p><i>Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c.5</i></p>	<p>PROTECTION OF PERSONAL PRIVACY</p> <p>S. 2 The purpose of this Act is</p> <p>(a) to ensure that public bodies are fully accountable to the public by</p> <p>(i) giving the public a right of access to records,</p> <p>(ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,</p> <p>(iii) specifying limited exceptions to the rights of access,</p> <p>(iv) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and</p> <p>(v) providing for an independent review of decisions made pursuant to this Act; and</p> <p>(b) to provide for the disclosure of all government information with necessary exemptions, that are limited and specific, in order to</p> <p>(i) facilitate informed public participation in policy formulation,</p> <p>(ii) ensure fairness in government decision-making,</p> <p>(iii) permit the airing and reconciliation of divergent views;</p> <p>(c) to protect the privacy of individuals with respect to personal information about themselves held by public bodies and to provide individuals with a right of access to that information.</p> <p>GENERAL</p> <p>S. 48(1) The Minister shall publish a directory to assist in identifying and locating records of public bodies.</p> <p>(2) The directory shall include</p> <p>(a) a description of the mandate and functions of each public body and its components;</p> <p>(b) a description and list of the records in the custody or under the control of each public body;</p> <p>(c) a subject index; and</p>

<p>Nova Scotia</p>		<p>(d) the name, title, business address and business telephone number of the head of the public body.</p> <p>(3) The directory shall include for each personal-information bank maintained by a public body</p> <p>(a) its title and location;</p> <p>(b) a description of the kind of personal information and the categories of individuals whose personal information is included;</p> <p>(c) the authority for collecting the personal information;</p> <p>(d) the purposes for which the personal information was obtained or compiled and the purposes for which it is used or disclosed;</p> <p>(e) the categories of persons who use the personal information or to whom it is disclosed.</p> <p>(4) Where personal information is used or disclosed by a public body for a purpose that is not included in the directory published pursuant to subsection (1), the head of the public body shall</p> <p>(a) keep a record of the purpose and either attach or link the record to the personal information;</p> <p>(b) promptly notify the Minister of the purpose; and</p> <p>(c) ensure that the purpose is included in the next publication of the directory.</p> <p>(5) The Minister shall</p> <p>(a) provide copies of the directory to public bodies and to public libraries and other prescribed libraries in the Province; and</p> <p>(b) publish and distribute, at intervals of two years or less, supplements or replacements to keep the directory up to date.</p> <p>(6) The head of a public body shall ensure that copies provided pursuant to subsection (5) are available to the public at an office of the public body.</p> <p>(7) This Section applies to such public bodies as are prescribed by the regulations.</p>
	<p><i>Municipal Government Act, S.N.S. 1998, c. 18</i></p>	<p>S. 462 The purpose of this Part is to</p> <p>(a) ensure that municipalities are fully accountable to the public by</p> <p>(i) giving a right of access to records,</p> <p>(ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,</p> <p>(iii) specifying limited exceptions to the rights of access,</p> <p>(iv) preventing the unauthorized collection, use or disclosure of personal information by municipalities, and</p> <p>(b) provide for the disclosure of all municipal information with necessary exceptions, that are limited and specific, in order to</p> <p>(i) facilitate informed public participation in policy formulation,</p> <p>(ii) ensure fairness in government decision-making, and</p> <p>(iii) permit the airing and reconciliation of divergent views; and</p> <p>(c) protect the privacy of individuals with respect to personal information about themselves held by municipalities and to provide individuals with a right of access to that information.</p>

<p>Prince Edward Island</p>	<p><i>Freedom of Information and Protection of Privacy Act, R.S.P.E.I., c. F-15.01</i></p>	<p>S. 2 The purposes of this Act are</p> <p>(a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act;</p> <p>(b) to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information;</p> <p>(c) to allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body;</p> <p>(d) to allow individuals a right to request corrections to personal information about themselves that is held by a public body; and</p> <p>(e) to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.</p> <p>PART V GENERAL PROVISIONS</p> <p>S. 73(1) The head of a public body may specify categories of records that are in the custody or under the control of the public body and are available to the public without a request for access under this Act.</p> <p>(2) The head of a public body may require a person who asks for a copy of an available record to pay a fee to the public body, unless such a record can otherwise be accessed without a fee.</p> <p>(3) Subsection (1) does not limit the discretion of the Government of Prince Edward Island or a public body to release records that do not contain personal information.</p>
<p>Newfoundland and Labrador</p>	<p><i>Access to Information and Protection of Privacy Act, S.N.L. 2002, c. A-1.1</i></p>	<p>[Part IV to be proclaimed]</p> <p>S. 3(1) The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by</p> <p>(a) giving the public a right of access to records;</p> <p>(b) giving individuals a right of access to, and a right to request correction of, personal information about themselves;</p> <p>(c) specifying limited exceptions to the right of access;</p> <p>(d) preventing the unauthorized collection, use or disclosure of personal information by public bodies; and</p> <p>(e) providing for an independent review of decisions made by public bodies under this Act.</p> <p>(2) This Act does not replace other procedures for access to information or limit access to information that is not personal information and is available to the public.</p> <p>PART VII GENERAL</p> <p>S. 67(1) The head of a public body shall designate a person on the staff of the public body to</p> <p>[...]</p> <p>(c) educate staff of the public body about the applicable provisions of this Act;</p>

<p>Newfoundland and Labrador</p>		<p>[...]</p> <p>S. 69(1) The minister responsible for the administration of this Act shall publish a directory to assist in identifying and locating records in the custody or under the control of public bodies.</p> <p>(2) The directory shall include</p> <p>(a) a description of the mandate and functions of each public body and its components;</p> <p>(b) a description and list of the records in the custody or under the control of each public body, including personal information banks;</p> <p>(c) the name, title, business address and business telephone number of the head of the public body; and</p> <p>(d) a description of the manuals used by employees of a public body in administering or carrying out the programs and activities of the public body.</p> <p>(3) The directory shall include for each personal information bank maintained by a public body</p> <p>(a) its name and location;</p> <p>(b) a description of the kind of personal information and the categories of individuals whose personal information is included;</p> <p>(c) the authority and purposes for collecting the personal information;</p> <p>(d) the purposes for which the personal information is used or disclosed; and</p> <p>(e) the categories of persons who use the personal information or to whom it is disclosed.</p> <p>(4) Where personal information is used or disclosed by a public body for a purpose that is not included in the directory published pursuant to subsection (1), the head of the public body shall</p> <p>(a) keep a record of the purpose and either attach or link the record to the personal information; and</p> <p>(b) notify the minister responsible for this Act of the use or disclosure for inclusion in the directory.</p> <p>(5) This section or a subsection of this section shall apply to those public bodies listed in the regulations.</p>
<p>Yukon</p>	<p><i>Access to Information and Protection of Privacy Act, R.S.Y. 2002, c. 1</i></p>	<p>S. 1(1) The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by</p> <p>(a) giving the public a right of access to records;</p> <p>(b) giving individuals a right of access to, and a right to request correction of, personal information about themselves;</p> <p>(c) specifying limited exceptions to the rights of access;</p> <p>(d) preventing the unauthorized collection, use, or disclosure of personal information by public bodies; and</p> <p>(e) providing for an independent review of decisions made under this Act.</p> <p>(2) This Act does not replace other procedures for access to information or limit in any way access to information that is not personal information and is available to the public independently of this Act.</p> <p>PART 6 GENERAL PROVISIONS</p>

Yukon		<p>S. 63 The minister responsible for this Act must publish a directory to assist in identifying and locating records.</p> <p>S. 64(1) A public body may prescribe categories of or records that are in its custody or control and are available to the public without a request for access under this Act.</p> <p>(2) Subsection (1) does not limit the discretion of the Government of the Yukon or a public body to release records that do not contain personal information.</p>
Northwest Territories	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20</i></p>	<p>S. 1 The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by</p> <p>(a) giving the public a right of access to records held by public bodies;</p> <p>(b) giving individuals a right of access to, and a right to request correction of, personal information about themselves held by public bodies;</p> <p>(c) specifying limited exceptions to the rights of access;</p> <p>(d) preventing the unauthorized collection, use or disclosure of personal information by public bodies; and</p> <p>(e) providing for an independent review of decisions made under this Act.</p> <p>PART 4 ADMINISTRATION</p> <p>DIVISION B – OTHER MATTERS</p> <p>S. 70(1) The Minister shall produce, and update as reasonably required, a directory containing</p> <p>(a) a list of all public bodies; and</p> <p>[...]</p> <p>(c) the title and address of the appropriate person for each public body to whom requests for access to records should be sent or delivered.</p> <p>(2) A copy of the directory must be made available at any place that the Minister considers appropriate.</p> <p>S. 71(1) The head of a public body shall make available policy manuals to the public, without a request for access under this Act,</p> <p>(a) manuals, instructions or guidelines issued to the officers or employees of the public body, and</p> <p>(b) substantive rules or policy statements adopted by the public body, for the purpose of interpreting an enactment or administering a program or activity that affects the public or a specific group of the public.</p> <p>(2) The head of a public body may delete from a record made available under this section any information he or she would be entitled to refuse to disclose to an applicant.</p> <p>(3) Where information is deleted, the record must include a note stating</p> <p>(a) that information has been deleted;</p> <p>(b) the nature of the deleted information; and</p> <p>(c) the reason for the deletion.</p>

Northwest Territories		<p>(4) A person may obtain a copy of a record under this section on paying any required fee.</p> <p>S. 72(1) The head of a public body may direct that categories of records that are in the custody or under the control of the public body and that do not contain personal information be made available to the public, on demand, without a request for access under this Act.</p> <p>(2) A person may obtain a copy of an available record on paying any required fee.</p>
Nunavut	<p><i>Access to Information and Protection of Privacy Act, S.N.W.T. 1994, c. 20, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>S. 1 The purposes of this Act are to make public bodies more accountable to the public and to protect personal privacy by</p> <p>(a) giving the public a right of access to records held by public bodies;</p> <p>(b) giving individuals a right of access to, and a right to request correction of, personal information about themselves held by public bodies;</p> <p>(c) specifying limited exceptions to the rights of access;</p> <p>(d) preventing the unauthorized collection, use or disclosure of personal information by public bodies; and</p> <p>(e) providing for an independent review of decisions made under this Act.</p> <p>PART 4 ADMINISTRATION</p> <p>DIVISION B – OTHER MATTERS</p> <p>S. 70(1) The Minister shall produce, and update as reasonably required, a directory containing</p> <p>(a) a list of all public bodies; and</p> <p>[...]</p> <p>(c) the title and address of the appropriate person for each public body to whom requests for access to records should be sent or delivered.</p> <p>(2) A copy of the directory must be made available at any place that the Minister considers appropriate.</p> <p>S. 71(1) The head of a public body shall make available policy manuals to the public, without a request for access under this Act,</p> <p>(a) manuals, instructions or guidelines issued to the officers or employees of the public body, and</p> <p>(b) substantive rules or policy statements adopted by the public body, for the purpose of interpreting an enactment or administering a program or activity that affects the public or a specific group of the public.</p> <p>(2) The head of a public body may delete from a record made available under this section any information he or she would be entitled to refuse to disclose to an applicant.</p> <p>(3) Where information is deleted, the record must include a note stating</p> <p>(a) that information has been deleted;</p> <p>(b) the nature of the deleted information; and</p> <p>(c) the reason for the deletion.</p> <p>(4) A person may obtain a copy of a record under this section on paying</p>

Nunavut		<p>any required fee.</p> <p>S. 72(1) The head of a public body may direct that categories of records that are in the custody or under the control of the public body and that do not contain personal information be made available to the public, on demand, without a request for access under this Act.</p> <p>(2) A person may obtain a copy of an available record on paying any required fee.</p>
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9. Selected research-related provisions dealing with clinical records and registries in other legislation

In addition to privacy legislation, there are a number of other statutes that may impact personal health information practices in the health research context. Researchers may, depending on the circumstances, have to consider the impact of one or more of these statutes in connection with the collection, use or disclosure of personal health information when planning and conducting their research activities. This section of the Compendium consists of excerpts from a selection of health-related statutes, with a particular focus on those with legislative provisions relating to research, confidentiality, or access to personal (health) information.

Certain of the statutes included in the following chart relate specifically to registries of personal health information, while other statutes referenced deal specifically with clinical records. Research-related provisions in statistics statutes and human tissue donation legislation have also been included.

As noted in the preface, the applicability of any of the statutes referenced in the chart in this section must be considered together with relevant privacy statute(s) in the jurisdiction in question. Sometimes certain statutes specifically override others, while in other cases more than one statute may be applicable. While an analysis of the relationship between privacy legislation and statutes referenced in this chart is beyond the scope of this Compendium, we have included applicable override/conflict provisions relating to these statutes.

As also noted in the preface, we highlight that the following section was not intended to be an exhaustive listing of all potentially applicable legislation. Other statutes may apply depending on the circumstances.

SELECTED RESEARCH-RELATED PROVISIONS DEALING WITH CLINICAL RECORDS AND REGISTRIES IN OTHER LEGISLATION

Federal	<i>Statistics Act, R.S. 1985, c. S-19</i>	<p>S. 10(1) The Minister may enter into any arrangement with the government of a province providing for any matter necessary or convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:</p> <ul style="list-style-type: none"> (a) the execution by provincial officers of any power or duty conferred or imposed on any officer pursuant to this Act; (b) the collection by any provincial department or provincial officer of any statistical or other information required for the purpose of this Act; and (c) the supplying of statistical information by any provincial department or provincial officer to the Chief Statistician. <p>(2) All provincial officers executing any power or duty conferred or imposed on any officer pursuant to this Act, in pursuance of any arrangement entered into under this section, shall, for the purposes of the execution of that power or duty, be deemed to be employed under this Act.</p> <p>S. 11(1) The Minister may, with the approval of the Governor in Council and subject to this section, enter into an agreement with the government of a province for the exchange with, or transmission to, a statistical agency of the province of</p> <ul style="list-style-type: none"> (a) replies to any specific statistical inquiries; (b) replies to any specific classes of information collected under this Act; and (c) any tabulations and analyses based on replies referred to in paragraph (a) or (b). <p>(2) An agreement with a province for the purposes of this section shall apply only in respect of a statistical agency of the province</p> <ul style="list-style-type: none"> (a) that has statutory authority to collect the information that is intended to be exchanged or transmitted pursuant to the agreement from a respondent who is subject to statutory penalties for refusing or neglecting to furnish information to the agency or for falsifying information furnished by him to the agency; (b) that is prohibited by law from disclosing any information of a kind that Statistics Canada, its officers and employees would be prohibited from disclosing under section 17, if the information were furnished to Statistics Canada; and (c) whose officers and employees are subject to statutory penalties for the disclosing of any information of the kind described in paragraph (b), subject to exceptions authorized by law that are substantially the same as those provided under section 17. <p>(3) Except in respect of information described in subsection 17(2), no agreement entered into under this section applies to any reply made to or information collected by Statistics Canada or an agency of the government of a province before the date that the agreement was entered</p>
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Federal	<p>into or is to have effect, whichever is the later date.</p> <p>(4) Where any information in respect of which an agreement under this section applies is collected by Statistics Canada from a respondent, Statistics Canada shall, when collecting information, advise the respondent of the names of any statistical agencies in respect of which the Minister has an agreement under this section and to which the information received from the respondent may be communicated under that agreement.</p> <p>S. 12(1) The Minister may enter into an agreement with any department or municipal or other corporation for the sharing of information collected from a respondent by either Statistics Canada or the department or corporation on behalf of both of them and for the subsequent tabulation or publication based on that information.</p> <p>(2) An agreement under subsection (1) shall provide that (a) the respondent be informed by notice that the information is being collected on behalf of Statistics Canada and the department or corporation, as the case may be; and (b) where the respondent gives notice in writing to the Chief Statistician that the respondent objects to the sharing of the information by Statistics Canada, the information not be shared with the department or corporation unless the department or corporation is authorized by law to require the respondent to provide that information.</p> <p>(3) Information shared pursuant to this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to Statistics Canada or the department or corporation.</p> <p>S. 17(1) Except for the purpose of communicating information in accordance with any conditions of an agreement made under section 11 or 12 and except for the purposes of a prosecution under this Act but subject to this section, (a) no person, other than a person employed or deemed to be employed under this Act, and sworn under section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and (b) no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from the disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.</p> <p>[Note: Section 6 requires that the Chief Statistician and every person employed pursuant to this Act or where a person retained under contract to perform special services for the Minister pursuant to this Act is a body corporate, the chief executive officer thereof and such other officers, employees and agents thereof as are used to perform the special services shall, before commencing their duties, take an oath provided for in that section.]</p> <p>(2) The Chief Statistician may, by order, authorize the following information to be disclosed: (a) information collected by persons, organizations or departments for</p>
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Federal		<p>their own purposes and communicated to Statistics Canada before or after May 1, 1971, but that information when communicated to Statistics Canada shall be subject to the same secrecy requirements to which it was subject when collected and may only be disclosed by Statistics Canada in the manner and to the extent agreed on by the collector thereof and the Chief Statistician;</p> <p>(b) information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;</p> <p>(c) information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;</p> <p>(d) information available to the public under any statutory or other law;</p> <p>(e) information relating to any hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate the particulars to any individual patient, inmate or other person in the care of any such institution;</p> <p>(f) information in the form of an index or list of individual establishments, firms or businesses, showing any, some or all of the following in relation to them:</p> <ul style="list-style-type: none"> (i) their names and addresses, (ii) the telephone numbers at which they may be reached in relation to statistical matters, (iii) the official language in which they prefer to be addressed in relation to statistical matters, (iv) the products they produce, manufacture, process, transport, store, purchase or sell, or the services they provide, in the course of their business, or (v) whether they are within specific ranges of numbers of employees or persons engaged by them or constituting their work force; and <p>(g) information relating to any carrier or public utility.</p> <p>(3) In this section, "carrier" « transporteur » means any person or association of persons that owns, operates or manages an undertaking that carries or moves persons or commodities by any form of land, sea or air transport; "public utility" « entreprise d'utilité publique » means any person or association of persons that owns, operates or manages an undertaking</p> <ul style="list-style-type: none"> (a) for the supply of petroleum or petroleum products by pipeline, (b) for the supply, transmission or distribution of gas, electricity, steam or water, (c) for the collection and disposal of garbage or sewage or for the control of pollution, (d) for the transmission, emission, reception or conveyance of information by any telecommunication system, or (e) for the provision of postal services. <p>S. 18(1) Except for the purposes of a prosecution under this Act, any return made to Statistics Canada pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings whatever.</p> <p>(2) No person sworn under section 6 shall by an order of any court,</p>
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Federal		<p>tribunal or other body be required in any proceedings whatever to give oral testimony or to produce any return, document or record with respect to any information obtained in the course of administering this Act.</p> <p>(3) This section applies in respect of any information that Statistics Canada is prohibited by this Act from disclosing or that may only be disclosed pursuant to an authorization under subsection 17(2).</p>
	<p><i>Good Clinical Practice Guideline, ICH Harmonised Tripartite Guideline, International Conference on Harmonisation of Technical Requirements for the Registration of Pharmaceuticals for Human Use, adopted by Therapeutic Products Program, Health Canada, September 1997⁹</i></p>	<p>1. GLOSSARY</p> <p>1.16 Confidentiality</p> <p>Prevention of disclosure, to other than authorized individuals, of a sponsor's proprietary information or of a subject's identity.</p> <p>1.21 Direct Access</p> <p>Permission to examine, analyze, verify, and reproduce any records and reports that are important to evaluation of a clinical trial. Any party (e.g., domestic and foreign regulatory authorities, sponsor's monitors and auditors) with direct access should take all reasonable precautions within the constraints of the applicable regulatory requirement(s) to maintain the confidentiality of subjects' identities and sponsor's proprietary information.</p> <p>1.24 Good Clinical Practice (GCP)</p> <p>A standard for the design, conduct, performance, monitoring, auditing, recording, analyses, and reporting of clinical trials that provides assurance that the data and reported results are credible and accurate, and that the rights, integrity, and confidentiality of trial subjects are protected.</p> <p>2. THE PRINCIPLES OF ICH GCP</p> <p>2.11 The confidentiality of records that could identify subjects should be protected, respecting the privacy and confidentiality rules in accordance with the applicable regulatory requirement(s).</p> <p>4. INVESTIGATOR</p> <p>4.8 Informed Consent of Trial Subjects</p> <p>4.8.10 Both the informed consent discussion and the written informed consent form and any other written information to be provided to subjects should include explanations of the following:</p> <p>[...]</p> <p>(n) That the monitor(s), the auditor(s), the IRB/IEC, and the regulatory authority(ies) will be granted direct access to the subject's original medical records for verification of clinical trial procedures and/or data, without violating the confidentiality of the subject, to the extent permitted by the applicable laws and regulations and that, by signing a written</p>

⁹ Under the Health Canada Regulatory Framework, sponsors conducting clinical trials of therapeutic drugs for human use must comply with the Food and Drug Regulations Division 5, "Drugs for Clinical Trials Involving Human Subjects", and with the ICH Good Clinical Practice Guideline.

Federal		<p>informed consent form, the subject or the subject's legally acceptable representative is authorizing such access.</p> <p>(o) That records identifying the subject will be kept confidential and, to the extent permitted by the applicable laws and/or regulations, will not be made publicly available. If the results of the trial are published, the subject's identity will remain confidential.</p> <p>5. SPONSOR</p> <p>5.5 Trial Management, Data Handling, and Record Keeping</p> <p>5.5.3 When using electronic trial data handling and/or remote electronic trial data systems, the sponsor should : [...] (d) maintain a security system that prevents unauthorized access to the data. [...]</p> <p>5.15 Record Access</p> <p>5.15.1 The sponsor should ensure that it is specified in the protocol or other written agreement that the investigator(s)/ institution(s) provide direct access to source data/documents for trial-related monitoring, audits, IRB/IEC review, and regulatory inspection.</p> <p>5.15.2 The sponsor should verify that each subject has consented, in writing, to direct access to his/her original medical records for trial-related monitoring, audit, IRB/IEC review, and regulatory inspection.</p> <p>8. ESSENTIAL DOCUMENTS FOR THE CONDUCT OF A CLINICAL TRIAL</p> <p>8.3.12 SIGNED INFORMED CONSENT FORMS (Purpose: To document that consent is obtained in accordance with GCP and protocol and dated prior to participation of each subject in trial. Also to document direct access permission.)</p> <p>8.3.21 SUBJECT IDENTIFICATION CODE LIST (Purpose: To document that investigator/ institution keeps a confidential list of names of all subjects allocated to trial numbers on enrolling in the trial. Allows investigator/ institution to reveal identity of any subject.)</p> <p>8.4.3 COMPLETED SUBJECT IDENTIFICATION CODE LIST (Purpose: To permit identification of all subjects enrolled in the trial in case follow-up is required. List should be kept in confidential manner and for agreed upon time.)</p>
British Columbia	<i>Health Act, R.S.B.C. 1996, c. 179</i>	<p>Part 2 – Government Officials and Regulations</p> <p>S. 9(1) The British Columbia Cancer Agency may request a person to supply it with information or records or classes of information or records that may be prescribed by the minister for the purposes of this section.</p> <p>(2) A request must not be made under subsection (1) unless reasonable grounds exist to believe that the information or records will facilitate medical research and that the benefit to the public of the research justifies</p>

<p>British Columbia</p>		<p>the request for the information or records.</p> <p>(3) Subject to any other enactment, a person to whom a request is made under subsection (1) must comply with the request in the manner and at the times requested if the information or records are within the person's possession or control. [...]</p> <p>(7) A person who has obtained information or records pursuant to a request made under subsection (1) must not disclose the information or records to another person except</p> <p>(a) for the purpose of medical research and to a person engaged in medical research whether or not the person is engaged in medical research for the British Columbia Cancer Agency, [...]</p> <p>(c) under an agreement that</p> <p>(i) is between the British Columbia Cancer Agency and a government, government agency or another organization engaged in medical research,</p> <p>(ii) relates to medical research, and</p> <p>(iii) provides for the disclosure of information and records to that government, government agency or other organization, or</p> <p>(d) for the purpose of compiling statistical information by an organization, a government or a government agency if the information is compiled to facilitate medical research. [...]</p> <p>S. 10(1) A health status registry is continued in the ministry.</p> <p>(2) The health status registry may record and classify for statistical or for health research purposes information concerning congenital anomalies, genetic conditions or chronic handicapping conditions of individuals.</p> <p>(3) The health status registry may request that a person provide it with information concerning congenital anomalies, genetic conditions or chronic handicapping conditions of individuals.</p> <p>(4) A request must not be made under subsection (3) unless a reasonable basis exists for the belief that the information will facilitate recording and classification described in subsection (2) and that the likely benefit to the public justifies the request.</p> <p>(5) The person to whom a request under subsection (3) is made must comply in the manner and at the times requested and give the information requested that is within the possession or control of that person.</p> <p>(7) Persons acting on behalf of the health status registry must not communicate personally identifying information obtained under this section to persons who are not acting on behalf of the health status registry except to the extent necessary for the purposes of subsection (2).</p>
	<p><i>British Columbia Cancer Agency Research Information Regulation, B.C. Reg 286/91</i></p>	<p>S. 1 In this regulation: "Act" means the <i>Health Act</i>; "agency" means the British Columbia Cancer Agency; "information" means information or classes of information relevant to medical research into the prevention, causes, diagnosis, treatment and</p>

<p>British Columbia</p>		<p>outcomes of cancer or its precursor lesions and includes records containing that information.</p> <p>S. 2 Information that may be requested by the agency pursuant to section 9(1) of the Act is limited to information listed in Appendices 1 to 3.</p> <p>Appendix 1 Personal Identification Information</p> <p>1 Personal identifiers (a) name; (b) sex; (c) birthdate and place; (d) marital status; (e) residence information.</p> <p>2 Family identifiers (a) spouse's name.</p> <p>3 Health identifiers (a) health insurance number; (b) personal health number.</p> <p>Appendix 2 Medical Information</p> <p>1 Records from medical laboratories, imaging services, hospitals and other health facilities and physicians.</p> <p>2 Mortality and morbidity data including autopsy reports.</p> <p>Appendix 3 Factors Which Influence the Occurrence of Cancer in Human Populations</p> <p>1 Intrinsic host factors (a) ethnicity; (b) medical history.</p>
	<p><i>Pharmacists, Pharmacy Operations and Drug Scheduling Act, R.S.B.C. 1996, c. 363</i></p>	<p>S. 1 In this Act: [...] “PharmaNet” means the Provincial computerized pharmacy network and database established under section 37. [...]</p> <p>S. 36 A person who obtains information, files or records under this Act must not disclose them to any other person except for the purposes permitted by this Act, the purposes of carrying out a duty under the bylaws or as required by law.</p> <p>S. 37(1) The minister may establish a Provincial computerized pharmacy network and database known as PharmaNet in which the patient record information of all persons to whom prescriptions are dispensed in British Columbia must be recorded for the purpose of facilitating (a) the practice of pharmacy,</p>

- (a.1) the therapeutic treatment or care of patients by persons referred to in section 38.1(1),
- (b) the monitoring, by the college, of the practice of pharmacy,
- (c) the monitoring, by a practitioner, of drug use by those persons,
- (d) claims and payment administration by a federal or Provincial government payment agency or an insurer that reimburses the cost of prescribed drugs, devices or pharmacy services,
- (e) a review, by the minister or a person designated by the minister, of the use and prescription of drugs and devices,
- (f) an investigation, by the minister or a person designated by the minister, of the abuse, the misuse or the inappropriate or fraudulent prescription of drugs or devices, and
- (h) scientific or drug utilization research conducted at a university or hospital or as approved by the college.

S. 38(1) The council must, by bylaw, establish a committee consisting of not more than 10 persons appointed by the council to manage, in accordance with this Act and the bylaws, disclosure of information from that portion of the PharmaNet database that contains patient record information and general drug information.

(2) The PharmaNet committee must include

- (a) 3 persons nominated by the minister,
- (b) one person nominated by the College of Physicians and Surgeons of British Columbia, and
- (c) one person nominated by the Dean of the Faculty of Pharmaceutical Sciences at The University of British Columbia.

(3) The council must, by bylaw, specify the procedures for the operation of the PharmaNet committee.

(4) A bylaw made under subsection (3) may provide for the use of of panels of the PharmaNet committee members to conduct the business of that committee.

S. 38.1(1) Subject to this Act and any applicable regulation under subsection (2)(c), the following may have access to patient record information on the PharmaNet system:

- (a) pharmacists;
- (b) medical practitioners designated under subsection 2(a);
- (c) other persons designated under subsection 2(b).

(2) In relation to access referred to in subsection (1), the Lieutenant Governor in Council may make regulations

- (a) designating medical practitioners, by name or by class as established by the regulation, who are permitted to have access for the purpose of providing therapeutic treatment or care to patients,
- (b) designating other persons, by name or by class as established by the regulation, who are permitted to have access for the purpose of providing therapeutic treatment or care to patients, and
- (c) establishing requirements, restrictions and conditions relating to access by a person or a class of persons.

S. 39(1) Subject to subsections (2), (3) and (4), if the bylaws specify that specified patient record information must not be disclosed, a pharmacist

<p>British Columbia</p>		<p>must not disclose, or allow a support person, a registrant who is not a pharmacist, or other employee to disclose, the patient record information to a person other than the person named in that record.</p> <p>(2) Subject to the bylaws, a pharmacist must, on request, disclose patient record information to</p> <p>(a) the person who is the subject of the record, or</p> <p>(b) the personal representative of the person named in the record if that person directs in writing that disclosure be made.</p> <p>(3) Subject to the bylaws, a pharmacist must, on request, disclose relevant patient record information to</p> <p>(a) another pharmacist for the purpose of dispensing a drug or device,</p> <p>(b) another pharmacist or a practitioner for the purpose of monitoring drug use,</p> <p>(c) a federal or Provincial government payment agency or an insurer that reimburses the cost of prescribed drugs, devices or pharmacy services for the purpose of making a payment, or</p> <p>(d) the college for the purpose of monitoring the practice of pharmacy.</p> <p>(4) Subject to the bylaws, the PharmaNet committee must, on request, disclose relevant patient record information to</p> <p>(a) the minister, or a person designated by the minister, for the purpose of</p> <p>(i) reviewing the use and prescription of drugs and devices, or</p> <p>(ii) investigating the abuse, misuse or the inappropriate or fraudulent prescription of drugs or devices, or</p> <p>(b) the regulatory body for a practitioner, following notification of the registrar, for the purposes of investigating the abuse, misuse or the inappropriate or fraudulent prescribing of drugs or devices.</p> <p>(5) Subject to the bylaws, the PharmaNet committee may, on request, disclose patient record information to a person engaged in scientific or drug utilization research at a university or hospital or a person approved by the college for the purpose of conducting the research, without disclosing the names and addresses of the patients and the practitioners.</p> <p>(6) Except as provided in the bylaws, a pharmacist or the PharmaNet committee must not disclose patient record information for the purposes of market research.</p> <p>(7) A person who receives patient record information under this section must not disclose the information to another person, unless it is to be used for the purpose for which it was originally disclosed.</p>
	<p><i>Vital Statistics Act,</i> R.S.B.C. 1996, c. 479</p>	<p>S. 46(1) A vital statistics registrar or a person employed in the service of the government must not</p> <p>(a) communicate or allow to be communicated to any person not entitled to it any information obtained under this Act, or</p> <p>(b) allow the person to inspect or have access to records containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the completion, furnishing or publication of statistical data that does not disclose specific information with respect to a particular person.</p> <p>S. 54 [...]</p>

British Columbia		<p>(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:</p> <p>[...]</p> <p>(b) designating the persons who may have access to or may be given copies of or information from the records in the office of the chief executive officer or of a vital statistics registrar and prescribing an oath of secrecy to be taken by those persons;</p> <p>[...]</p>
	<p><i>Vital Statistics Act Regulation, B.C. Reg. 69/82</i></p>	<p>Part 3 — Access and Information</p> <p>S. 9 Subject to the discretion conferred on the director and district registrars under sections 28, 36 to 40 and 46 of the Act, the persons designated in Schedule A and their lawful and accredited representatives may have access to or may be given copies of or information from the records in the office of the director, or of a district registrar, when the access to, copies of or information from the records is required in the discharge of their official duties.</p> <p>Schedule A</p> <p>Persons Designated under Section 54 (2) (b) of the Act</p> <p>[...]</p> <p>3. The chief executive of a medical institute or medical research agency where the information is required for scientific purposes only.</p>
	<p><i>Statistics Act, R.S.B.C. 1996, c. 439</i></p>	<p>S. 9(1) Except as otherwise permitted by this section and except for the purposes of a prosecution under this Act,</p> <p>(a) a person who is not employed or engaged under this Act and sworn under section 4 must not be permitted to examine an identifiable individual return, and</p> <p>(b) a person sworn under section 4 must not disclose or knowingly cause to be disclosed, by any means, information obtained under this Act in a manner that it is possible from the disclosure to relate the particulars obtained from an individual return to an identifiable individual person, business or organization.</p> <p>[Note: Section 4 requires that the Director and every person employed for the purposes of this Act or employed or engaged in a project, program or other matter to which this Act applies must, before commencing their duties, take an oath provided for in that section.]</p> <p>(2) Subsection (1) applies despite any provision of the Freedom of Information and Protection of Privacy Act other than section 44 (2) and (3) of that Act.</p> <p>(3) Subsection (2) does not apply to personal information, as defined in the Freedom of Information and Protection of Privacy Act, that has been in existence for 100 or more years or to other information that has been in existence for 50 or more years.</p> <p>(4) Subject to subsection (1), the director or other person employed for the purposes of this Act must not use the powers under this Act to restrict the free communication of information to ministries and persons who are legally entitled to the information.</p> <p>[...]</p>

<p>British Columbia</p>		<p>(5) The minister may authorize the release</p> <p>(a) to Statistics Canada, under an agreement under section 11, of the particulars of information obtained in the course of administering this Act, or</p> <p>(b) to a ministry, municipality, regional district, corporation, business, organization or Canada or a province that was party to an agreement under section 12, of the particulars of information collected under the agreement.</p> <p>S. 11(1) The minister may enter an agreement with Statistics Canada for the exchange with or transmission to Statistics Canada of one or more of the following:</p> <p>(a) replies to specific statistical inquiries;</p> <p>(b) replies to specific classes of information collected under this Act;</p> <p>(c) tabulations or analyses based on replies referred to in paragraph (a) or (b).</p> <p>(2) Except for information described in section 9 (6) or (7), an agreement entered under this section does not apply to a reply made to, or information collected by, the director before the date the agreement was entered or is to have effect, whichever is the later date.</p> <p>(3) If the minister collects information in respect of which an agreement under this section applies, the minister must first advise the respondent of the agreement with Statistics Canada and that the information secured from the respondent may be communicated under that agreement.</p> <p>S. 12(1) The minister may enter an agreement with a ministry, municipality, regional district, corporation, business, organization or Canada or a province for the exchange of information collected jointly and for subsequent tabulation or publication based on that information.</p> <p>(2) An agreement under subsection (1) must provide that</p> <p>(a) a notice is to be sent to the respondent stating that the information is being collected jointly on behalf of the director and the ministry, municipality, regional district, corporation, business, organization or Canada or a province, as the case may be, and</p> <p>(b) the agreement does not apply to information obtained from a respondent who gives notice in writing to the director that the respondent objects to sharing information between the director and a body referred to in paragraph (a).</p> <p>(3) An exchange of information under an agreement under this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the director or the other party jointly collecting the information.</p>
	<p><i>Human Tissue Gift Act</i>, R.S.B.C. 1996, c. 211</p>	<p>S. 12(1) Except if legally required, a person must not disclose or give to any other person any information or document by which the identity of any person</p> <p>(a) who has given or refused to give a consent,</p> <p>(b) with respect to whom a consent has been given, or</p> <p>(c) into whose body tissue has been, is being, or may be transplanted, may become known publicly.</p> <p>(2) If the information or document disclosed or given pertains only to the</p>

British Columbia		<p>person who disclosed or gave the information or document, subsection (1) does not apply.</p> <p>(3) Despite subsection (1), if</p> <p>(a) a recipient of body tissue consents in writing to the publication of the recipient's identity,</p> <p>(b) in the case of a recipient who is under the age of majority, the recipient's parent or guardian consents in writing to the publication of the donor's identity,</p> <p>(c) a donor of body tissue consents in writing to the publication of the donor's identity, or</p> <p>(d) in the case of a donor who is dead or under the age of majority, any one of the persons referred to in section 5(1)(a) to (d) consents to the publication of the donor's identity,</p> <p>the identity may be published by any person not sooner than one month after the date of the transplant.</p>
Alberta	<p><i>Hospitals Act, R.S.A. 2000, c. H-12</i></p>	<p>Part 2 – Operation of Approved Hospitals</p> <p>S. 24(1.1) Except as permitted or required under this Act, a board or employee of a board, the Minister or a person authorized by the Minister or a physician may disclose health information obtained from hospital records or from persons having access to them only in accordance with the <i>Health Information Act</i>.</p> <p>(2) For the purposes of assessing the standards of care furnished to patients, improving hospital or medical procedures, compiling medical statistics, conducting medical research, enforcing the Crown's right of recovery under Part 5, or for any other purpose considered by the Minister to be in the public interest, the Minister, or a person authorized by the Minister, may require that all or any of the following be sent to the Minister or authorized person or a person designated by the Minister or authorized person:</p> <p>(a) health information and other records of any patient;</p> <p>(b) extracts from and copies of any health information or other records of any patient.</p>
	<p><i>Public Health Act, R.S.A. 2000, c. P-37</i></p>	<p>Part 3 – Communicable Diseases and Public Health Emergencies</p> <p>General</p> <p>S. 53(1) Information contained in any file, record, document or paper maintained by the Chief Medical Officer or by a regional health authority or an employee or agent on its behalf that comes into existence through anything done under this Part and that indicates that a person is or was infected with a communicable disease shall be treated as private and confidential in respect of the person to whom the information relates and shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of that person.</p> <p>(2) For the purposes of assessing and improving the standards of care furnished to persons suffering from communicable diseases, compiling statistics with respect to communicable diseases, conducting research into communicable diseases, or for any reason relating to communicable disease that the Chief Medical Officer considers to be in the interest of protecting the public health, the Chief Medical Officer may require any physician or health practitioner to furnish the Chief Medical Officer with</p>

<p>Alberta</p>		<p>the following information:</p> <p>(a) a report containing the name and address of any patient of that physician or health practitioner who is, was or may have been suffering from a communicable disease and a description of the diagnostic and treatment services provided to the patient;</p> <p>(b) medical or other records, or extracts or copies of them, in respect of that patient and in the possession of the physician or health practitioner. [...]</p> <p>(3) Information obtained by the Chief Medical Officer or by a regional health authority or an employee or agent on its behalf pursuant to this section shall be treated as private and confidential and, subject to subsection (4), shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of the patient.</p> <p>(4) Information obtained by the Chief Medical Officer or by a regional health authority or an employee or agent on its behalf may be disclosed by the Chief Medical Officer or the regional health authority, employee or agent [...]</p> <p>(c) in statistical form if the person to whom it relates is not revealed or made identifiable; [...]</p> <p>S. 75 Except for the Alberta Bill of Rights, this Act prevails over any enactment that it conflicts or is inconsistent with, including the Health Information Act, and a regulation under this Act prevails over any other bylaw, rule, order or regulation with which it conflicts.</p>
	<p><i>Cancer Programs Act, R.S.A. 2000, c. C-2</i></p>	<p>Part 2 – Cancer Registry</p> <p>S. 32(1) The information in the cancer registry is private and confidential.</p> <p>(2) Section 24 of the <i>Hospitals Act</i> does not apply to information in the cancer registry.</p> <p>S. 33 The information in the cancer registry is to be used for the following purposes: [...] (c) to assist in cancer research, education and prevention; (d) to compile statistics on cancer; [...]</p> <p>S. 35(1) The Minister or the board with the approval of the Minister may enter into an agreement with the Government of Canada or the government of a province or territory or with any person that relates to the disclosure of information in the cancer registry.</p> <p>(2) An agreement under subsection (1) shall require that the information disclosed remain confidential.</p> <p>S. 36(1) The board may use the information in the cancer registry for the purposes referred to in section 33.</p> <p>(3) The board may disclose the information in the cancer registry</p>

<p>Alberta</p>		<p>(a) to the person who is the subject of the information or to that person's designate or legal representative; (b) in statistical form if the person who is the subject of the information is not revealed or made identifiable; (c) to a person conducting bona fide research or a medical review if the disclosure is made in a manner that ensures the confidentiality of the information; [...]</p>
	<p><i>Vital Statistics Act, R.S.A. 2000, c. V-4</i></p>	<p>S. 10(1) The Director shall maintain a special register in which shall be kept (a) the original registrations of birth withdrawn from the registration files pursuant to section 9, and (b) the copies of all orders, judgments and decrees received by the Director for the purposes of section 9, other than the copy required for the purposes of section 9(5). [...]</p> <p>(3) Except as authorized by this section, the special register and any entry or information or documents contained in it shall not be made public or disclosed to any person except on the order of a judge of the Court of Queen's Bench.</p> <p>[Note: Section 9 deals generally with registry of adoptions. Subsection 9(5) deals with the adoption in Alberta of children born outside of Alberta.]</p> <p>S. 38(1) No district registrar, no deputy district registrar and no person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled to it any information obtained under this Act, or allow any person not entitled to it to inspect or have access to any records containing information obtained under this Act.</p> <p>S. 47 The Lieutenant Governor in Council may make regulations (a) subject to section 10(3), respecting the persons to whom access to or copies of information from records in the office of the Director or of a district registrar may be given, and prescribing an oath of secrecy to be taken by those persons; [...]</p>
	<p><i>Vital Statistics Act, Access to Information Regulation, Alberta Reg. 162/2001</i></p>	<p>S. 1 Subject to section 10(3) of the <i>Vital Statistics Act</i>, the Director may give access to or give copies of or information from any register or record on file in the office of the Director or a district registrar to the following: [...]</p> <p>(e) a researcher who has satisfied the Director that (i) the research purpose cannot reasonably be accomplished unless the information is provided in individually identifiable form, (ii) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the research linkage are clearly in the public interest, (iii) the information released will not be used in any way that would reveal the identity of any individual who is the subject of the information, and (iv) individual identifiers will be removed or destroyed at the earliest possible time; (g) a person in accordance with</p>

<p>Alberta</p>		<p>(i) an enactment of Alberta or Canada that authorizes or requires the disclosure or access, or (ii) a treaty, arrangement or agreement under an enactment of Alberta or Canada that authorizes or requires the disclosure or access.</p> <p>S. 2 A researcher must (a) sign an agreement with the Director in respect of the use, subsequent use, disclosure, security and confidentiality of information disclosed to the researcher under section 1(e), and (b) take the following oath:</p> <p>I, (name), do swear (or solemnly affirm) that I will diligently, faithfully and to the best of my ability execute according to law the responsibilities required of me by the research agreement dated _____, which allows me access to registers or records specified in the agreement, and that I will not, without due authorization, disclose or make known any matter or thing that the terms of the research agreement forbid me to disclose.</p>
	<p>Statistics Bureau Act, R.S.A. 2000, c. S-18</p>	<p>S. 6 The Minister may make any arrangements the Minister considers expedient between the Bureau and any Department of the Government of Canada for the collection, transmission and exchange of any information or statistics.</p> <p>S. 8(1) No report, summary of statistics or other publication issued under this Act shall contain any of the particulars contained in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business except when the previous consent in writing of the individual person or of the person in authority in the business has been obtained for the release of the information.</p> <p>(2) No person shall communicate or allow to be communicated to any person who has not taken the oath of secrecy required by section 9, the contents of any individual return, report or answer made or given pursuant to this Act.</p> <p>S. 9(1) Every officer and other person employed in the execution of any duty under this Act, before entering on those duties shall take the following oath of secrecy: “I, _____, do solemnly swear that I will not, without due authority, disclose or make known any matter or thing that comes to my knowledge by reason of my employment in or by the Alberta Bureau of Statistics.”</p>
<p>Saskatchewan</p>	<p>The Mental Health Services Act, S.S. 1986, c. M-13.1</p>	<p>S. 38(1) All records maintained by a facility are the property of the facility.</p> <p>(2) Subject to subsections (3) and (4) and to the regulations, no person shall disclose any information concerning a patient that comes to his knowledge in the course of performing his duties pursuant to this Act or the regulations. [...]</p> <p>[Note: The Health Information Protection Act provides: “S. 4(4) Subject to subsections (5) and (6), Parts II, IV and V of this Act do not apply to personal health information obtained for the purposes of: [...]</p>

Saskatchewan		(e) The <i>Mental Health Services Act</i>; Part II provides for rights of the individual; Part IV provides for limits on collection, use and disclosure of personal health information; Part V provides for access of individuals to personal health information.]
	<i>The Mental Health Services Act, Mental Health Services Regulations, c. M.13.1</i> Reg.1	<p>S. 18(1) Subject to clause 13(1)(k) and section 26, a person who possesses information concerning a patient may disclose that information: [...]</p> <p>(b) with the written approval of: (i) the regional director; or (ii) the officer in charge, in the absence of the regional director; to any person for research or teaching purposes or for the compilation of statistical data where the name and other means of identification of the patient are removed from the records; [...]</p> <p>S. 13(1) An official representative for a region: [...] (k) unless he is required to do so by law, shall not disclose information obtained in the course of serving as an official representative for any purpose other than performing the duties and responsibilities of an official representative prescribed in the Act or these regulations, including the instruction of a solicitor. [...]</p> <p>S. 26 Unless he is required to do so by law, a member of a review panel shall not disclose information obtained in the course of serving as a member of a review panel for any purpose other than performing the duties and responsibilities of a review panel prescribed in the Act or these regulations.</p> <p>[Note: The <i>Health Information Protection Act</i> provides: “S. 4(4) Subject to subsections (5) and (6), Parts II, IV and V of this Act do not apply to personal health information obtained for the purposes of: [...] (e) The <i>Mental Health Services Act</i>; Part II provides for rights of the individual; Part IV provides for limits on collection, use and disclosure of personal health information; Part V provides for access of individuals to personal health information.]</p>
	<i>The Public Health Act, S.S. 1994, c. P-37.1</i>	<p>PART VII</p> <p>General</p> <p>S. 65(1) Subject to subsection (2), no person shall disclose any information that comes to the person’s knowledge in the course of carrying out responsibilities pursuant to this Act, the regulations or bylaws made pursuant to this Act concerning a person who: (a) is infected with or is suspected to be infected with a communicable disease; (b) is a carrier of or is suspected to be a carrier of a communicable disease; (c) is a contact of a person mentioned in clause (a) or (b); or (d) has or has had a non-communicable disease or an injury.</p>

Saskatchewan		<p>(2) A person may disclose information described in subsection (1) where the disclosure: [...] (d) is made: [...] (ii) to a person who is conducting bona fide research or medical review if the disclosure is made in a manner that ensures the anonymity of the information; [...]</p> <p>[Note: The <i>Health Information Protection Act</i> provides: “S. 4(4) Subject to subsections (5) and (6), Parts II, IV and V of this Act do not apply to personal health information obtained for the purposes of: [...] (g) The <i>Public Health Act</i>; Part II provides for rights of the individual; Part IV provides for limits on collection, use and disclosure of personal health information; Part V provides for access of individuals to personal health information.]</p>
	<i>The Health Facilities Act, Health Facilities Licensing Regulations, c. H-0.02 Reg.1</i>	<p>S. 6 [...] (2) A licensee or a person employed by a licensee must not release any information concerning a person who receives health services at the health facility or information contained in a person’s health record except: [...] (b) on the request, or with the written approval, of the person to whom the matter relates; [...] (d) where required by any Act or law.</p>
	<i>The Vital Statistics Act, 1995, S.S. 1995, c. V-7.1</i>	<p>S. 52(1) Subject to subsection (3), no division registrar or deputy division registrar and no person employed in the service of the Crown shall: (a) communicate or allow to be communicated any information obtained pursuant to this Act to a person not entitled to that information; or (b) allow a person mentioned in clause (a) to inspect or have access to any records containing information obtained pursuant to this Act.</p> <p>(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to a particular person. [...]</p> <p>S. 60 The Lieutenant Governor in Council may make regulations: [...] (f) designating the persons who may have access to or may be given copies of or information from the records in the office of the director or of a division registrar, and prescribing an oath of secrecy to be taken by those persons; [...]</p>
	<i>The Statistics Act, R.S.S. 1978, c. S.58</i>	<p>S. 11(1) Except as otherwise permitted by this section and except for the purposes of a prosecution under this Act: (a) no person, other than a person employed or engaged under this Act and sworn under section 7, shall be permitted to examine any identifiable individual return made for the purpose of this Act; and</p>

<p>Saskatchewan</p>	<p>(b) no person who has been sworn under section 7 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable person, business or organization.</p> <p>[Note: Section 7 requires that the director and every person employed for the purposes of this Act or employed or engaged in any matter, project or program to which this Act applies shall, before entering upon his duties, take an oath provided for in that section.]</p> <p>(2) Subject to subsection (1), the director or any other person employed for the purposes of this Act shall not use his powers under this Act so as to in any way restrict the free communication of information to departments and persons who are rightfully entitled to the information.</p> <p>(3) The minister may authorize:</p> <p>(a) the particulars of any information obtained in the course of administering this Act to be communicated to Statistics Canada pursuant to an agreement under section 13; or</p> <p>(b) the particulars of any information collected jointly with a department, corporation or organization pursuant to an agreement under section 14 to be communicated to the department, corporation or organization that was party to the collecting of the information.</p> <p>[...]</p> <p>S. 13 Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an agreement with Statistics Canada for the exchange with or transmission to Statistics Canada of:</p> <p>(a) replies to any specific statistical inquiries;</p> <p>(b) replies to any specific classes of information collected under this Act; or</p> <p>(c) any tabulations or analyses based on replies referred to in clause (a) or (b) or both.</p> <p>S. 14(1) The minister may enter into agreements with a city, town or other municipality, a corporation or an organization for the exchange of information collected jointly with any one of them and for subsequent tabulation or publication based on such information.</p> <p>(2) An agreement under subsection (1) shall provide that:</p> <p>(a) the respondent shall be informed that the information is being collected jointly on behalf of the director or other party to the agreement by a notice to that effect; and</p> <p>(b) the agreement shall not apply in respect of any respondent who gives notice in writing to the director that he objects to the sharing of information between the director and the other party to the agreement.</p> <p>(3) An exchange of information pursuant to an agreement under this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the director and the other party jointly collecting the information.</p> <p>[...]</p>
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<p>Manitoba</p>	<p><i>The Mental Health Act,</i> C.C.S.M., c. M-110</p>	<p>PART 5 INFORMATION AND RECORDS</p> <p>CONFIDENTIALITY OF CLINICAL RECORDS</p> <p>S. 36(1) Except as permitted under subsection (2), no medical director, and no person on the staff of a facility or otherwise involved in the assessment or treatment of a patient, shall disclose information in a clinical record without first obtaining</p> <ul style="list-style-type: none"> (a) the patient's consent, if the patient is mentally competent; (b) the consent of the patient's guardian, if the patient is a minor who is not mentally competent; or (c) the consent of the patient's committee of both property and personal care. <p>(2) The medical director of a facility in which a clinical record is maintained may disclose information in the record without the patient's consent or consent on the patient's behalf under subsection (1), if the disclosure is</p> <p>[...]</p> <ul style="list-style-type: none"> (i) to a person for research purposes, if the medical director determines that <ul style="list-style-type: none"> (i) the research is of sufficient importance to outweigh the intrusion into privacy that would result from the disclosure, (ii) the research purpose cannot reasonably be accomplished unless the information is provided in a form that identifies or may identify the patient, (iii) it is unreasonable or impractical for the person proposing the research to obtain the patient's consent, (iv) the research project contains reasonable safeguards to protect the confidentiality of the information and procedures to destroy the information or remove all identifying information at the earliest opportunity consistent with the purposes of the project, (v) the research project has been approved by a research review committee acceptable to the medical director, and (vi) the person proposing the research project has entered into an agreement with the facility in which the person agrees not to publish the information requested in a form that could reasonably be expected to identify the patient, to use the information solely for the purposes of the project, and to ensure that the project complies with the safeguards described in subclause (iv); <p>[...]</p> <p>(3) Every disclosure under subsection (2) must be limited to the minimum amount of information necessary to accomplish the purpose for which the information is disclosed.</p> <p>[...]</p> <p>S. 39 <i>The Freedom of Information and Protection of Privacy Act</i> does not apply to a clinical record to which this Act applies.</p> <p>[Note: The <i>Personal Health Information Act</i> provides: S. 4(2) If a provision of Part 3 of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this Act</p>
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Manitoba		<p>prevails unless the other enactment more completely protects the confidentiality of personal health information.</p> <p>(3) For greater certainty, the provisions of <i>The Mental Health Act</i> prevail over this Act.</p>
	<p><i>Public Health Act, Diseases and Dead Bodies Regulation, Man. Reg. 338/88</i></p>	<p>PART II SEXUALLY TRANSMITTED DISEASE</p> <p>S. 51 Except where otherwise authorized by law, no person engaged in the administration of this Part shall disclose any health information about an identifiable individual which may come to that person's knowledge in the course of that person's duty, except to other persons engaged in the performance of duties under this Part to the extent necessary to fulfill such duties.</p>
	<p><i>The Human Tissue Gift Act, C.C.S.M., c. H-180</i></p>	<p>S. 13.1 [...] (3) A human tissue gift agency may share information it receives under this Act, including personal information and personal health information, with a person or another human tissue gift agency if doing so is reasonably necessary to facilitate the process whereby a transplant of human tissue is effected, or a human body or part or parts of a human body are prepared for use for therapeutic purposes or for purposes of medical education or scientific research.</p>
	<p><i>Vital Statistics Act, C.C.S.M., c. V60</i></p>	<p>S. 41(1) No event registrar or employee in the government shall communicate, or allow to be communicated, to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect, or have access to, any records containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the compilation, furnishing, or publication, of statistical data that does not disclose specific information with respect to any particular person.</p> <p>S. 48 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; and every regulation or order made pursuant to, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations and orders, [...] (f) designating the persons who may have access to, or may be given copies of, or information including personal information and personal health information from, the records in the office of the director, and prescribing an oath of secrecy to be taken by such persons; (f.1) respecting the sharing of information, including personal information and personal health information, for the purpose of ensuring that documents issued or information obtained or maintained under this Act or under similar legislation of other jurisdictions are not used for an unlawful or improper purpose; [...]</p> <p>S. 49.1 If a provision of this Act is inconsistent or in conflict with a provision of <i>The Freedom of Information and Protection of Privacy Act</i>, the provision of this Act prevails.</p>

<p>Manitoba</p>	<p><i>Statistics Act,</i> C.C.S.M., c. S205</p>	<p>S. 9(1) Except as otherwise permitted by this section and except for the purposes of a prosecution under this Act</p> <p>(a) no person, other than a person employed or engaged under this Act and sworn under section 6, shall be permitted to examine any identifiable individual return made for the purpose of this Act; and</p> <p>(b) no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.</p> <p>[Note : Section 6 requires that the director and every person employed for the purposes of this Act or employed or engaged in any matter, project or program to which this Act applies shall, before entering upon his duties, take an oath as provided in that section.]</p> <p>(2) The minister may authorize</p> <p>(a) the particulars of any information obtained in the course of administering this Act to be communicated to Statistics Canada pursuant to an agreement under section 11; or</p> <p>(b) the particulars of any information collected jointly with a department or corporation pursuant to an agreement under section 12 to be communicated to the department or corporation that was party to the collecting of the information.</p> <p>(4) If a provision of this section is inconsistent or in conflict with a provision of <i>The Freedom of Information and Protection of Privacy Act</i>, the provision of this section prevails.</p> <p>S. 11(1) The minister may, subject to the approval of the Lieutenant Governor in Council, enter into an agreement with Statistics Canada for the exchange with or transmission to, Statistics Canada, of</p> <p>(a) replies to any specific statistical inquiries; or</p> <p>(b) replies to any specific classes of information collected under this Act; or</p> <p>(c) any tabulations or analyses based on replies referred to in clauses (a) or (b) or both.</p> <p>(2) Except in respect of information described in subsection 9(3), no agreement entered into under this section applies to any reply made to or information collected by the bureau before the date that the agreement was entered into or is to have effect, whichever is the later date.</p> <p>(3) Where any information, in respect of which an agreement under this section applies, is collected by the bureau, the bureau shall when collecting information advise the respondent of any agreement under this section with Statistics Canada and to which the information secured from the respondent may be communicated under that agreement.</p> <p>S. 12(1) The minister may make and enter into an agreement with a department, a city, town or municipality, a corporation or an organization for the exchange of information collected jointly with any one of them and for subsequent tabulation or publication based on such information.</p> <p>(2) An agreement under subsection (1) shall provide that</p>
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Manitoba		<p>(a) the respondent shall be informed that the information is being collected jointly on behalf of the bureau and the department or corporation, as the case may be, by a notice to that effect; and</p> <p>(b) the agreement shall not apply in respect of any respondent who gives notice in writing to the director that he objects to sharing of information between the bureau and the department or corporation as the case may be.</p> <p>(3) An exchange of information pursuant to an agreement under this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the bureau, the department or corporation jointly collecting the information.</p>
	<p><i>The Pharmaceutical Act, Pharmaceutical Regulation, M.R. 56/92</i></p>	<p>S. 16(1) In this section, a “lock and leave enclosure” means an area of a licensed pharmacy that can be closed off so as not to be accessible to the public and non-pharmacist staff and includes the dispensary, active prescription records and all shelves, displays and fixtures bearing non-prescription drugs and medicines that may be sold only in a licensed pharmacy.</p> <p>(2) A license holder who proposes to operate a lock and leave enclosure must first apply to council for approval to do so and the application shall be accompanied by the fee determined by council, which is not refundable.</p> <p>(3) An application under this section shall specify</p> <p>(a) the physical layout of the lock and leave enclosure;</p> <p>(b) the time during which the entire premises are open to the public;</p> <p>(c) the proposed times of operation of the lock and leave enclosure;</p> <p>(d) the proposed times when pharmacy services will be available.</p> <p>(4) The registrar may approve a lock and leave enclosure if he or she is satisfied that the applicant will comply with the following requirements:</p> <p>(a) the times of operation of the lock and leave enclosure and the times when pharmacy services are available are regular and consistent;</p> <p>(b) the pharmacist services will be available for at least the lesser of</p> <p>(i) 40 hours per week, and</p> <p>(ii) ½ of the time that the remainder of the premises are open to the public,</p> <p>unless the council determines that the services may be made available for a specific lesser amount of time;</p> <p>(c) all drugs that must be sold in a licensed pharmacy are located within the lock and leave enclosure as well as any additional products specified by the council;</p> <p>(d) when the lock and leave enclosure is closed,</p> <p>(i) the enclosure is not accessible to the public or non-pharmaceutical staff,</p> <p>(ii) no drugs or medicines that may be sold only in a licensed pharmacy and that are located within either the lock and leave enclosure or the storage areas of the premises are sold or offered for sale, and</p> <p>(iii) no drugs dispensed pursuant to a prescription are stored outside the lock and leave enclosure or sold or offered for sale, and</p> <p>(iv) non-pharmacist staff do not perform any pharmacist services;</p> <p>(e) the physical barrier separating the lock and leave enclosure from the remainder of the premises is</p> <p>(i) a wall extending from floor to ceiling or 10 feet in height,</p>

Manitoba		<p>whichever is less, with adequate doors to permit complete security during periods of closure and to permit full access by the public to the pharmacist services when pharmacist services are available, or</p> <p>(ii) a sliding wall, in accordance with the height specifications under subclause (i) that will completely surround and secure the lock and leave enclosure during periods of closure.</p> <p>(5) Notwithstanding subclauses (4)(d)(i) and (ii), the council may approve a moveable barrier that permits complete security during periods of closure to those products restricted to a lock and leave enclosure offered for sale on shelves outside that enclosure.</p>
Ontario		<p>[Note: The <i>Personal Health Information Protection Act</i> provides: “S. 7(2) In the event of a conflict between a provision of this Act or its regulations and a provision of any other Act or its regulations, this Act and its regulations prevail unless this Act, its regulations or the other Act specifically provide otherwise.</p> <p>(3) For the purpose of this section, there is no conflict unless it is not possible to comply with both this Act and any other Act or its regulations.”]</p>
	<p><i>Public Hospitals Act, Hospital Management Regulation, R.R.O. 1990, Reg. 965</i></p>	<p>S. 23 A hospital, when requested to do so by the Minister, shall provide information,</p> <p>(a) from records of personal health information including x-ray films, to Cancer Care Ontario;</p> <p>(b) from records of personal health information, to a person for purposes of information and data collection; and</p> <p>[...]</p>
	<p><i>Health Protection and Promotion Act, R.S.O. 1990, c. H.7</i></p>	<p>PART IV COMMUNICABLE DISEASES</p> <p>S. 39(1) No person shall disclose to any other person the name of or any other information that will or is likely to identify a person in respect of whom an application, order, certificate or report is made in respect of a communicable disease, a reportable disease, a virulent disease or a reportable event following the administration of an immunizing agent.</p>
	<p><i>Cancer Act, R.S.O. 1990, c. C.1</i></p>	<p>PART I THE ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION</p> <p>S. 7(1) Any information or report respecting a case of cancer furnished to the Foundation by any person shall be kept confidential and shall not be used or disclosed by the Foundation to any person for any purpose other than for compiling statistics or carrying out medical or epidemiological research.</p>
	<p><i>Ministry of Health and Long Term Care Act, R.S.O., c. M-26</i></p>	<p>S. 6 The Minister in exercising his or her powers and carrying out his or her duties and functions under this Act,</p> <p>[...]</p> <p>(c) may initiate, promote, conduct and maintain surveys, scientific and administrative research programs and planning studies into any matters relating to the health needs of Ontario and obtain statistics for purposes of the Ministry;</p> <p>(d) may collect such information and statistics respecting the state of health of members of the public, health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are considered necessary or advisable, and publish any</p>

<p>Ontario</p>		<p>information so collected; [...]</p>
	<p><i>Independent Health Facilities Act, R.S.O. 1990, c. 1.3</i></p>	<p>S. 37(1) In this section,</p> <p>“confidential information” means information obtained by a person employed in the administration of this Act or making an assessment or inspection under this Act in the course of the person’s employment, assessment or inspection and that relates to a patient or former patient of a health facility.</p> <p>(2) No person shall communicate confidential information to any person except in accordance with subsection (4).</p> <p>(3) Subsection (2) applies to any person whether or not the person is or was employed in the administration of this Act or is or was an inspector or assessor under this Act.</p> <p>(4) A person employed in the administration of this Act, an assessor or inspector under this Act or any person who obtains confidential information pursuant to this subsection may communicate confidential information,</p> <p>(a) in connection with the administration or enforcement of any Act or any proceedings under any Act;</p> <p>(b) in connection with matters relating to professional disciplinary proceedings, to a statutory body governing a health profession;</p> <p>(c) to the person’s counsel; or</p> <p>(d) with the consent of the patient or former patient to whom the information relates.</p> <p>[...]</p> <p>S. 37.1</p> <p>[...]</p> <p>(3) Despite subsection 37(2), the Minister shall disclose personal information if all prescribed conditions have been met and the disclosure is necessary for purposes related to the administration of this Act, the Health Insurance Act or the Health Care Accessibility Act or for such other purposes as may be prescribed. However, the Minister shall not disclose the information if, in his or her opinion, the disclosure is not necessary for those purposes.</p> <p>(4) Despite subsection 37(2) and subject to such conditions as may be prescribed, the Minister may enter into agreements to collect, use or disclose personal information for the purposes of the administration of this Act, the Health Insurance Act or the Health Care Accessibility Act or for such other purposes as may be prescribed.</p> <p>(5) An agreement under subsection (4) shall provide that personal information, collected or disclosed under the agreement will be used only,</p> <p>(a) to verify the accuracy of information held by a party to the agreement;</p> <p>(b) to administer or enforce a law administered by a party to the agreement; or</p>

<p>Ontario</p>		<p>(c) for a prescribed purpose.</p> <p>(6) An agreement under subsection (4) shall provide that personal information collected, used or disclosed under it is confidential and shall establish mechanisms for maintaining the confidentiality of the information.</p> <p>(7) Before disclosing personal information obtained under the Act or under an agreement, the person who obtained it shall delete from it all names and identifying numbers, symbols or other particulars assigned to individuals unless,</p> <p>(a) disclosure of the names or other identifying information is necessary for the purposes described in subsection (3), (4) or 37.2 (1); or</p> <p>(b) disclosure of the names or other identifying information is otherwise authorized under the Freedom of Information and Protection of Privacy Act or the Personal Health Information Protection Act, 2004.</p> <p>S. 37.2(1) At the request of the Director, a licensee or other person shall submit information to the Director and disclose information to persons specified by the Director for purposes related to the administration of the Independent Health Facilities Act or the Health Insurance Act or for other prescribed purposes.</p> <p>(2) The information referred to under subsection (1) may include personal information.</p> <p>(3) This section applies despite anything in the Regulated Health Professions Act, 1991, an Act listed in Schedule 1 to the Regulated Health Professions Act, 1991, the Drugless Practitioners Act or any regulations made under those Acts.</p> <p>S. 42(1) The Lieutenant Governor in Council may make regulations, [...] 17. governing access to patient or drug records and specifying persons who may have access to such records; [...] 31. prescribing conditions under which the Minister may collect or use personal information under subsection 37.1(1) or (2), conditions under which the Minister shall disclose personal information under subsection 37.1(3) and conditions under which the Minister may enter into agreements under subsection 37.1(4); 32. prescribing purposes for which personal information may be collected, used or disclosed under subsection 37.1(1), (2) or (3) and for which an agreement may be entered into under subsection 37.1(4).</p>
	<p><i>Independent Health Facilities Act, General Regulation, O. Reg. 57/92</i></p>	<p>S. 12(1) No licensee shall allow any person to have access to any information concerning a patient that is not subject to the <i>Personal Health Information Protection Act, 2004</i> except in accordance with subsection (3).</p> <p>(2) The reference to “information concerning a patient” in subsection (1) includes information or copies from a health record, even if anything that could identify the patient is removed.</p> <p>(3) A licensee may provide information described in subsection (1) for the following persons if anything that could identify the patient is</p>

Ontario		<p>removed from the information:</p> <p>1. Any person, if the information is to be used for health administration or planning or health research or epidemiological studies and the use is in the public interest as determined by the Minister.</p> <p>2. Cancer Care Ontario.</p>
	<i>Vital Statistics Act, R.S.O. 1990, c. V.4</i>	<p>S. 53(1) No division registrar, sub-registrar, funeral director, person employed in the service of Her Majesty or other prescribed person shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person.</p> <p>S. 60 The Lieutenant Governor in Council may make regulations, [...] (j) designating the persons who may have access to or may be given information from the records in the Registrar General's office or in a division registrar's office, and prescribing an oath or affirmation of secrecy to be taken by such persons; [...]</p>
	<i>Vital Statistics Act, General Regulation, R.R.O. 1990, O. Reg. 1094</i>	<p>S. 72(1) The following persons, only after taking an oath of secrecy in Form 32, may have access to or be given information from the records in the Registrar General's office: [...]</p> <p>7. A person undertaking statistical, epidemiological or other research that is in the public interest.</p> <p style="text-align: center;">Form 32 OATH OF SECRECY</p> <p>I, (given names, surname), solemnly swear (or affirm) that I will hold secret and will not disclose to any person any information given me from the records in the General's office or in any division Registrar's office or obtained from those records by reason of my access thereto except information required in the performance of the duties of my office or information required by a court of law for the purposes of an action, prosecution or other proceeding.</p>
	<i>Regulated Health Professions Act, 1991, S.O. 1991, c. 18</i>	<p>Schedule 2 HEALTH PROFESSIONS PROCEDURAL CODE</p> <p>[Note: This Code is deemed by section 4 of the <i>Regulated Health Professions Act, 1991</i> to be part of each health profession Act.]</p> <p>S. 51(1) A panel shall find that a member has committed an act of professional misconduct if, [...] (c) the member has committed an act of professional misconduct as defined in the regulations.</p>
	<i>Pharmacy Act, 1991, Professional Misconduct Regulation, O. Reg. 681/93</i>	<p>S. 1 The following are acts of professional misconduct for the purposes of clause 51(1)(c) of the Health Professions Procedural Code. [...]</p> <p>21. Contravening the Act, the <i>Drug and Pharmacies Regulation Act</i>, the <i>Regulated Health Professions Act, 1991</i> or the regulations under those</p>

Ontario		Acts. [...]
Quebec	<i>Public Health Act, R.S.Q., c. S-2.2</i>	<p>S. 49 The Minister may, for the purposes of clinical preventive care or the protection of the health of the population, make regulations establishing registries in which personal information on certain health services or health care received by the population is recorded. The regulations shall specify the services or care that must be recorded in the registries, the personal information that must be furnished, in what circumstances and by what health professionals, and who will have access to such personal information and for what purposes. The regulations shall provide that the consent of the person receiving the services or care is required both for the recording of the information in the registry and for allowing third persons to have access to the information, and the regulations must enable a person to remove all or part of the information that relates to him or her from a registry. [...]</p> <p>S. 136 In addition to the regulatory powers already provided for by other provisions of this Act, the Minister may make regulations to [...]</p> <p>8) establish forms, and determine the means of communication to be used or security standards to be complied with whenever information is transmitted under this Act; [...]</p>
	<i>An Act respecting Health services and social services, R.S.Q., c. S-4.2</i>	<p>TITLE II RIGHTS OF USERS</p> <p>CHAPTER II USER'S RECORD</p> <p>S. 19 The record of a user is confidential and no person may have access to it except with the consent of the user or the person qualified to give consent on his behalf, on the order of a court or a coroner in the exercise of his functions, where this Act provides that an institution may be required to release information contained in the record or where information is communicated for the purposes of the <i>Public Health Act</i>.</p> <p>19.1 Consent to a request for access to a user's record for study, teaching or research purposes must be in writing; in addition, it must be free and enlightened and given for specific purposes. Otherwise, it is without effect. The consent is valid only for the time required for the attainment of the purposes for which it was granted or, in the case of a research project approved by an ethics committee, for the period determined, where that is the case, by the ethics committee.</p> <p>19.2 Notwithstanding section 19, the director of professional services of an institution or, if there is no such director, the executive director may authorize a professional to examine the record of a user for study, teaching or research purposes without the user's consent. Before granting such authorization, the director must, however, ascertain that the criteria determined under section 125 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) are satisfied. If the director is of the opinion that the professional's project is not in compliance with</p>

Quebec		<p>generally accepted standards of ethics or scientific integrity, the director may refuse to grant the authorization.</p> <p>The authorization must be granted for a limited period and may be subject to conditions. It may be revoked at any time if the director has reason to believe that the authorized professional is violating the confidentiality of the information obtained or is not complying with the conditions imposed or with generally accepted standards of ethics and scientific integrity.</p> <p>[Note: Section 125 of the <i>Act respecting Access to documents held by public bodies and the protection of personal information (c. A-2.1)</i> is reproduced in “Use and Disclosure of Personal (Health) Information”]</p> <p>S. 24 At the request of a user, an institution must send a copy or summary of, or an extract from, the user’s record as soon as possible to another institution or to a professional.</p> <p>However, where the request of the user is made for study, teaching or research purposes, the institution may require consent in writing as provided for in section 19.1.</p>
	<p><i>An Act respecting Health services and social services for Cree Native persons, R.S.Q., c. S-5</i></p>	<p>S. 7 The medical records of the beneficiaries in an institution shall be confidential. No person shall give or take verbal or written communication of them or otherwise have access to them, even for an inquiry, except with the express or implied consent of the beneficiary, or on the order of a court, or the coroner exercising his duties or in cases where an Act or regulation provides that such communication is necessary for its administration. The same shall apply to the records of beneficiaries receiving social services from an institution.</p> <p>[...]</p> <p>In addition, the director of professional services of an institution or, failing such a director, the executive director may, notwithstanding subparagraph 5 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), authorize a professional to examine the record of a beneficiary for study, teaching or research purposes without the beneficiary's consent. Before granting such authorization, the director must, however, ascertain that the criteria determined under section 125 of that Act are satisfied and, where the director is of the opinion that the professional's project is not in compliance with generally accepted standards of ethics or scientific integrity, the director must refuse to grant the authorization. The authorization must be granted for a limited period and may be subject to conditions. It may be revoked at any time if the director has reason to believe that the authorized professional is violating the confidentiality of the information obtained or is not complying with the conditions imposed or with generally accepted standards of ethics or scientific integrity.</p> <p>[Note: Section 125 and subparagraph 5 of the second paragraph of section 59 of the <i>Act respecting Access to documents held by public bodies and the protection of personal information (c. A-2.1)</i> are reproduced in “Use and Disclosure of Personal (Health) Information”]</p>

Quebec	<p><i>An Act respecting the Institut de la Statistique du Québec, R.S.Q., c. I-13.01</i></p>	<p>S. 9 The Institut may enter into an agreement with a public body within the meaning of the <i>Act respecting Access to documents held by public bodies and the Protection of personal information</i> (chapter A-2.1) providing for the collection, exchange, transmission, analysis and dissemination of information. For the purposes of this section, any public body may enter into an agreement with the Institut.</p> <p>S. 10 An agreement under section [...] 9 must provide that</p> <p>(1) the person who provides information is informed, at the time the information is collected, that the information is being collected for use both by the Institut and by the other party to the agreement;</p> <p>(2) the information provided by a person will not be transmitted to the other party to the agreement if the person gives written notice to the Institut that the person is opposed to the transmission. [...]</p> <p>S. 25 The director general, public servants and any other person whose services are used by the director general in the exercise of the director general's functions shall not disclose or cause to be disclosed, by any means whatsoever, any information obtained under this Act if disclosure would allow information to be associated with a specific person, enterprise, body or association.</p> <p>S. 26 Notwithstanding section 25, information may be disclosed with prior consent in writing from the person, enterprise, body or association concerned.</p>
New Brunswick	<p><i>Hospital Act, R.S.N.B., c. H-6.1</i></p>	<p>S. 35(1) The Lieutenant- Governor in Council may make regulations [...]</p> <p>(s) respecting records to be maintained for patients, including the contents of the records, the preparation, maintenance, storage, removal and destruction of records and the confidentiality and disclosure of the records. [...]</p>
	<p><i>Hospital Act Regulation, N.B. Reg. 92-84</i></p>	<p>S. 21(1) A clinical record of a patient shall be kept confidential except under the following circumstances where a copy of the record may be disclosed by the chief executive officer or a person designated by the chief executive officer: [...]</p> <p>(d) to any person, including the patient, upon the written request of the patient;</p> <p>(e) in the event of death or incapacity of the patient, upon a written request signed by the next of kin or legal representative of the patient;</p> <p>(f) for scientific research that has been approved by the board of directors, for teaching purposes by the medical staff of the regional health authority or for the review of the professional work in a hospital facility operated by the regional health authority; [...]</p> <p>(h) upon the direction of the Minister;</p> <p>(i) upon the written request of a person designated by the Minister; [...]</p>

New Brunswick	<i>Mental Health Act,</i> R.S.N.B. , c. M-10	<p>S. 3 Every psychiatric facility has power to carry on its undertaking as authorized by any Act, but, where the provisions of any Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail.</p> <p>S. 17(4) Notwithstanding subsection (1), the administrator may disclose information [...]</p> <p>(b) for the purposes of research, academic pursuits or the compilation of statistical data, [...]</p> <p>(7) A person to whom information is disclosed under subsection (4) for the purposes of research, academic pursuits or the compilation of statistical data shall not disclose the name of or any means of identifying the patient or former patient and shall not use or communicate the information for a purpose other than research, academic pursuits or the compilation of statistical data.</p>
	<i>Public Health Act,</i> R.S.N.B., c. P-22.4	<p>[To be proclaimed]</p> <p>S. 3 Where an inconsistency exists between this Act or any regulation made under this Act and any other act of the Legislature or any regulation made under that act, the provision of this Act or the regulation prevails to the extent of the inconsistency.</p> <p>PART VI GENERAL</p> <p>Release of Information</p> <p>S. 66(1) Subject to subsection (2), no person shall disclose any information that comes to the person's knowledge in the course of carrying out responsibilities under this Act or the regulations under this Act concerning a person who</p> <p>(a) has or may have a notifiable disease or is or may be infected with an agent of a communicable disease, (b) is or is suspected of being a contact, or (c) is or may be affected by an injury or by a risk factor prescribed by the regulations or has suffered a reportable event prescribed by the regulations.</p> <p>(2) A person may disclose information described in subsection (1) where the disclosure is [...] (g) made to a person who is conducting bona fide research or medical review if the disclosure is made in a manner that ensures the anonymity of the person to whom the information relates, [...]</p>

New Brunswick	<i>Health Act, R.S.N.B., c. H-2</i>	<p>[Note: This Act will be repealed once the Public Health Act is proclaimed]</p> <p>PART III PENALTIES</p> <p>S. 33(1) The information, records of interviews, reports, statements, notes, memoranda or other data or material prepared by or supplied to or received by the officers of the Department in connection with research or studies relating to morbidity, mortality or the cause, prevention, treatment or incidence of disease, or prepared by, supplied to or received by any person engaged in such research or study with the approval of the Minister, shall be privileged and shall not be admissible in evidence in any court or before any other tribunal, board or agency except as and to the extent that the Minister directs.</p> <p>(2) Nothing in this section prevents the publication of reports or statistical compilations relating to such research or studies which do not identify individual cases or sources of information or religious affiliations.</p>
	<i>Regional Health Authorities Act, R.S.N.B., c. R-5.05</i>	<p>S. 65 No person shall disclose information relating to the health services provided to, or the medical condition of, an individual, without the consent of the individual, except</p> <p>(a) for the purposes of the administration and enforcement of this Act and the regulations,</p> <p>(b) as required by law, or</p> <p>(c) as authorized by the regulations.</p> <p>S. 72 The Lieutenant-Governor in Council may make regulations [...]</p> <p>(u) respecting records to be maintained for persons, including the contents of the records, the preparation, maintenance, storage, removal and destruction of records and the confidentiality and disclosure of records, [...]</p>
	<i>Vital Statistics Act, S.N.B. 1979, c. V-3</i>	<p>S. 43(1) No employee of the Department of Health and Wellness shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or permit a search of any registers or files, records or other documents containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person.</p> <p>(3) Subject to the provisions of this Act or any other Act, the Registrar General shall determine the entitlement of any person to information under this Act.</p> <p>S. 52 The Lieutenant-Governor in Council may make regulations [...]</p> <p>(e) designating the persons who may have access to or may be given information from the records in the Registrar General's Office, and prescribing an oath of secrecy to be taken by such persons;</p>

New Brunswick	<p><i>Statistics Act</i>, S.N.B. 1984, C. S-12.3</p>	<p>[...]</p> <p>S. 12(1) The Minister may, subject to the approval of the Lieutenant-Governor in Council, enter into an agreement with the Minister responsible for Statistics Canada for the exchange with or transmission to, Statistics Canada, of</p> <p>(a) replies to any specific statistical inquiries;</p> <p>(b) replies to any specific classes of information collected under this Act; and</p> <p>(c) any tabulations or analyses based on replies referred to in paragraph (a) or (b).</p> <p>(2) Except in respect of information described in subsection 14(2), no agreement entered into under this section applies to any reply made to or information collected by the Agency before the date that the agreement was entered into or is to have effect, whichever is the later date.</p> <p>(3) Where any information, in respect of which an agreement under this section applies, is collected by the Agency from a respondent, the Agency shall, when collecting information, advise the respondent of any agreement under this section with Statistics Canada under which the information received from the respondent may be communicated to Statistics Canada.</p> <p>S. 13(1) The Minister may enter into an agreement with a department, municipality, company, business, organization or the Government of Canada or a province for the exchange of information collected jointly with any one of them and for subsequent tabulation or publication based on such information.</p> <p>[Note : Section 7 requires that the Director and every person employed for the purposes of this Act shall, before entering upon his duties, take an oath as provided in that section.]</p> <p>(2) An agreement under subsection (1) shall provide that</p> <p>(a) the respondent shall be informed that the information is being collected jointly on behalf of the Agency and the department, municipality, company, business, organization, or the Government of Canada or a province, as the case may be, by a notice to that effect; and</p> <p>(b) the agreement shall not apply in respect of any respondent who gives notice in writing to the Director that he objects to the sharing of the information between the Agency and the body referred to in paragraph (a).</p> <p>(3) Any exchange of information pursuant to an agreement under this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the Agency or the other body jointly collecting the information.</p> <p>S. 14(1) Except as otherwise permitted by section 12 or 13 or by this section and except for the purposes of a prosecution under this Act,</p> <p>(a) no person, other than a person employed under this Act and sworn or affirmed under section 7, shall be permitted to examine any identifiable individual return made for the purpose of this Act; and</p> <p>(b) no person who has been sworn or affirmed under section 7 shall disclose or knowingly cause to be disclosed, by any means, any</p>
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New Brunswick		information obtained under this Act in such manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.
Nova Scotia	<i>Hospitals Act, R.S.N.S., 1989, c. 208</i>	<p>S. 5 The board of every hospital has power to carry on its undertaking in the manner authorized by any general or special Act under or by which it was created, established, incorporated or empowered so to do, but where a provision of any general or specific Act conflicts with a provision of this Act or the regulations, the provision of this Act or the regulations prevails.</p> <p>S. 71(1) The records and particulars of a hospital concerning a person or patient in the hospital or a person or patient formerly in the hospital shall be confidential and shall not be made available to any person or agency except with the consent or authorization of the person or patient concerned.</p> <p>(2) If a person or patient or former patient is not capable of giving consent in respect of his records and particulars then such consent may be given by the guardian of such person if there is a guardian, and if there is no guardian by the spouse or common law partner of such person, and if there is no spouse or common law partner by the next of kin of that person, and if there is no next of kin with the consent of the Public Trustee.</p> <p>(3) Notwithstanding subsections (1) and (2), a hospital or qualified medical practitioner may refuse to make available information from the records or particulars of a person or patient if he has reasonable grounds to believe it would not be in the best interest of the patient to make available that information.</p> <p>[...]</p> <p>(6) Nothing in this Section prevents (a) the publication of reports or statistical information relating to research or study which do not identify individuals or sources of information; [...]</p> <p>(7) Nothing contained herein prevents a hospital or a qualified medical practitioner from disclosing general information on the condition of a person or patient unless that person or patient directs otherwise.</p> <p>[Note: The <i>Freedom of Information and Protection of Privacy Act</i> provides that: “S. 4A(1) Where there is a conflict between a provision of this Act and a provision of any other enactment and the provision of the other enactment restricts or prohibits access by any person to a record, the provision of this Act prevails over the provision of the other enactment unless subsection (2) or the other enactment states that the provision of the other enactment prevails over the provisions of this Act.</p> <p>(2) The following enactments that restrict or prohibit access by any person to a record prevail over this Act: [...]</p>

Nova Scotia		<p>(g) Section 71 of the <i>Hospitals Act</i>; [...]</p> <p>(5) Notwithstanding any other provision in this Act, the provisions of Section 71 of the <i>Hospitals Act</i>, and any regulation made in respect of Section 71, relating to</p> <p>(a) rights of access to personal information;</p> <p>(b) remedial rights relating to the rights described in clause (a); and</p> <p>(c) procedures relating to the matters referred to in clauses (a) and (d), including the payment of fees and the searching of and obtaining access to personal information,</p> <p>apply in place of the provisions in this Act respecting the matters in clauses (a) to (c).”]</p>
	<p><i>The Health Act</i>, R.S.N.S. 1989, c. 195</p>	<p>PART VI VENEREAL DISEASE</p> <p>S. 96 Every person employed in the administration of this Part shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act, and in default he shall, in addition to any other penalty, forfeit his office or be dismissed from his employment.</p> <p>PART X MISCELLANEOUS</p> <p>S. 126(1) The information, records of interviews, reports, statements, notes, memoranda or other data or material prepared by or supplied to or received by the officers of the Department in connection with research or studies relating to morbidity, mortality or the cause, prevention, treatment or incidence of disease, or prepared by, supplied to or received by any person engaged in such research or study with the approval of the Minister, shall be privileged and shall not be admissible in evidence in any court or before any other tribunal, board or agency except as and to the extent that the Minister directs.</p> <p>(2) Nothing in this Section prevents the publication of reports or statistical compilations relating to such research or studies which do not identify individual cases or sources of information or religious affiliations.</p> <p>[Note: the <i>Freedom of Information and Protection of Privacy Act</i> provides that: “S. 4A(1) Where there is a conflict between a provision of this Act and a provision of any other enactment and the provision of the other enactment restricts or prohibits access by any person to a record, the provision of this Act prevails over the provision of the other enactment unless subsection (2) or the other enactment states that the provision of the other enactment prevails over the provisions of this Act.</p> <p>(2) The following enactments that restrict or prohibit access by any person to a record prevail over this Act: [...]</p> <p>(f) Section 126 of the <i>Health Act</i>;</p>

Nova Scotia		<p>[...]"</p> <p>PART XI DRUG DEPENDENCY</p> <p>S. 131 In this Part, [...] (d) “former Commission” means the Nova Scotia Commission on Drug Dependency established pursuant to Chapter 133 of the Revised Statutes, 1989, the <i>Drug Dependency Act</i>.</p> <p>S. 136(1) In this Section, “records” includes the records of the former Commission and the records of the Minister.</p> <p>(2) The records concerning a person are confidential and shall not be made available to any person or agency except with the consent or authorization of the person concerned.</p> <p>(3) Where a person is not capable of giving consent in respect of the person’s records, consent may be given by the guardian of the person or, if there is no guardian, by the spouse or common-law partner of such person if the spouse or common-law partner is cohabiting with the person in a conjugal relationship, by the next of kin of that person or, if there is no next of kin, by the Public Trustee.</p> <p>(4) The Minister may refuse to make available information from the records of a person if the Minister has reasonable grounds to believe it would not be in the best interest of the person to make available that information or if the information could otherwise be refused pursuant to the <i>Freedom of Information Act</i>.</p> <p>[...]</p>
	<p><i>Health Act, Tuberculosis Control Regulations, N.S. Reg. 45/42</i></p>	<p>S. 17 All records or registers used in connection with the control of tuberculosis shall be considered confidential and shall not be open to inspection by any person or persons other than the health authorities and shall not be divulged by him or any of them, except as is necessary for the protection of the public.</p>
	<p><i>Health Protection Act, R.S.N.S. 2004, c. 4</i></p>	<p>[Bill No. 26; not yet in force]</p> <p>PART 1 DISEASES AND HEALTH HAZARDS</p> <p>S. 17(1) The information, records of interviews, reports, statements, notes, memoranda or other data or material prepared by or supplied to or received by a medical officer, public health inspector or public health nurse, in connection with research, studies or evaluations relating to morbidity, mortality or the cause, prevention, treatment or incidence of disease, or prepared by, supplied to or received by any person engaged in such research or study with the approval of the Minister, are privileged and are not admissible in evidence in any court or before any tribunal, board or agency except as and to the extent that the Minister directs.</p> <p>(2) Nothing in this Section prevents the publication of reports or statistical compilations relating to research or studies that do not identify individual cases or sources of information or religious affiliations.</p>

Nova Scotia		<p>PART III GENERAL</p> <p>S. 113(1) Clauses 2(a) to (n) and (p) to (ae) and Parts I to VI, VIII and X of Chapter 195 of the Revised Statutes, 1989, the Health Act, are repealed.</p>
	<p><i>Vital Statistics Act,</i> R.S.N.S. 1989, c. 494</p>	<p>S. 36(1) Any person, upon applying in the prescribed form and paying the prescribed fee, may, if the Registrar is satisfied that the information is not be used for an unlawful or improper purpose, have a search made by the Registrar</p> <p>(a) for the registration in his office of any birth, stillbirth, marriage, domestic partnership, death, adoption, change of name, termination of domestic partnership or dissolution or annulment of marriage; or</p> <p>(b) for the record of any baptism, marriage or burial placed on file in the office of the Registrar under Section 23.</p> <p>(2) The Registrar shall make a report on the search which shall state whether or not the birth, stillbirth, marriage, domestic partnership, death, adoption, change of name, termination of domestic partnership or dissolution or annulment of marriage, baptism or burial is registered or recorded, and if registered, shall state the registration number thereof, and shall contain no further information.</p> <p>S. 45(1) No division registrar and no person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled thereto any information acquired by him in the performance of his duties under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person.</p> <p>S. 51(1) The Governor in Council may make regulations [...] (e) designating the persons or classes of persons who may have access to or may be given copies of or information from the records in the office of the Registrar or of a division registrar, and prescribing an oath of secrecy to be taken by such persons or any of them; [...]</p> <p>[Note: The <i>Freedom of Information and Protection of Privacy Act</i> provides that: “S. 4A(1) Where there is a conflict between a provision of this Act and a provision of any other enactment and the provision of the other enactment restricts or prohibits access by any person to a record, the provision of this Act prevails over the provision of the other enactment unless subsection (2) or the other enactment states that the provision of the other enactment prevails over the provisions of this Act.</p> <p>(2) The following enactments that restrict or prohibit access by any person to a record prevail over this Act: [...]</p>

Nova Scotia		<p>(f) [...] Section 37 of the <i>Vital Statistics Act</i>; [...]</p> <p>(4) Notwithstanding any other provision in this Act, the provisions in the <i>Vital Statistics Act</i> relating to</p> <p>(a) rights of access to personal information, including the right to request a search of personal information;</p> <p>(b) remedial rights relating to the rights described in clause (a);</p> <p>(c) correction of personal information; and</p> <p>(d) procedures relating to the matters referred to in clauses (a) to (c), including the payment of fees and the searching of and obtaining access to personal information, apply in place of the provisions in this Act respecting the matters in clauses (a) to (d).”]</p>
	<p><i>Statistics Act</i>, R.S.N.S. 1989, c. 441</p>	<p>S. 9(1) Subject to this Section and except for the purposes of a prosecution under this Act,</p> <p>(a) no person, other than a person employed or engaged under this Act and sworn under Section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and</p> <p>(b) no person, who has been sworn under Section 6, shall disclose or knowingly cause to be disclosed by any means any information obtained under this Act in such manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.</p> <p>[Note: Section 6 requires that the Director and every person employed for the purposes of this Act or employed or engaged in any matter, project or program to which this Act applies shall, before entering upon his duties, take an oath as provided in that section.]</p> <p>(2) The Minister may, by order, authorize</p> <p>(a) the particulars of any information obtained in the course of administering this Act to be communicated to a statistical agency of Canada pursuant to an agreement under Section 11; and</p> <p>(b) the particulars of any information collected jointly with a department or corporation pursuant to an agreement under Section 12 to be communicated to the department or corporation that was party to the collecting of the information.</p> <p>[Note: The <i>Freedom of Information and Protection of Privacy Act</i> provides that:</p> <p>“S. 4A(1) Where there is a conflict between a provision of this Act and a provision of any other enactment and the provision of the other enactment restricts or prohibits access by any person to a record, the provision of this Act prevails over the provision of the other enactment unless subsection (2) or the other enactment states that the provision of the other enactment prevails over the provisions of this Act.</p> <p>(2) The following enactments that restrict or prohibit access by any person to a record prevail over this Act:</p> <p>[...]</p> <p>(r) Section 9 of the <i>Statistics Act</i>; [...].”]</p>

<p>Nova Scotia</p>		<p>S. 11(1) The Minister may make and enter an agreement with a statistical agency of Canada for the exchange with, or transmission to, the statistical agency of Canada of</p> <ul style="list-style-type: none"> (a) replies to any specific statistical inquiries; (b) replies to any specific classes of information collected under this Act or an Act of the Parliament of Canada; and (c) any tabulations and analyses based on replies referred to in clause (a) or (b). <p>S. 12 (1) The Minister may make and enter an agreement with a department, a city, town or municipality, a corporation or an organization for the exchange of information collected jointly with any one of them and for subsequent tabulation or publication based on such information.</p> <p>(2) An agreement under subsection (1) shall provide that</p> <ul style="list-style-type: none"> (a) the respondent shall be informed that the information is being collected jointly on behalf of the Agency and the department or corporation, as the case may be, by a notice to that effect; and (b) the agreement shall not apply in respect of any respondent who gives notice in writing to the Director that he objects to sharing of information between the Agency and the department or corporation, as the case may be. <p>(3) An exchange of information pursuant to an agreement under this Section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the Agency and the department or corporation jointly collecting this information.</p>
	<p><i>Human Tissue Gift Act,</i> R.S.N.S. 1989, c. 215</p>	<p>12(1) Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person</p> <ul style="list-style-type: none"> (a) who has given or refused to give a consent; (b) with respect to whom a consent has been given; or (c) into whose body tissue has been, is being or may be transplanted, may become known publicly. <p>(2) Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection (1) does not apply.</p>
	<p><i>Pharmacy Act,</i> S.N.S. 2001, c. 36</p>	<p>S. 27(1) A pharmacist shall collect, retain, maintain, correct, protect, use and disclose the information for a complete patient record in the manner and for the purposes specified in this Act and the regulations.</p> <p>(2) A pharmacist shall not disclose, or allow an employee to disclose, any patient record to any person other than the patient, except as in this Act expressly provided, as consented to or directed by the patient or as required by law.</p> <p>(3) A pharmacist shall disclose patient records to the person who is the subject of the record, to that person's agent or as directed by that person.</p> <p>[...]</p> <p>(5) Subject to any restrictions imposed by the regulations, a pharmacist may disclose relevant information from patient records for the purpose of</p>

Nova Scotia		<p>scientific research, provided the names of patients are not disclosed.</p> <p>(6) Any person who receives information from a patient record pursuant to this Section shall not disclose that information to any other person unless it is to be used for the purpose for which it was originally provided.</p>
	<p><i>The Pharmacy Act, Qualification and Professional Accountability Regulation, N.S. Reg. 144/2003</i></p>	<p>S. 14 A patient's records must be stored on the pharmacy premises in a secure manner sufficient to protect patient confidentiality.</p> <p>S. 15(1) A pharmacy's patient records must be retained by the pharmacy for at least 2 years following the date of the last transaction with respect to the patient.</p> <p>(2) Patient records must be retained in the pharmacy in which they were created or in a successor pharmacy.</p> <p>(3) Despite subsection (1), in the event of an audit or investigation, relevant patient records must be retained until the completion of the audit or investigation.</p> <p>S. 16 Patient records must be disposed of only in a manner that preserves patient confidentiality.</p>
Prince Edward Island	<p><i>Hospital Act, Hospital Management Regulation, P.E.I. Reg. EC574/76</i></p>	<p>47 (1) Subject to subsections (2), (3), (4) and (5), a board shall not permit any person to remove, inspect or receive information from a medical record.</p> <p>[...]</p> <p>(5) A board may permit [...] (d) a member of the medical staff but only for, [...] (ii) scientific research that has been approved by the medical advisory committee; [...] to inspect or receive information from a medical record; [...]</p> <p>(6) Any information received under clause 47(5)(f) shall not be used or disclosed to any person for any purpose other than the purpose of compiling statistics and carrying out medical and epidemiological research for or approved by the Agency.</p>
	<p><i>Mental Health Act, R.S.P.E.I. 1988, c. M-6.1</i></p>	<p>S. 31(1) Except as may be otherwise provided in this Act, no person shall disclose, transmit or examine a clinical record.</p> <p>(2) The administrator of a psychiatric facility in which a clinical record is prepared and maintained may disclose or transmit the record to, or permit the examination thereof by [...] (h) any person for the purpose of research, academic pursuit or the compilation of statistical data where the person agrees in writing not to disclose the name or other means of identification of the patient and not to use or communicate the information for any other purpose; [...]</p>

Prince Edward Island	<i>Public Health Act, R.S.P.E.I. 1988, c. P-30</i>	<p>S. 3 The Minister shall [...] (e) carry out and encourage the implementation of programs for education, training, research and information in the fields of prevention, diagnosis and treatment of disease, rehabilitation of the sick, injured and handicapped, and public health generally; [...]</p> <p>S. 21(1) Nothing in this Act or the regulations affects or impairs the validity of a bylaw or regulation of a municipality relating to any of the matters dealt with in this Act or the regulations except so far as the bylaw or regulation of a municipality is contrary to, or is in conflict with, or inconsistent with, this Act or the regulations; and in the case of any conflict, inconsistency or repugnancy between a bylaw or regulation of a municipality and this Act or its regulations, this Act or its regulations prevails and the bylaw is to that extent suspended and of no effect.</p> <p>(2) A bylaw which imposes restrictions additional to those imposed by this Act or the regulations is not solely by reason thereof, repugnant to, or in conflict with or inconsistent with this Act or the regulations.</p> <p>S. 22(1) Each person employed in the administration of this Act shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment and which pertain to health services rendered in that regard, and shall not communicate any matters to any other person except as provided in this section. [...]</p> <p>(3) Nothing in this section prevents the publication of reports of statistical compilations relating to health which do not identify individual cases or personalized sources of information.</p>
	<i>Provincial Health Number Act, R.S.P.E.I. 1988, c. P-27.01</i>	<p>S. 2(1) Except as authorized by this section, no person shall (a) require the production of another person's health card; (b) collect or use another person's health number.</p> <p>(2) A person may require the production of another person's health card and collect or use another person's health number for purposes related to the provision and administration, and such planning and research as may be authorized by the Minister, of health and community services.</p> <p>(3) A person prescribed in the regulations may collect or use health numbers for purposes related to the administration or planning of health and community services or for research or epidemiological studies.</p>
	<i>Vital Statistics Act, R.S.P.E.I. 1996, c. V-4.1</i>	<p>S. 32(13) Notwithstanding any other provision of this section the Director may, on payment of the prescribed fee, disclose information from, or issue a copy of, any certificate, registration or other document to a person whom the Director considers is engaged in good faith in genealogical research.</p> <p>S. 37(1) No person employed in the administration of this Act shall (a) communicate or allow to be communicated to any person any information obtained under this Act; or (b) allow any person to inspect or have access to any records contained information obtained under this Act,</p>

Prince Edward Island		<p>except as prescribed or authorized by this Act.</p> <p>(2) This section does not prohibit the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person.</p> <p>S. 40 The Lieutenant Governor in Council may make regulations [...] (1) prescribing persons authorized to receive or have access to information obtained under this Act; [...]</p>
	<i>Vital Statistics Act Regulations, P.E.I. Reg. EC453/00</i>	<p>S. 5(1) Subject to sections 14 and 15 of the Act, the Director may disclose identifying information obtained in the administration of the Act to (a) any department or agency of the government of the province, the government of Canada or the government of another province of Canada; [...] (e) for research purposes approved by the Director upon an undertaking by the researcher not to reveal identifying information.</p> <p>[Note: Section 14 deals generally with registry of adoptions. Section 15 deals with the adoption in Prince Edward Island of children born outside of Prince Edward Island.]</p> <p>(2) Information gathered in the administration of the Act may be published or disclosed in statistical form, provided that persons are not identifiable from the published or disclosed information.</p>
Newfoundland and Labrador		<p>[Note: The <i>Access to Information and Protection of Privacy Act</i> provides: “S. 6(1) Where there is a conflict between this Act or a regulation made under this Act and another Act or regulation enacted before or after the coming into force of this Act, this Act or the regulation made under it shall prevail.</p> <p>(2) Notwithstanding subsection (1), where access to a record is prohibited or restricted by, or the right to access a record is provided in a provision designated in the regulations made under section 73, that provision shall prevail over this Act or a regulation made under it.</p> <p>(3) Subsections (1) and (2) shall come into force and subsection (4) shall be repealed 2 years after this Act comes into force.</p> <p>(4) The head of a public body shall (a) refuse to give access to or disclose information under this Act if the disclosure is prohibited or restricted by another Act or regulation; and (b) give access and disclose information to a person, notwithstanding a provision of this Act, where another Act or regulation provides that person with a right to access or disclosure of the information.”]</p>
	<i>Hospitals Act, R.S.N.L. 1990, c. H-9</i>	<p>PART III GENERAL</p> <p>S. 32 A hospital authority may carry on its undertaking in the manner it is authorized or empowered to do under a general or special Act or an instrument made under a general or special Act, but where a provision of</p>

<p>Newfoundland and Labrador</p>		<p>a general or special Act or instrument conflicts with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail.</p> <p>S. 35(2) A hospital authority shall not allow a person access to, or disclose to a person information contained in the records of the hospital authority.</p> <p>[...]</p> <p>(4) A hospital authority may permit a person engaged in health or medical research access to the records of the hospital authority for the purposes of research where</p> <p>(a) in the opinion of the hospital authority it is in the public interest that the research be done; and</p> <p>(b) the hospital authority is satisfied in writing that the person engaging in the research understands the provisions of subsections (5) and (6).</p> <p>(5) A person to whom information is provided or who is permitted access under [subsection ...] (4) shall not publish or disclose information obtained from the records of the hospital authority where the publication or disclosure may or could be detrimental to the personal interest, reputation or privacy of</p> <p>(a) a patient;</p> <p>(b) a physician;</p> <p>(c) a member of the staff of a hospital; or</p> <p>(d) a person employed by the hospital authority.</p> <p>[Note: Subsection 35(6) provides the maximum penalty to be imposed for the contravention of subsection 35(5).]</p> <p>S. 39 Where this Act conflicts with the <i>Department of Health Act</i> or another Act, this Act shall prevail.</p>
	<p><i>Venereal Disease Prevention Act,</i> R.S.N.L. 1990, c. V-2</p>	<p>S. 15 A person engaged in the administration of this Act shall preserve secrecy with regard to all matters which may come to his or her knowledge in the course of that employment and shall not communicate that matter to another person except in the performance of his or her duties under this Act or when instructed to do so by a medical health officer, or the minister.</p> <p>S. 16 A person shall not issue or make available to a person other than a physician who is attending a patient in respect of whom a laboratory report is made or another person who is engaged in the administration of this Act, a laboratory report either in whole or in part of an examination made to determine to presence or absence of venereal disease.</p>
	<p><i>Statistics Agency Act,</i> R.S.N.L. 1990, c. S-24</p>	<p>S. 13(1) Except for the purposes of communicating information in accordance with the conditions of an agreement made under section 14 or 15 and except for the purposes of a prosecution under this Act,</p> <p>(a) a person other than the director or a person employed by the agency and sworn or affirmed under section 9 shall not be permitted to examine an identifiable individual return made for the purpose of this Act; (b) a person who has been sworn or affirmed under section 9 shall not disclose to a person other than a person employed by the agency and sworn or affirmed under section 9, information obtained under this Act that can be identified with or related to an individual, person, company, business or</p>

association.
[...]

[Note: Section 9 requires that the director, and a person employed by the agency shall, before entering upon his or her duties, take and sign an oath as provided in that section.]

S. 14(1) The minister, with the consent of the Lieutenant-Governor in Council, may enter into an agreement with the Government of Canada or the government of a province of Canada for the exchange with, or transmission to a statistical agency of Canada or of that province

- (a) replies to specific statistical inquiries;
- (b) replies to specific classes of information collected under this Act; and
- (c) tabulations and analyses based on replies referred to in paragraph (a) or (b).

(2) An agreement with Canada or a province for the purposes of this section applies only in respect of a statistical agency of Canada or a province

- (a) that has statutory authority to collect information substantially the same as the information that is intended to be exchanged or transmitted under agreement from a respondent who is subject to statutory penalties for refusing or neglecting to provide information to the statistical agency or for falsifying information provided by him or her to the statistical agency;
- (b) that is prohibited by law from disclosing information of a kind that the agency established under this Act and its employees would be prohibited from disclosing under section 13, if the information were provided to the agency; and
- (c) whose officers and employees are subject to statutory penalties for the disclosing of information of the kind described in paragraph (b), subject to exceptions authorized by law that are substantially the same as those provided under section 13.

(3) Except in respect of information described in subsection 13(2), an agreement entered into under this section does not apply to a reply made to or information collected by the agency before the date that the agreement was entered into or is to have effect, whichever is the later date.

(4) Where information, in respect of which an agreement under this section applies, is collected by the agency, the agency shall, when collecting the information, advise the respondent of the name of a statistical agency to which the information received from the respondent may be communicated under that agreement.

(5) An agreement made under this section shall provide that information exchanged or transmitted under the agreement shall be subject to the secrecy requirements to which it was subject when collected.

S. 15(1) The minister may enter into an agreement with a department, municipal or other corporation for the exchange of information collected jointly with that department or corporation and for subsequent tabulation or publication based on that information.

Newfoundland and Labrador		<p>(2) An agreement under subsection (1) shall provide that</p> <p>(a) the respondent will be informed that the information is being collected jointly on behalf of the agency and the department or corporation by a notice to that effect; and</p> <p>(b) the agreement does not apply in respect of a respondent who gives written notice to the director that he or she objects to the sharing of information between the agency and the department or corporation.</p> <p>(3) An exchange of information under an agreement under this section may, subject to subsection (2), include replies to original inquiries and supplementary information provided by a respondent to the agency and the department or corporation jointly collecting this information.</p>
	<p><i>Pharmacy Act, Pharmacy Regulations, N.L. Reg. 80/98</i></p>	<p>Standards of pharmaceutical service</p> <p>S. 13(13) All superfluous confidential records or labels concerning patients and prescriptions shall be destroyed either by shredding or incarceration.</p> <p>Standards of pharmacy operation</p> <p>S. 15(5) The prescription area shall [...] (f) have [...] an approved method to dispose of confidential materials [...]</p>
Yukon	<p><i>Hospital Act, Hospital Standards (Yukon Hospital Corporation) Regulation, O.I.C. 1994/227</i></p>	<p>S. 11(1) Except as provided in this section or as otherwise authorized by law, the Board must not permit any person to remove, inspect, or receive information from medical records or from notes, charts, and other material relating to patient care.</p> <p>[...]</p> <p>(6) The chief executive officer may permit the following persons to inspect and receive information about a patient from notes, charts, and other material relating to patient care and to be given copies: [...] (d) a member of the medical staff for, [...] (ii) research that has been approved by the medical advisory committee; or [...] (e) a person approved by the chief executive officer for research.</p>
	<p><i>Mental Health Act, R.S.Y. 2002, c. 150</i></p>	<p>S. 42(1) No person shall disclose information in respect of the mental condition or care or treatment of another person as a patient of a hospital under this Act.</p> <p>(2) Subsection (1) applies in respect of information obtained by the person (a) in the course of the assessment, care, or treatment of the patient; [...] (d) from a clinical record or other record kept by the hospital.</p> <p>(3) Despite subsection (1), the person in charge of a hospital may disclose information about a patient or former patient [...] (b) to any other person at the request of that person with the written</p>

Yukon		<p>consent of the patient or former patient to the request.</p> <p>(4) Despite subsection (1), the person in charge of a hospital may disclose information about an involuntary patient who is not mentally competent to consent with substitute consent given on behalf of the patient</p> <p>(a) for the purposes of research, academic pursuits, or the compilation of statistical data;</p> <p>[...]</p> <p>(8) A person to whom information is disclosed under subsection (4), for the purpose of research, academic pursuits, or the compilation of statistical data, shall not disclose the name or any means of identifying the patient and shall not use or communicate the information for a purpose other than research, academic pursuits, or the compilation of statistical data.</p>
	<i>Vital Statistics Act, R.S.Y. 2002, c. 225</i>	<p>S. 2 The provisions of this Act apply despite the provisions of the Access to Information and Protection of Privacy Act.</p> <p>S. 37(1) No person employed in the administration of this Act shall</p> <p>(a) communicate or allow to be communicated to any person not entitled to it any information obtained under this Act; or</p> <p>(b) allow any unauthorized person to inspect or have access to any records containing information obtained under this Act.</p> <p>(2) Subsection (1) does not prohibit the compilation, furnishing, or publication of statistical data that does not disclose specific information with respect to any particular person.</p> <p>S. 41 The Commissioner in Executive Council may make regulations</p> <p>[...]</p> <p>(c) designating the persons who may have access to or may be given copies of or information from the records in the office of the registrar and prescribing an oath of secrecy to be taken by those persons;</p> <p>[...]</p>
	<i>Human Tissue Gift Act, R.S.Y. 2002, c. 117</i>	<p>S. 11(1) Except when legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person</p> <p>(a) who has given or refused to give consent;</p> <p>(b) with respect to whom a consent has been given; or</p> <p>(c) into whose body tissue has been, is being or may be transplanted, may become known publicly.</p> <p>(2) If the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection (1) does not apply.</p>
Northwest Territories	<i>Mental Health Act, R.S.N.W.T. 1988, c. M-10</i>	<p>S. 48(1) In sections 48 to 49.4,</p> <p>[...]</p> <p>“patient’s health record” means the patient’s health record compiled in a hospital or in the office of a medical practitioner or a psychologist in respect of the mental disorder of the patient and includes any medical or psychological reports on the mental disorder of the patient that are sent to the hospital by a medical practitioner or a psychologist.</p> <p>(2) Subject to subsections (3) and (5), no person shall disclose, transmit</p>

<p>Northwest Territories</p>		<p>or examine a patient's health record.</p> <p>(3) A patient's health record may be examined by the medical practitioner and the person in charge of the hospital, and the person in charge of the hospital may transmit the patient's health record to or permit the examination of the patient's health record by</p> <p>(a) any person with the consent of the patient where the patient is mentally competent;</p> <p>(b) any person with the consent of the substitute consent giver, where the patient is not mentally competent;</p> <p>[...]</p> <p>(f) a person for the purpose of research, academic pursuits or the compilation of statistical data.</p> <p>(4) Where a patient's health record is transmitted or copied for use outside the hospital for the purpose of research, academic pursuits or the compilation of statistical data, the person in charge of the hospital shall remove from the part of the patient's health record that is transmitted or from the copy, as the case may be, the name of and any means of identifying the patient.</p> <p>(5) Where the patient's health record is disclosed to or examined by a person for the purpose of research, academic pursuits or the compilation of statistical data, the person shall not disclose the name of or any means of identifying the patient and shall not use or communicate the information or material in the patient's health record for a purpose other than research, academic pursuits or the compilation of statistical data.</p> <p>S. 50(1) A department or agency of the Government of the Northwest Territories may keep records containing information obtained by the department or agency for the purposes of administering this Act.</p> <p>(2) A record kept under subsection (1) may, at the discretion of the department or agency keeping the record, be made available for inspection to a medical practitioner, a hospital or any other person for the purpose of research, academic pursuits or the compilation of statistical data.</p> <p>(3) Where a record is made available, under subsection (2) for the purpose of research, academic pursuits or the compilation of statistical data, subsections 48(4) and (5) apply.</p>
	<p><i>Medical Care Act,</i> R.S.N.W.T. 1988, c. M-8</p>	<p>S. 15(1) Every person employed in the administration of this Act</p> <p>(a) shall preserve secrecy with respect to all matters that</p> <p>(i) come to his or her knowledge in the course of his or her employment, and</p> <p>(ii) pertain to insured services rendered and payments made for insured services; and</p> <p>(b) shall not communicate any matters referred to in paragraph (a) to any other person except as otherwise provided in this section [...].</p> <p>(5) Notwithstanding anything in this Act, the Director may provide information obtained under this Act and the regulations</p> <p>(a) to a person engaged in bona fide research for scientific purposes; or [...]</p>

<p>Northwest Territories</p>	<p><i>Disease Registries Act, R.S.N.W.T. 1988, c. 7</i></p>	<p>S. 10.1 Where there is a conflict or inconsistency between sections 11 to 20 of this Act and any provision of the <i>Access to Information and Protection of Privacy Act</i>, those sections of this Act shall prevail to the extent of the inconsistency.</p> <p>S. 12 Subject to sections 14 to 18, the Registrar shall ensure that information provided to the Registrar under the Act is kept confidential and is not disclosed to any person, including employees or agents of the Government of the Northwest Territories.</p> <p>S. 13 No person shall review or examine a register or information provided to the Registrar under this Act unless the person is authorized to have access to the register or information by sections 14 to 18.</p> <p>S. 18(1) A person, other than a person referred to in subsection 17(1), who wishes access to the information contained in a register for the purposes of medical, epidemiological or other research may apply to the Registrar, on a form approved by the Registrar, for that access.</p> <p>(2) In an application, an applicant shall</p> <ul style="list-style-type: none"> (a) state his or her qualifications to conduct the research; (b) state the purpose for which the information is to be used; and (c) provide any other information that the Registrar considers necessary. <p>(3) The Registrar may provide an applicant with access to a register if</p> <ul style="list-style-type: none"> (a) the Registrar is satisfied that the applicant is qualified to do the research and that the research may benefit the residents of the Territories; and (b) the applicant pays the fee determined by the regulations. <p>S. 19 A person who is provided access to a register under subsection 18(3) shall not</p> <ul style="list-style-type: none"> (a) use or communicate any information obtained from the register for any purpose except the purpose stated in his or her application; or (b) disclose the name or any means of identifying <ul style="list-style-type: none"> (i) the person who is the subject of the information provided to the Registrar under this Act, unless that person consents in writing to the disclosure, (ii) a health care facility in which a person having a reportable disease was examined, diagnosed or treated or in which a reportable test was performed, unless the person in charge of the health facility consents in writing to the disclosure, or (iii) a health care professional who provided information to the Registrar under this Act, unless the health care professional consents in writing to the disclosure. <p>S. 20(1) A person who is provided access to a register under subsection 18(1) and who intends to publish material based on information obtained under section 18 shall provide the Registrar with a copy of the material before publication.</p> <p>(2) Where, in the opinion of the Registrar it is in the public interest to do so, the Registrar may require the person referred to in subsection (1) to include a disclaimer provided by the Registrar in any publication of material referred to in subsection (1).</p>
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Northwest Territories		<p>S. 21 A person who is provided access to a register under subsection 18(3) and who publishes material based on information obtained under section 18 shall</p> <p>(a) ensure that the published material</p> <p>(i) acknowledges that the source of the material is information provided by the Registrar under the authority of this Act, and</p> <p>(ii) contains the disclaimer referred to in subsection 20(2), if required; and</p> <p>(b) provide the Registrar with a copy of the published material.</p>
	<p><i>Vital Statistics Act, R.S.N.W.T. 1988, c. V-3</i></p>	<p>S. 46(1) No district registrar or subregistrar and no person employed in the public service shall communicate or allow to be communicated to any person not entitled to it any information obtained under this Act or allow any such person to inspect or have access to any records containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person.</p> <p>S. 60 The Commissioner, on the recommendation of the Minister, may make regulations</p> <p>[...]</p> <p>(h) designating the persons who may have access to or may be given copies of, or information from, the records in the office of the Registrar General or of a district registrar, and prescribing an oath of secrecy to be taken by those persons.</p>
Nunavut	<p><i>Mental Health Act, R.S.N.W.T. 1988, c. M-10, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>S. 48(1) In sections 48 to 49.4,</p> <p>[...]</p> <p>“patient’s health record” means the patient’s health record compiled in a hospital or in the office of a medical practitioner or a psychologist in respect of the mental disorder of the patient and includes any medical or psychological reports on the mental disorder of the patient that are sent to the hospital by a medical practitioner or a psychologist.</p> <p>(2) Subject to subsections (3) and (5), no person shall disclose, transmit or examine a patient’s health record.</p> <p>(3) A patient’s health record may be examined by the medical practitioner and the person in charge of the hospital, and the person in charge of the hospital may transmit the patient’s health record to or permit the examination of the patient’s health record by</p> <p>(a) any person with the consent of the patient where the patient is mentally competent;</p> <p>(b) any person with the consent of the substitute consent giver, where the patient is not mentally competent;</p> <p>[...]</p> <p>(f) a person for the purpose of research, academic pursuits or the compilation of statistical data.</p> <p>(4) Where a patient’s health record is transmitted or copied for use outside the hospital for the purpose of research, academic pursuits or the compilation of statistical data, the person in charge of the hospital shall remove from the part of the patient’s health record that is transmitted or from the copy, as the case may be, the name of and any means of identifying the patient.</p>

<p>Nunavut</p>		<p>(5) Where the patient's health record is disclosed to or examined by a person for the purpose of research, academic pursuits or the compilation of statistical data, the person shall not disclose the name of or any means of identifying the patient and shall not use or communicate the information or material in the patient's health record for a purpose other than research, academic pursuits or the compilation of statistical data.</p> <p>S. 50(1) A department or agency of the Government of the Northwest Territories may keep records containing information obtained by the department or agency for the purposes of administering this Act.</p> <p>(2) A record kept under subsection (1) may, at the discretion of the department or agency keeping the record, be made available for inspection to a medical practitioner, a hospital or any other person for the purpose of research, academic pursuits or the compilation of statistical data.</p> <p>(3) Where a record is made available, under subsection (2) for the purpose of research, academic pursuits or the compilation of statistical data, subsections 48(4) and (5) apply.</p>
	<p><i>Medical Care Act, R.S.N.W.T. 1988, c. M-8, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>S. 15(1) Every person employed in the administration of this Act</p> <p>(a) shall preserve secrecy with respect to all matters that</p> <p>(i) come to his or her knowledge in the course of his or her employment, and</p> <p>(ii) pertain to insured services rendered and payments made for insured services; and</p> <p>(b) shall not communicate any matters referred to in paragraph (a) to any other person except as otherwise provided in this section [...].</p> <p>(5) Notwithstanding anything in this Act, the Director may provide information obtained under this Act and the regulations</p> <p>(a) to a person engaged in bona fide research for scientific purposes; or [...]</p>
	<p><i>Disease Registries Act, R.S.N.W.T. 1988, c. 7, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p>	<p>S. 10.1 Where there is a conflict or inconsistency between sections 11 to 20 of this Act and any provision of the <i>Access to Information and Protection of Privacy Act</i>, those sections of this Act shall prevail to the extent of the inconsistency.</p> <p>S. 12 Subject to sections 14 to 18, the Registrar shall ensure that information provided to the Registrar under the Act is kept confidential and is not disclosed to any person, including employees or agents of the Government of the Northwest Territories.</p> <p>S. 13 No person shall review or examine a register or information provided to the Registrar under this Act unless the person is authorized to have access to the register or information by sections 14 to 18.</p> <p>S. 18(1) A person, other than a person referred to in subsection 17(1), who wishes access to the information contained in a register for the purposes of medical, epidemiological or other research may apply to the Registrar, on a form approved by the Registrar, for that access.</p> <p>(2) In an application, an applicant shall</p> <p>(a) state his or her qualifications to conduct the research;</p> <p>(b) state the purpose for which the information is to be used; and</p>

<p>Nunavut</p>	<p>(c) provide any other information that the Registrar considers necessary.</p> <p>(3) The Registrar may provide an applicant with access to a register if</p> <p>(a) the Registrar is satisfied that the applicant is qualified to do the research and that the research may benefit the residents of the Territories; and</p> <p>(b) the applicant pays the fee determined by the regulations.</p> <p>S. 19 A person who is provided access to a register under subsection 18(3) shall not</p> <p>(a) use or communicate any information obtained from the register for any purpose except the purpose stated in his or her application; or</p> <p>(b) disclose the name or any means of identifying</p> <p>(i) the person who is the subject of the information provided to the Registrar under this Act, unless that person consents in writing to the disclosure,</p> <p>(ii) a health care facility in which a person having a reportable disease was examined, diagnosed or treated or in which a reportable test was performed, unless the person in charge of the health facility consents in writing to the disclosure, or</p> <p>(iii) a health care professional who provided information to the Registrar under this Act, unless the health care professional consents in writing to the disclosure.</p> <p>S. 20(1) A person who is provided access to a register under subsection 18(1) and who intends to publish material based on information obtained under section 18 shall provide the Registrar with a copy of the material before publication.</p> <p>(2) Where, in the opinion of the Registrar it is in the public interest to do so, the Registrar may require the person referred to in subsection (1) to include a disclaimer provided by the Registrar in any publication of material referred to in subsection (1).</p> <p>S. 21 A person who is provided access to a register under subsection 18(3) and who publishes material based on information obtained under section 18 shall</p> <p>(a) ensure that the published material</p> <p>(i) acknowledges that the source of the material is information provided by the Registrar under the authority of this Act, and</p> <p>(ii) contains the disclaimer referred to in subsection 20(2), if required; and</p> <p>(b) provide the Registrar with a copy of the published material.</p>
	<p><i>Vital Statistics Act, R.S.N.W.T. 1988, c. V-3, as duplicated for Nunavut by s. 29 of the Nunavut Act, S.C. 1993, c. 28</i></p> <p>S. 46(1) No district registrar or subregistrar and no person employed in the public service shall communicate or allow to be communicated to any person not entitled to it any information obtained under this Act or allow any such person to inspect or have access to any records containing information obtained under this Act.</p> <p>(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person.</p> <p>S. 60 The Commissioner, on the recommendation of the Minister, may make regulations</p>

Nunavut		[...] (h) designating the persons who may have access to or may be given copies of, or information from, the records in the office of the Registrar General or of a district registrar, and prescribing an oath of secrecy to be taken by those persons.
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10. Legislated selected professional codes of conduct

The duty of privacy and confidentiality is a fundamental ethical obligation for health care practitioners.

Professional codes of ethics set out the standards of practice for health care professionals. In some provinces, the codes of ethics are incorporated into statutes governing the health care profession. In all instances, though, a breach of the obligations under professional codes of ethics may be considered professional misconduct and result in disciplinary proceedings before the relevant professional regulatory body and the suspension or loss of license for a health professional. Only excerpts from codes of ethics incorporated into statutes are reproduced in this section of the Compendium.

In the case of physicians and nurses, there is a certain degree of uniformity among professional codes in the provinces, as several provincial regulatory bodies have adopted the code of ethics developed by the Canadian Medical Association¹⁰ and/or the Canadian Nurses Association.¹¹

¹⁰ The Canadian Medical Association Code of Ethics (update 2004) is online at: http://www.cma.ca/index.cfm/ci_id/2419/la_id/1.htm

¹¹ The Canadian Nurses Association Code of Ethics (August 2002) is online at: http://www.cna-nurses.ca/CNA/practice/ethics/code/default_e.aspx

All of the codes of ethics include obligations for health care professionals to protect the personal (health) information of their patients, and specific provisions relating to the disclosure of personal (health) information and the rights of patients to access their medical records. Notably, the codes of ethics for nurses include obligations on nurses to “intervene if other participants in the health care delivery system fail to maintain their duty of confidentiality”, and to advocate for persons requesting access to their health records.

The codes of conduct for physicians include specific provisions relating to research activities. These include obligations on physicians to ensure that research is approved by a research ethics board, as well as an obligation to appropriately inform and obtain the consent of research participants, unless authorized by law. The codes of ethics for nurses and pharmacists typically contain a general obligation to take part in research activities, yet contain minimal (or no) provisions specifically relating to use or disclosure of health information for research purposes. In Ontario, the Practical Standards Ethics for the nursing profession include specific recommendations that research proposals be prepared in accordance with research standards, with special attention being focused on issues of consent, risk-benefit balance, and confidentiality of data. In the course of data collection, nurses are obligated to monitor adverse responses in participants and to report positive and negative responses to the research team.

LEGISLATED SELECTED PROFESSIONAL CODES OF CONDUCT

PROVINCIAL LEGISLATION FOR PHYSICIANS

Federal	-	-
British Columbia	-	-
Alberta	-	-
Saskatchewan	-	-
Manitoba	-	-
Ontario	<p><i>Regulated Health Professions Act, 1991, S.O. 1991, c. 18</i></p>	<p>Schedule 2 HEALTH PROFESSIONS PROCEDURAL CODE</p> <p>[Note: This Code is deemed by section 4 of the <i>Regulated Health Professions Act, 1991</i> to be part of each health profession Act.]</p> <p>S. 51(1) A panel shall find that a member has committed an act of professional misconduct if, [...] (c) the member has committed an act of professional misconduct as defined in the regulations.</p>
	<p><i>The Medicine Act, Professional Misconduct Regulation, O. Reg. 856/93</i></p>	<p>S. 1(1) The following are acts of professional misconduct for the purposes of clause 51(1)(c) of the Health Professions Procedural Code: [...] 10. Giving information concerning the condition of a patient or any services rendered to a patient other than the patient or his or her authorized representative except with the consent of the patient or his or her authorized representative or as required by law. [...]</p> <p>(2) Despite paragraph 10 of subsection (1), it is not professional misconduct for a member to give information about a patient, including access to the patient's records, [...] (b) to a person for the purpose of research or health administration or planning if the member reasonably believes that the person will take reasonable steps to protect the identity of the patient.</p>
	<p><i>Medicine Act, General Regulation, O. Reg. 114/94</i></p>	<p>S. 20 The records required by regulation may be made and maintained in an electronic computer system only if it has the following characteristics:</p> <ol style="list-style-type: none"> 1. The system provides a visual display of the recorded information. 2. The system provides a means of access to the record of each patient by the patient's name and, if the patient has an Ontario health number, by the health number. 3. The system is capable of printing the recorded information promptly. 4. The system is capable of visually displaying and printing the recorded

Ontario		<p>information for each patient in chronological order.</p> <p>5. The system maintains an audit trail that,</p> <ul style="list-style-type: none"> (i) records the date and time of each entry of information for each patient, (ii) indicates any changes in the recorded information, (iii) preserves the original content of the recorded information when changed or updated, and (iv) is capable of being printed separately from the recorded information for each patient. <p>6. The system includes a password or otherwise provides reasonable protection against unauthorized access.</p> <p>7. The system automatically backs up files and allows the recovery of backed-up files or otherwise provides reasonable protection against loss of, damage to, and inaccessibility of, information.</p>
Quebec	<p><i>The Charter of Human Rights and Freedoms, R.S.Q., c. C-12</i></p>	<p>S. 5 Every person has a right to respect for his private life.</p> <p>S. 9 Every person has a right to non-disclosure of confidential information. No person bound to professional secrecy by law [...] may, even in judicial proceedings, disclose confidential information revealed to him by reason of this position or profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law. The tribunal must, <i>ex officio</i>, ensure that professional secrecy is respected.</p>
	<p><i>Professional Code, R.S.Q. c. C-26</i></p>	<p>S. 60.4 Every professional must preserve the secrecy of all confidential information that becomes known to him in the practice of his profession. [...]</p> <p>S. 60.5 Every professional must respect the right of his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a professional may refuse to allow access to the information contained in such records where their disclosure would be likely to cause serious harm to the client or to a third person.</p>
	<p><i>Code of Ethics of Physicians, R.Q., c. M-9, r. 4.1</i></p>	<p>CHAPTER III THE PHYSICIAN'S DUTIES AND OBLIGATIONS TOWARD THE PATIENT, THE PUBLIC AND THE PROFESSION</p> <p>DIVISION I QUALITY OF THE PROFESSIONAL RELATIONSHIP</p> <p>S. 20 A physician, in order to maintain professional secrecy,</p> <ul style="list-style-type: none"> (1) must keep confidential the information obtained in the practice of his profession; (2) must refrain from holding or participating in indiscreet conversations concerning a patient or the services rendered him or from revealing that a person has called upon his services; (3) must take reasonable means with respect to the persons with whom he

works to maintain professional secrecy;

(4) must not use information of a confidential nature to the prejudice of a patient;

(5) may not divulge facts or confidences which have come to his personal attention, except when the patient or the law authorizes him to do so, or when there are compelling and just grounds related to the health or safety of the patient or others;

(6) may not reveal a serious or fatal prognosis to a patient's family if the patient forbids him from so doing.

**DIVISION III
CONSENT**

S. 28 A physician must, except in an emergency, obtain voluntary and informed consent from the patient or his legal representative before undertaking an examination, investigation, treatment or research.

S. 29 A physician must ensure that the patient or his legal representative receives explanations pertinent to his understanding of the nature, purpose and possible consequences of the examination, investigation, treatment or research which he plans to carry out. He must facilitate the patient's decision-making and respect it.

S. 30 A physician must, with respect to research subjects or their legal representative, ensure:

(1) that each subject is informed of the research project's objectives, its advantages, risks or disadvantages for the subject, the advantages provided by the usual care, if applicable, as well as the fact, as the case may be, that the physician will derive a material gain from enrolling or keeping the subject in the research projects;

(2) that a voluntary and informed written consent, which is revocable at all times, is obtained from each subject before he begins his participation in the research project or when there is any significant change in the research protocol.

S. 31 A physician must, before undertaking his research on humans, obtain approval of the project by a research ethics committee that respects existing standards, notably in its composition and procedures. He must also ensure that all those collaborating with him in the research project are informed of his ethical obligations.

**DIVISION V
QUALITY OF PRACTICE**

S. 45 A physician who undertakes or participates in research on human beings must conform to the scientific principles and ethical standards generally recognized and justified by the nature and purpose of his research.

S. 61 A physician must refuse to collaborate in any research activity

Quebec		<p>where the risks to the health of subjects, healthy or ill, appear disproportionate to the potential advantages they may derive from such or the advantages they may derive from the usual care, if any.</p> <p>DIVISION VI INDEPENDENCE AND IMPARTIALITY</p> <p>S. 78 A physician who undertakes or participates in a research project must state his interests and disclose any real, apparent or potential conflicts of interest to the research ethics committee.</p> <p>In research-related activities, a physician must not be party to any agreement nor accept or grant any compensation that would call his professional independence into question.</p> <p>Remuneration or compensation of a physician for the time and professional expertise he devotes to research must be reasonable and known to the ethics committee.</p>
	<p><i>Regulation respecting the Keeping of records by physicians, R.Q. c. M-9, r. 19</i></p>	<p>DIVISION III PRESERVATION OF RECORDS</p> <p>S. 3.01 A physician must retain his records in a room or cabinet that is not accessible to the public or that can be locked by means of a key or otherwise.</p>
New Brunswick	-	-
Nova Scotia	<p><i>Health Act, R.S.N.S. 1989, c. 195</i></p>	<p>S. 136(2) The records concerning a person are confidential and shall not be made available to any person or agency except with the consent or authorization of the person concerned.</p> <p>(3) Where a person is not capable of giving consent in respect of the person's records, consent may be given by the guardian of the person or, if there is no guardian, by the spouse or common-law partner of such person if the spouse or common-law partner is cohabiting with the person in a conjugal relationship or, if there is no spouse or common-law partner cohabiting with the person in a conjugal relationship, by the next of kin of that person or, if there is no next of kin, by the Public Trustee.</p> <p>(4) The Minister may refuse to make available information from the records of a person if the Minister has reasonable grounds to believe it would not be in the best interest of the person to make available that information or if the information could otherwise be refused pursuant to the <i>Freedom of Information Act</i>.</p> <p>(5) Where the Minister refuses to make available the records of a person upon a request by that person or upon authorization of that person or agency pursuant to subsection (3), the person requesting the records or authorized to receive the same may make application to a judge of the Supreme Court of Nova Scotia and the judge shall, in the judge's discretion, determine whether the records should be made available and to what extent.</p> <p>(6) Nothing in this Section prevents the records concerning a person from being made available, disclosed or provided</p> <p>(a) to a person on the staff of the Department for the purposes of this Part;</p> <p>(b) to the qualified medical practitioner of the person concerned designated by the person as the person's physician;</p>

Nova Scotia		(c) to a person authorized by court order or subpoena; (d) to a person or agency otherwise authorized by law; (e) pursuant to the <i>Freedom of Information Act</i> ; (f) to a hospital as defined by the <i>Hospitals Act</i> .
Prince Edward Island	-	-
Newfoundland and Labrador	-	-
Yukon Northwest Territories Nunavut		<p>There are no professional colleges regulating physicians and pharmacists in the Canadian Territories. Rather, the following government departments are responsible for licensing these professions:</p> <p>Registrar, Professional Licensing, Department of Health and Social Services (Northwest Territories)</p> <p>Medical Practitioners, Department of Consumer and Corporate Affairs (Yukon Territory)</p> <p>Professional Licensing, Department of Health and Social Services (Nunavut)</p> <p>These government departments have not adopted codes of conduct/ethics, although each of the territories have enacted a Medical Profession Act and a Pharmacists Act which grant authority to the Minister to put in place boards of inquiry to investigate complaints or concerns regarding the conduct of these professionals in the territories. In addition, under the Medical Profession Acts penalties may be imposed upon a finding of improper conduct by such a board. These statutes do not contain specific references to confidentiality and/or disclosure of information</p>

PROVINCIAL LEGISLATION FOR NURSES

Federal	-	-
British Columbia	-	-
Alberta	-	-
Saskatchewan	-	-
Manitoba	-	-
Ontario	<i>Regulated Health Professions Act, 1991</i> , S.O. 1991, c. 18	<p>Schedule 2 HEALTH PROFESSIONS PROCEDURAL CODE</p> <p>[Note: This Code is deemed by section 4 of the <i>Regulated Health Professions Act, 1991</i> to be part of each health profession Act.]</p> <p>S. 51(1) A panel shall find that a member has committed an act of professional misconduct if, [...] (c) the member has committed an act of professional misconduct as defined in the regulations.</p>

Ontario	<i>Nursing Act, 1991, Professional Misconduct Regulation, O. Reg. 799/93</i>	<p>S. 1 The following are acts of professional misconduct for the purposes of clause 51(1)(c) of the Health Professions Procedural Code: [...]</p> <p>10. Giving information about a client to a person other than the client or his or her authorized representative except with the consent of the client or his or her authorized representative or as required or allowed by law. [...]</p>
Quebec	<i>The Charter of Human Rights and Freedoms, R.S.Q., c. C-12</i>	<p>S. 5 Every person has a right to respect for his private life.</p> <p>S. 9 Every person has a right to non-disclosure of confidential information. No person bound to professional secrecy by law [...] may, even in judicial proceedings, disclose confidential information revealed to him by reason of his position or profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law. The tribunal must, <i>ex officio</i>, ensure that professional secrecy is respected.</p>
	<i>Professional Code, R.S.Q. c. C-26</i>	<p>S. 60.4 Every professional must preserve the secrecy of all confidential information that becomes known to him in the practice of his profession. [...]</p> <p>S. 60.5 Every professional must respect the right of his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a professional may refuse to allow access to the information contained in such records where their disclosure would be likely to cause serious harm to the client or to a third person.</p>
	<i>Code of Ethics of Nurses, R.Q., c. I-8, r. 4.1</i>	<p>CHAPTER I DUTIES TOWARD THE PUBLIC, CLIENTS AND THE PROFESSION</p> <p>DIVISION I DUTIES INHERENT TO THE PRACTICE OF THE PROFESSION</p> <p>S. 11 A nurse shall not abuse the trust of her or his client.</p> <p>DIVISION II RELATIONSHIP BETWEEN THE NURSE AND THE CLIENT</p> <p>S. 28 A nurse shall seek to establish and maintain a relationship of trust with her or his client.</p> <p>S. 31 A nurse shall abide by the rules set forth in the Professional Code in regard to the obligation to preserve the secrecy of confidential information that becomes known to her or him in the practice of her or his profession and the cases where she or he may be released from the obligation of secrecy.</p> <p>S. 32 A nurse shall not disclose the fact that a person had recourse to her or his services, except if such disclosure is necessary in the interest of the client.</p> <p>S. 33 A nurse shall take reasonable measures to ensure that persons under her or his authority or supervision or in her or his employ do not disclose</p>

Quebec		<p>any confidential information concerning the client.</p> <p>S. 34 A nurse shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for herself or himself or for another person.</p> <p>S. 35 Whenever a nurse asks a client to disclose confidential information or whenever she or he permits such information to be disclosed to her or him, she or he shall ensure that the client knows the reasons therefor and the purpose for which the information will be used.</p> <p>S. 36 A nurse shall refrain from holding or participating in indiscreet conversations concerning a client and the services rendered to such client.</p> <p>DIVISION VII CONDITIONS AND PROCEDURES FOR THE EXERCISE OF THE CLIENT'S RIGHTS OF ACCESS AND CORRECTION OF INFORMATION CONTAINED IN RECORDS ESTABLISHED IN RESPECT OF HIM OR HER</p> <p>Provision applicable to nurses practising in the public sector</p> <p>S. 59 A nurse who practises her or his profession in a public organization covered by the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1) or in a centre operated by an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) shall abide by the rules relating to accessibility and correction of records set out in the said acts and facilitate their application.</p> <p>Provisions applicable to nurses practising in a sector other than the public sector in regard to the conditions and procedures for the exercise of the client's right of access to information contained in records established in respect of him or her.</p> <p>[...]</p> <p>S. 67 A nurse shall, with diligence, release to the client who so requests any document entrusted with the client to the nurse and shall indicate in the client's file, as appropriate, the reasons for the request.</p>
New Brunswick	-	-
Nova Scotia	<i>Licensed Practical Nurses Act, S.N.S. 2001, c. 7</i>	<p>S. 2 In this Act,</p> <p>[...]</p> <p>(t) "professional misconduct" includes such conduct or acts relevant to the practice of practical nursing that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional which, without limiting the generality of the foregoing, may include</p> <p>[...]</p> <p>(vii) failing to exercise discretion in respect of the disclosure of confidential information,</p> <p>[...]</p>

Nova Scotia	<i>Registered Nurses Act, S.N.S. 2001, c. 10</i>	S. 2 In this Act, [...] (ag) “professional misconduct” includes such conduct or acts relevant to the practice of nursing that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional which, without limiting the generality of the foregoing, may include [...] (vii) failing to exercise discretion in respect of the disclosure of confidential information, [...]
Prince Edward Island	-	-
Newfoundland and Labrador	<i>Licensed Practical Nurses Act, Licensed Practical Nurses Regulations, N.L. Reg. 59/99</i>	S. 22 Professional misconduct includes but is not limited to [...] (j) failing to exercise discretion in respect of the disclosure of confidential information about a client; [...]
Yukon	-	-
Northwest Territories	<i>Nursing Profession Act, S.N.W.T. 2003, c. 15</i>	S. 32(1) An act or omission of a nurse constitutes unprofessional conduct if a Board of Inquiry finds that the nurse (a) engaged in conduct that [...] (iv) contravenes this Act or the regulations, or (v) is prescribed by the bylaws as unprofessional conduct; [...] (2) Examples of unprofessional conduct include: [...] (d) irresponsible disclosure of confidential information about a patient; [...]
Nunavut	<i>Nursing Profession Act, S.N.W.T. 2003, c. 15</i>	S. 32(1) An act or omission of a nurse constitutes unprofessional conduct if a Board of Inquiry finds that the nurse (a) engaged in conduct that [...] (iv) contravenes this Act or the regulations, or (v) is prescribed by the bylaws as unprofessional conduct; [...] (2) Examples of unprofessional conduct include: [...] (d) irresponsible disclosure of confidential information about a patient; [...]

PROVINCIAL LEGISLATION FOR PHARMACISTS

Federal	-	-
British Columbia	-	-
Alberta	-	-
Saskatchewan	-	-
Manitoba	-	-

Ontario	-	-
Quebec	<p><i>Professional Code, R.S.Q. c. C-26</i></p>	<p>S. 60.4 Every professional must preserve the secrecy of all confidential information that becomes known to him in the practice of his profession. [...]</p> <p>S. 60.5 Every professional must respect the right of his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a professional may refuse to allow access to the information contained in such records where their disclosure would be likely to cause serious harm to the client or to a third person.</p>
	<p><i>Code of Ethics of Pharmacists, R.Q., c. P-10, r. 5</i></p>	<p>DIVISION III DUTIES AND OBLIGATIONS TOWARDS PATIENTS</p> <p>S. 3.06.01 A pharmacist must respect the secrecy of all confidential information acquired in the practice of his profession.</p> <p>S. 3.06.02 Subject to section 3.01.03, a pharmacist may be released from professional secrecy only upon the authorization of his patient or when so ordered by law.</p> <p>S. 3.06.03 A pharmacist must avoid indiscreet conversations concerning a patient and the services rendered him.</p> <p>S. 3.06.04 A pharmacist shall not make use of confidential information to the prejudice of a patient or with a view to obtaining a direct or indirect benefit for himself or for another.</p> <p>S. 3.06.05 A pharmacist must ensure that his employees do not disclose information of a confidential nature obtained in the exercise of their duties. [...]</p> <p>S. 3.07.01 A pharmacist must respect the right of his patient to consult the documents that concern him in any record made in his regard and to obtain a copy of such documents unless: (a) he has good reason to believe that it would be detrimental to the patient to allow him to consult such documents; or (b) the documents have been given him by a third party with the express understanding that they not be shown to the patient.</p> <p>S. 3.07.02 A pharmacist must, at the request of a patient, give that patient, without charge, a true copy of his written prescription, or a transcription of a prescription given verbally, the original or which he has in his records. He must authenticate such true copy by inserting in it the words "true copy", his initials, the name of the owner of the pharmacy and its address.</p> <p>DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION</p> <p>S.4.03.01 A pharmacist must, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with other pharmacists and students and by participating in courses,</p>

Quebec		continuing training periods and scientific work and research in the field of pharmacy.
New Brunswick	-	-
Nova Scotia	-	-
Prince Edward Island	-	-
Newfoundland and Labrador	-	-
Yukon Northwest Territories Nunavut		<p>There are no professional colleges regulating physicians and pharmacists in the Canadian Territories. Rather, the following government departments are responsible for licensing these professions:</p> <p>Registrar, Professional Licensing, Department of Health and Social Services (Northwest Territories)</p> <p>Medical Practitioners, Department of Consumer and Corporate Affairs (Yukon Territory)</p> <p>Professional Licensing, Department of Health and Social Services (Nunavut)</p> <p>These government departments have not adopted codes of conduct/ethics, although each of the territories have enacted a Medical Profession Act and a Pharmacists Act which grant authority to the Minister to put in place boards of inquiry to investigate complaints or concerns regarding the conduct of these professionals in the territories. In addition, under the Medical Profession Acts penalties may be imposed upon a finding of improper conduct by such a board. These statutes do not contain specific references to confidentiality and/or disclosure of information.</p>

11. *Canadian Charter of Rights and Freedoms and Charter of Human Rights and Freedoms (Quebec)*

As apparent throughout this document, there are many existing, pending and proposed laws in Canada that have as their purpose to protect the right to privacy. However, there are three legislative texts in particular that actually vest individuals with that fundamental right as a foundation for all other laws. These are: the *Canadian Charter of Rights and Freedoms* (the “*Canadian Charter*”), the *Quebec Charter of Human Rights and Freedoms* (the “*Quebec Charter*”) and the *Civil Code of Quebec* (the “*Civil Code*”).

Courts have recognized that an individual’s “*right to security of the person*” within the meaning of section 7 of the *Canadian Charter* encompasses the right to be free from interference with one’s physical, as well as psychological, integrity.¹² It has followed from this principle that section 7 includes the right to be free of the psychological stress resulting from unauthorized disclosure of one’s personal health information.¹³

¹² *R. v. Morgentaler*, [1988] 1 S.C.R. 30.

¹³ *Ontario AIDS Society v. Ontario* (1995), 25 O.R. (3d) 388; appeal dismissed, (1996), 31 O.R. (3d) 798; leave to appeal to the Supreme Court of Canada denied, [1997] S.C.C.A. No. 33.

The Supreme Court of Canada has confirmed that the “*right to be secure against unreasonable search or seizure*” enshrined in section 8 of the *Canadian Charter* likewise protects the individual’s informational privacy. The right to be secure against unreasonable search and seizure is based not merely on proprietary interests (eg. one’s home, car and/or personal belongings), but rather, on the very dignity and integrity of the individual.¹⁴ “...*(W)hat is protected by section 8 is people, not places or things*”.¹⁵

This being said, the application of the *Canadian Charter* to the typical health research context would appear to be somewhat limited. Before a claim could succeed under section 7 or 8 of the *Canadian Charter*, the applicant would have to establish that the breach of section 7 was contrary to principles of fundamental justice, or, in the case of section 8, that the breach was unreasonable. Moreover, one would have to show that the breach, in either case, could not be demonstrably justified in a free and democratic society as per section 1 of the *Canadian Charter*.¹⁶

Even so, whether the scope of section 7 or 8 extends beyond the criminal law context or a specific regulatory scheme is not at all clear. Less clear still is whether or not the actions of public institutions (eg. hospital or university administrators, researchers employed by public health institutions, academic research ethics boards), are sufficiently “*governmental*”, within the meaning of section 32, to attract application of the *Canadian Charter* in the first place.¹⁷ The actions of private organizations (eg. health data managers, pharmaceutical companies, private research ethics boards), would almost certainly not be considered

¹⁴ *R. v. Dymont*, [1988] 2 S.C.R. 417.

¹⁵ *Hunter v. Southam*, [1984] 2 S.C.R. 145 at 159; *R. v. Dymont*, *supra*, at 429; *R. v. Colarusso*, [1994] 1 S.C.R. 20 at 60.

¹⁶ The test for the application of section 1 of the *Charter* is found in *R. v. Oakes*, [1986] 1 S.C.R. 103.

¹⁷ For further discussion of the issue, see *Eldridge v B.C.*, [1997] 3 S.C.R. 624.

“governmental”. While a subject of fascinating debate, the applicability of the *Canadian Charter* is beyond the purview of this compendium. We simply raise it here and include the relevant sections of the *Canadian Charter* in the following table for interest purposes.

In Quebec, however, the right to privacy, as enshrined in the *Quebec Charter* and the *Civil Code*, could more easily be invoked in a typical health research situation. Both the *Quebec Charter* and the *Civil Code* clearly apply in a civil law, as opposed to criminal law context, and cover governmental, as well as private action.¹⁸

¹⁸ For a further discussion of the right to privacy as found in the *Quebec Charter* and the *Civil Code of Quebec*, see Section 12 “Statutory tort of invasion of privacy”.

CANADIAN CHARTER OF RIGHTS AND FREEDOMS AND CHARTER OF HUMAN RIGHTS AND FREEDOMS (QUEBEC)

Federal	<p><i>Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being enacted as Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11</i></p>	<p>Guarantee of Rights and Freedoms</p> <p>S. 1 The <i>Canadian Charter of Rights and Freedoms</i> guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.</p> <p>Legal Rights</p> <p>S. 7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.</p> <p>S. 8 Everyone has the right to be secure against unreasonable search or seizure.</p> <p>Application of Charter</p> <p>S. 32(1) This Charter applies</p> <p>(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and</p> <p>(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.</p>
British Columbia	-	-
Alberta	-	-
Saskatchewan	-	-
Manitoba	-	-
Ontario	-	-
Quebec	<p><i>Charter of Human Rights and Freedoms, R.S.Q., c. C-12</i></p>	<p>Preamble</p> <p>Whereas every human being possesses intrinsic rights and freedoms designed to ensure his protection and development;</p> <p>Whereas all human beings are equal in worth and dignity, and are entitled to equal protection of the law;</p> <p>Whereas respect for the dignity of the human being and recognition of his rights and freedoms constitute the foundation of justice and peace;</p> <p>Whereas the rights and freedoms of the human person are inseparable from the rights and freedoms of others and from the common well-being;</p> <p>Whereas it is expedient to solemnly declare the fundamental human rights and freedoms in a Charter, so that they may be guaranteed by the collective will and better protected against any violation;</p>

Quebec		<p>Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows :</p> <p>Part I - Human Rights and Freedoms</p> <p>Chapter 1 - Fundamental freedoms and rights</p> <p>Art. 5. Every person has a right to respect for his private life.</p> <p>Art. 9. Every person has a right to non-disclosure of confidential information. No person bound to professional secrecy by law and no priest or other minister of religion may, even in judicial proceedings, disclose confidential information revealed to him by reason of his position or profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law. The tribunal must, <i>ex officio</i>, ensure that professional secrecy is respected.</p> <p>Art. 9.1. In exercising his fundamental freedoms and rights, a person shall maintain a proper regard for democratic values, public order and the general well-being of the citizens of Québec. In this respect, the scope of the freedoms and rights, and limits to their exercise, may be fixed by law.</p> <p>Chapter V - Special and interpretative provisions</p> <p>Art. 49. Any unlawful interference with any right or freedom recognized by this Charter entitles the victim to obtain the cessation of such interference and compensation for the moral or material prejudice resulting therefrom. In case of unlawful and intentional interference, the tribunal may, in addition, condemn the person guilty of it to punitive damages.</p>
New Brunswick	-	-
Nova Scotia	-	-
Prince Edward Island	-	-
Newfoundland and Labrador	-	-
Yukon	-	-
Northwest Territories	-	-
Nunavut	-	-

12. Statutory tort of invasion of privacy

A tort is a legal wrong committed against a person or property, other than a breach of contract.¹⁹ There are currently four jurisdictions in Canada that have established a statutory tort of invasion of privacy. In British Columbia, Saskatchewan, Manitoba and Newfoundland, it is a tort, actionable without proof of damage, for a person wilfully and without claim of right to violate the privacy of another.²⁰

A “wilful” act is one which a person knew or should have known would violate the privacy of another; a “claim of right” is an honest and reasonable belief in a state of facts which, if existing, would constitute a legal justification or excuse.²¹

¹⁹ BLACK’S LAW DICTIONARY, 8th ed., (St. Paul: Thomson West Co., 1999) at 1526.

²⁰ As for the remaining common law provinces where no equivalent statute exists, (ie., Alberta, Ontario, New Brunswick, Nova Scotia and Prince Edward Island), some courts (particularly in Ontario) have recognized the intentional tort of invasion of privacy as a separate cause of action: G.H.L. FRIDMAN, *The Law of Torts in Canada*, 2nd ed. (Toronto: Carswell, 2002) at 697-719; A.M.LINDEN, *Canadian Tort Law*, 7th ed. (Toronto: Butterworths, 2001) at 52-54; J.D.R. CRAIG, “Invasion of Privacy and Charter Values: The Common-Law Tort Awakens”, (1997) 42 *McGill L.J.* 355; *Krouse v. Chrysler Canada Ltd, et al.*, [1970] 3 O.R. 135, 12 D.L.R. (3d) 463, aff’d [1972] 2 O.R. 133; *Burnett v. Canada* (1979), 94 D.L.R. (3d) 281 (Ont. H.C.J.); *Capan v. Capan*, [1980] 14 C.C.L.T. 191 (Ont. H.C.J.); *Saccone v. Orr* (1981), 34 O.R. (2d) 317; *Roth v. Roth* (1991), 4 O.R. (3d) 740 (Ont. Gen. Div.); *Corlett-Lockyer v. Stephens*, [1996] B.C.J. No. 857 (B.C. Prov. Ct.); *Lipiec v. Borsa*, [1996] 31 C.C.L.T. (2d) 294 (Ont. H.C.J.); *Dyne Holdings Ltd. v. Royal Insurance Co. of Canada*, [1996] P.E.I.J. No. 28, aff’d [1997] P.E.I.J. No. 81; (P.E.I.C.A.), *Lord v. McGregor* (1999), 119 B.C.A.C. 105 (C.A.); *Savik Enterprises Ltd. v. Nunavut*, [2004] Nu. J. No. 1 (C.J.); *Saelman v. Hill*, [2004] O.J. No. 2122 (S.C.J.).

²¹ *Hollinsworth v. BCTV* (1998), CarswellBC 2281 (B.C.C.A.), confirming *Hollinsworth v. BCTV* (1996), CarswellBC 2828, 34 C.C.L.T. (2d) 95.

Aside from minor variations in wording, and with the exception of a few slightly more substantive differences in the Manitoba legislation, the four statutes generally set out similar examples of the offence, conditions, constituent elements and defences.

First, acts which, in the absence of consent or other proper authorization, constitute proof of a violation of privacy, include: auditory or visual surveillance of a person; listening to or recording of a conversation in which a person participates; use of a person's name, likeness or voice for commercial or other gain; and, use of a person's letters, diaries or other personal documents. In all four statutes, such examples are cited for illustrative purposes only and are not meant to constitute an exhaustive list of all possible offences.

Second, the nature and degree of privacy to which a person is entitled in a given situation is that which is reasonable in the circumstances. In assessing what is reasonable, regard must be given to the lawful interests of others.

Third, in determining whether a person's act or conduct constitutes a violation of another's privacy - and, if so, in assessing the damages which should be awarded - consideration should be given to factors such as:

- the nature, incidence and occasion of the person's act or conduct;
- its effect on the health, welfare, social, business or financial position of the other person or his family, including any distress, annoyance or embarrassment suffered;
- the relationship, if any, between the parties to the action;

- and, the conduct of the parties, both before and after the violation, including any apology offered or amends made.

Finally, an act or conduct will generally not constitute a violation of privacy if: it was consented to (either expressly or implicitly) by the person affected; it was authorized or required by law or by a court; or, in the case of a publication, (it was reasonable to believe that) the matter published was of public interest or was fair comment on a matter of public interest.

As at the date of publication, there has been limited jurisprudence that considers these provincial statutory torts, and only two instances where a court has awarded damages.²²

A similar action is available under Quebec civil law by virtue of article 49 of the *Quebec Charter*. Article 49 provides that, where a person unlawfully and intentionally interferes with another's right to privacy, a tribunal may award the payment of punitive damages. Also, section 35 of the *Quebec Civil Code* codifies an individual's right to privacy and makes it unlawful to invade a person's privacy without consent unless authorized by law. A claim for damages may be brought for any such violation.²³ Similar to the examples provided in the statutory tort legislation, article 36 of the *Quebec Civil Code* sets out examples of acts which may be considered as invasions of privacy, including:

²² See *Malcolm v. Fleming*, [2000] B.C.J. No. 2400, [2000] B.C.W.L.D. 919, where the court awarded the plaintiff compensatory damages of \$15,000 and punitive damages of \$35,000, and *Getejanc v. Brentwood College Association*, [2001] B.C.J. No. 1249, 2001 BCSC 822, where the court awarded the plaintiff \$2500 in general damages.

²³ See, for instance, *Cooperberg v. Buckman*, (S.C. 1957-12-13) [1958] 12 D.L.R. (2d) 35, *Gagnon v. Proulx*, (C.Q., 1998-08-06), BE 98BE-1339, *Wellman v. Quebec (Ministère de la Sécurité du revenu-secrétariat)*, (S.C. 2002-07-19) [2002] R.R.A. 1003.

- intentionally intercepting or using private communications;
- keeping a person's private life under observation;
- using a person's name, image, likeness or voice for a purpose other than the legitimate information of the public;
- using a person's correspondence, manuscripts or other personal documents.

STATUTORY TORT OF INVASION OF PRIVACY

Federal	-	-
British Columbia	<i>Privacy Act, R.S.B.C. 1996, c. 373</i>	<p>S. 1(1) It is a tort, actionable without proof of damage, for a person, wilfully and without a claim of right, to violate the privacy of another.</p> <p>(2) The nature and degree of privacy to which a person is entitled in a situation or in relation to a matter is that which is reasonable in the circumstances, giving due regard to the lawful interests of others.</p> <p>(3) In determining whether the act or conduct of a person is a violation of another's privacy, regard must be given to the nature, incidence and occasion of the act or conduct and to any domestic or other relationship between the parties.</p> <p>(4) Without limiting subsections (1) to (3), privacy may be violated by eavesdropping or surveillance, whether or not accomplished by trespass.</p> <p>S. 2(2) An act or conduct is not a violation of privacy if any of the following applies:</p> <p>(a) it is consented to by some person entitled to consent;</p> <p>(b) the act or conduct was incidental to the exercise of a lawful right of defence of person or property;</p> <p>(c) the act or conduct was authorized or required by or under a law in force in British Columbia, by a court or by any process of a court; [...]</p> <p>(3) A publication of a matter is not a violation of privacy if</p> <p>(a) the matter published was of public interest or was fair comment on a matter of public interest, or</p> <p>(b) the publication was privileged in accordance with the rules of law relating to defamation.</p> <p>(4) Subsection (3) does not extend to any other act or conduct by which the matter published was obtained if that other act or conduct was itself a violation of privacy.</p>
Alberta	-	-
Saskatchewan	<i>The Privacy Act, R.S.S. 1978, c. P-24</i>	<p>S. 2 It is a tort, actionable without proof of damage, for a person wilfully and without claim of right, to violate the privacy of another person.</p> <p>S. 3 Without limiting the generality of section 2, proof that there has been:</p> <p>(a) auditory or visual surveillance of a person by any means including eavesdropping, watching, spying, besetting or following and whether or not accomplished by trespass;</p> <p>(b) listening to or recording of a conversation in which a person participates, or listening to or recording of messages to or from that person passing by means of telecommunications, otherwise than as a lawful party thereto;</p> <p>(c) use of the name or likeness or voice of a person for the purposes of advertising or promoting the sale of, or any other trading in, any property or services, or for any other purpose of gain to the user if, in the course of the use, the person is identified or identifiable and the user intended to</p>

Saskatchewan		<p>exploit the name or likeness or voice of that person; or (d) use of letters, diaries or other personal documents of a person; without the consent, expressed or implied, of the person or some other person who has the lawful authority to give the consent is prima facie evidence of a violation of the privacy of the person first mentioned.</p> <p>S. 4(1) An act, conduct or publication is not a violation of privacy where: (a) it is consented to, either expressly or impliedly by some person entitled to consent thereto; (b) it was incidental to the exercise of a lawful right of defence of person or property; (c) it was authorized or required by or under a law in force in the province or by a court or any process of a court; [...]</p> <p>(2) A publication of any matter is not a violation of privacy where: (a) there were reasonable grounds for belief that the matter published was of public interest or was fair comment on a matter of public interest; or (b) the publication was, in accordance with the rules of law relating to defamation, privileged; but this subsection does not extend to any other act or conduct whereby the matter published was obtained if such other act or conduct was itself a violation of privacy.</p> <p>S. 6(1) The nature and degree of privacy to which a person is entitled in any situation or in relation to any situation or matter is that which is reasonable in the circumstances, due regard being given to the lawful interests of others.</p> <p>(2) Without limiting the generality of subsection (1) in determining whether any act, conduct or publication constitutes a violation of the privacy of a person, regard shall be given to: (a) the nature, incidence and occasion of the act, conduct or publication; (b) the effect of the act, conduct or publication on the health and welfare, or the social, business or financial position, of the person or his family or relatives; (c) any relationship whether domestic or otherwise between the parties to the action; and (d) the conduct of the person and of the defendant both before and after the act, conduct or publication, including any apology or offer or amends made by the defendant.</p>
Manitoba	<p><i>The Privacy Act,</i> C.C.S.M. 1987, c. P-125</p>	<p>S. 2(1) A person who substantially, unreasonably, and without claim of right, violates the privacy of another person, commits a tort against that other person.</p> <p>(2) An action for violation of privacy may be brought without proof of damage.</p> <p>S. 3 Without limiting the generality of section 2, privacy of a person may be violated (a) by surveillance, auditory or visual, whether or not accomplished by trespass, of that person, his home other place of residence, or of any vehicle, by any means including eavesdropping, watching, spying , besetting or following; (b) by the listening to or recording of a conversation in which that person</p>

Manitoba		<p>participates, or messages to or from that person, passing along, over or through any telephone lines, otherwise than as a lawful party thereto or under lawful authority conferred to that end;</p> <p>(c) by the unauthorized use of the name or likeness or voice of that person for the purposes of advertising or promoting the sale of, or any other trading in, any property or services, or for any other purposes of gain to the user if, in the course of the use, that person is identified or identifiable and the user intended to exploit the name or likeness or voice of that person; or</p> <p>(d) by the use of his letters, diaries and other personal documents without his consent or without the consent of any other person who is in possession of them with his consent.</p> <p>S. 4(2) In awarding damages in an action for a violation of privacy of a person, the court shall have regard to all the circumstances of the case including</p> <p>(a) the nature, incidence and occasion of the act, conduct or publication constituting the violation of privacy of that person;</p> <p>(b) the effect of the violation of privacy on the health, welfare, social, business or financial position of that person or his family;</p> <p>(c) any relationship, whether domestic or otherwise, between the parties to the action;</p> <p>(d) any distress, annoyance or embarrassment suffered by that person or his family arising from the violation of privacy; and</p> <p>(e) the conduct of that person and the defendant, both before and after the commission of the violation of privacy, including any apology or offer of amends made by the defendant.</p> <p>S. 5 In an action for violation of privacy of a person, it is a defence for the defendant to show</p> <p>(a) that the person expressly or by implication consented to the act, conduct or publication constituting the violation; or</p> <p>(b) that the defendant, having acted reasonably in that regard, neither knew or should reasonably have known that the act, conduct or publication constituting the violation would have violated the privacy of any person; or</p> <p>(c) that the act, conduct or publication in issue was reasonable, necessary for, and incidental to, the exercise or protection of a lawful right of defence of person, property, or other interest of the defendant or any other person by whom the defendant was instructed or for whose benefit the defendant committed the act, conduct or publication constituting the violation; or</p> <p>(d) that the defendant acted under authority conferred upon him by a law in force in the province or by a court or any process of a court; or</p> <p>[...]</p> <p>(f) where the alleged violation was constituted by the publication of any matter</p> <p>(i) that there were reasonable grounds for the belief that the publication was in the public interest; or</p> <p>(ii) that the publication was, in accordance with the rules of law in force in the province relating to defamation, privileged; or</p> <p>(iii) that the matter was fair comment on a matter of public interest.</p>
Ontario	-	-

Quebec	<i>Civil Code of Quebec,</i> S.Q. 1991, c. 64	<p style="text-align: center;">BOOK ONE PERSONS</p> <p style="text-align: center;">TITLE TWO CERTAIN PERSONALITY RIGHTS</p> <p style="text-align: center;">CHAPTER III RESPECT OF REPUTATION AND PRIVACY</p> <p>Art. 35. Every person has a right to the respect of his reputation and privacy. No one may invade the privacy of a person without the consent of the person or his heirs unless authorized by law.</p> <p>Art. 36. The following acts, in particular, may be considered as invasions of the privacy of a person:</p> <ol style="list-style-type: none"> 1) entering or taking anything in his dwelling; 2) intentionally intercepting or using his private communications; 3) appropriating or using his image or voice while he is in private premises; 4) keeping his private life under observation by any means; 5) using his name, image, likeness or voice for a purpose other than the legitimate information of the public; 6) using his correspondence, manuscripts or other personal documents. <p>Art. 37. Every person who establishes a file on another person shall have a serious and legitimate reason for doing so. He may gather only information which is relevant to the stated objective of the file, and may not, without the consent of the person concerned or authorization by law, communicate such information to third persons or use it for purposes that are inconsistent with the purposes for which the file was established. In addition, he may not, when establishing or using the file, otherwise invade the privacy or damage the reputation of the person concerned.</p> <p style="text-align: center;">BOOK TWO OBLIGATIONS</p> <p style="text-align: center;">TITLE 1 OBLIGATIONS IN GENERAL</p> <p style="text-align: center;">CHAPTER III CIVIL LIABILITY</p> <p>Art. 1457 Every person has a duty to abide by the rules of conduct which lie upon him, according to the circumstances, usage or law, so as not to cause injury to another. Where he is endowed with reason and fails in this duty, he is responsible for any injury he causes to another person by such fault and is liable to reparation for the injury, whether it be bodily, moral or material in nature. He is also liable, in certain cases, to reparation for injury caused to another by the act or fault of another person or by the act of things in his custody.</p>
New Brunswick	-	-
Nova Scotia	-	-

Prince Edward Island	-	-
Newfoundland and Labrador	<i>The Privacy Act, R.S.N.L. 1990, c. P-22</i>	<p>S. 3(1) It is a tort, actionable without proof of damage, for a person, wilfully and without a claim of right, to violate the privacy of an individual.</p> <p>(2) The nature and degree of privacy to which an individual is entitled in a situation or in relation to a matter is that which is reasonable in the circumstances, regard being given to the lawful interests of others; and in determining whether the act or conduct of a person constitutes a violation of the privacy of an individual, regard shall be given to the nature, incidence, and occasion of the act or conduct and to the relationship, whether domestic or other, between the parties.</p> <p>S. 4 Proof that there has been</p> <p>(a) surveillance, auditory or visual, whether or not accomplished by trespass, of an individual, by any means including eavesdropping, watching, spying, harassing or following;</p> <p>(b) listening to or recording of a conversation in which an individual participates, or listening to or recording of messages to or from that individual passing by means of telecommunications, otherwise than as a lawful party to them;</p> <p>(c) use of the name or likeness or voice of an individual for the purpose of advertising or promoting the sale of, or other trading in, property or services, or for other purposes of advantage to the user where, in the course of the use, the individual is identified or identifiable and the user intended to exploit the name or likeness or voice of that individual; or</p> <p>(d) use of letters, diaries or other personal documents of an individual, without the consent, expressed or implied, of the individual or some other person who has the lawful authority to give the consent is, in the absence of evidence to the contrary, proof of a violation of the privacy of the individual first mentioned.</p> <p>S. 5(1) An act or conduct is not a violation of privacy where</p> <p>(a) it is consented to by some person entitled to consent;</p> <p>(b) the act or conduct was incidental to the exercise of a lawful right of defence of person or property;</p> <p>(c) the act or conduct was authorized or required under a law in force in the province or by a court or a process of a court; or</p> <p>[...]</p> <p>(2) A publication of a matter is not a violation of privacy where</p> <p>(a) the matter published was of public interest or was fair comment on a matter of public interest; or</p> <p>(b) the publication was, under the rules of law relating to defamation, privileged,</p> <p>but this subsection does not extend to another act or conduct where the matter published was obtained where the other act or conduct was itself a violation of privacy.</p>
Yukon	-	-
Northwest Territories	-	-
Nunavut	-	-

13. Annex: Web links to statutes referred to in the Compendium

WEB LINKS TO STATUTES REFERRED TO IN THE COMPENDIUM

Federal	<p><i>Privacy Act</i>, R.S.C. 1985, c. P-21</p> <p><i>Privacy Regulations</i>, S.O.R. / 83-508</p> <p><i>Personal Information Protection and Electronic Documents Act</i>, S.C. 2000, c.5</p> <p><i>Statistics Act</i>, R.S. 1985, c. S-19</p> <p><i>Canadian Charter of Rights and Freedoms</i>, Part I of the <i>Constitution Act</i>, 1982, being enacted as Schedule B to the <i>Canada Act 1982</i> (U.K.), 1982</p>	<p>http://laws.justice.gc.ca/en/P-21/95414.html</p> <p>http://laws.justice.gc.ca/en/P-21/SOR-83-508/164602.html</p> <p>http://laws.justice.gc.ca/en/P-8.6/93196.html</p> <p>http://laws.justice.gc.ca/en/S-19/104388.html</p> <p>http://laws.justice.gc.ca/en/const/annex_e.html#I</p>
British Columbia	<p><i>Freedom of Information and Protection of Privacy Act</i>, R.S.B.C. 1996, c. 165</p> <p><i>Freedom of Information and Protection of Privacy Regulation</i>, B.C. Reg. 323/93</p> <p><i>Personal Information Protection Act</i>, S.B.C. 2003, c. 63</p> <p><i>Personal Information Protection Act Regulations</i>, B.C. Reg. 473/2003</p> <p><i>Health Act</i>, R.S.B.C 1996, c.179</p> <p><i>British Columbia Cancer Agency Research Information Regulation</i>, B.C. Reg. 286/91</p> <p><i>Pharmacists, Pharmacy Operations and Drug Scheduling Act</i>, R.S.B.C. 1996, c. 363</p> <p><i>Privacy Act</i>, R.S.B.C. 1996, c. 373</p> <p><i>Vital Statistics Act</i>, R.S.B.C. 1996, c. 479</p> <p><i>Statistics Act</i>, R.S.B.C. 1996, c. 439</p>	<p>http://www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm</p> <p>http://www.qp.gov.bc.ca/statreg/reg/F/323_93.htm</p> <p>http://www.qp.gov.bc.ca/statreg/stat/P/03063_01.htm</p> <p>http://www.qp.gov.bc.ca/statreg/reg/P/PersonalInformation/473_2003.htm</p> <p>http://www.qp.gov.bc.ca/statreg/stat/H/96179_01.htm</p> <p>http://www.qp.gov.bc.ca/statreg/reg/h/health/286%5F91.htm</p> <p>http://www.qp.gov.bc.ca/statreg/stat/P/96363_01.htm</p> <p>http://www.qp.gov.bc.ca/statreg/stat/P/96373_01.htm</p> <p>http://www.qp.gov.bc.ca/statreg/stat/V/96479_01.htm</p> <p>http://www.qp.gov.bc.ca/statreg/stat/S/96439_01.htm</p>

British Columbia	<i>Human Tissue Gift Act</i> , R.S.B.C. 1996, c. 211	http://www.qp.gov.bc.ca/statreg/stat/H/96211_01.htm
Alberta	<i>Health Information Act</i> , R.S.A. 2000, c. H-5	http://www.qp.gov.ab.ca/documents/Acts/H05.cfm?frm_isbn=0779719352&type=htm
	<i>Health Information Act</i> , Health Information Regulation, Alta. Reg. 70/2001	http://www.qp.gov.ab.ca/documents/Regs/2001_070.cfm?frm_isbn=0779738039&type=htm
	<i>Freedom of Information and Protection of Privacy Act</i> , R.S.A. 2000, c. F-25	http://www.qp.gov.ab.ca/documents/Acts/F25.cfm?frm_isbn=0779729218&type=htm
	<i>Freedom of Information and Protection of Privacy Act</i> , Alta. Reg. 200/95	http://www.qp.gov.ab.ca/documents/Regs/1995_200.cfm?frm_isbn=0779734491&type=htm
	<i>Personal Information Protection Act</i> , S.A. 2003, c. P-6.5	http://www.qp.gov.ab.ca/documents/Acts/P06P5.cfm?frm_isbn=0779737415&type=htm
	<i>Personal Information Protection Act Regulation</i> , Alta. Reg. 366/2003	http://www.qp.gov.ab.ca/documents/Regs/2003_366.cfm?frm_isbn=0779725050&type=htm
	<i>Municipal Government Act</i> , R.S.A. 2000, c. M-26	http://www.qp.gov.ab.ca/documents/Acts/M26.cfm?frm_isbn=0779737822&type=htm
	<i>Public Health Act</i> , R.S.A. 2000, c. P-37	http://www.qp.gov.ab.ca/documents/Acts/P37.cfm?frm_isbn=0779726952&type=htm
	<i>Hospitals Act</i> , R.S.A. 2000, c. H-12	http://www.qp.gov.ab.ca/documents/Acts/H12.cfm?frm_isbn=0779740483&type=htm
	<i>Cancer Programs Act</i> , R.S.A. 2000, c. C-2	http://www.qp.gov.ab.ca/documents/Acts/C02.cfm?frm_isbn=0779735196
	<i>Vital Statistics Act</i> , R.S.A. 2000, V-4	http://www.qp.gov.ab.ca/documents/Acts/V04.cfm?frm_isbn=0779739671
<i>Vital Statistics Act, Access to Information Regulation</i> , Alta. Reg. 162/2001	http://www.qp.gov.ab.ca/documents/Regs/2001_162.cfm?frm_isbn=077970780X	
<i>Statistics Bureau Act</i> , R.S.A. 2000, S-18	http://www.qp.gov.ab.ca/documents/Acts/S18.cfm?frm_isbn=0779703707	
Saskatchewan	<i>The Health Information Protection Act</i> , S.S. 1999, c. H-0.021	http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/H0-021.pdf
	<i>The Freedom of Information and Protection of Privacy Act</i> , S.S. 1990-91, c. F-22.01	http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/F22-01.pdf
	<i>Freedom of Information and Protection of Privacy</i>	http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/F22-01R1.pdf

Saskatchewan	<p><i>Regulation, c. F-22.01, Reg 1</i></p> <p><i>Public Health Act, S.S. 1994, c. P-37.1</i></p> <p><i>Health Facilities Act, Health Facilities Licensing Regulations, R.R.S. c. H-0.02, Reg. 1</i></p> <p><i>The Mental Health Services Act, S.S. M-13.1</i></p> <p><i>The Mental Health Services Act, Mental Health Services Regulations, S.S. 1986, M-13.1, Reg. 1</i></p> <p><i>The Vital Statistics Act, S.S. 1995, V-7.1</i></p> <p><i>The Statistics Act, S.S. 1978, S-58</i></p> <p><i>The Local Authority Freedom of Information and Protection of Privacy Act, R.R.S. 2000, c. L-27.1</i></p> <p><i>The Privacy Act, R.S.S. 1978, c. P-24</i></p>	<p>http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/P37-1.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/H0-02R1.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/M13-1.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/M13-1R1.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/V7-1.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/S58.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/L27-1R1.pdf</p> <p>http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/P24.pdf</p>
Manitoba	<p><i>The Personal Health Information Act, C.C.S.M. c. P-33.5</i></p> <p><i>Personal Health Information Regulation, Man. Reg. 245/97</i></p> <p><i>The Freedom of Information and Protection of Privacy Act, C.C.S.M. c. F-175</i></p> <p><i>The Pharmaceutical Act, Pharmaceutical Regulation, M.R. 56/92</i></p> <p><i>Public Health Act, Diseases and Dead Bodies Regulation, Man. Reg. 338/88 R</i></p> <p><i>The Mental Health Act, C.C.S.M. c. M-110</i></p> <p><i>The Human Tissue Gift Act, C.C.S.M. H-180</i></p> <p><i>The Vital Statistics Act, C.C.S.M. V-60</i></p>	<p>http://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php</p> <p>http://web2.gov.mb.ca/laws/regs/pdf/p033-5-245.97.pdf</p> <p>http://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php</p> <p>http://web2.gov.mb.ca/laws/regs/pdf/p060-056.92.pdf</p> <p>http://web2.gov.mb.ca/laws/regs/pdf/p210-338.88r.pdf</p> <p>http://web2.gov.mb.ca/laws/statutes/ccsm/m110e.php</p> <p>http://web2.gov.mb.ca/laws/statutes/ccsm/h180e.php</p> <p>http://web2.gov.mb.ca/laws/statutes/ccsm/v060e.php</p>

Manitoba	<i>The Statistics Act, C.C.S.M., S-205</i>	http://web2.gov.mb.ca/laws/statutes/ccsm/s205e.php
	<i>The Privacy Act, C.C.S.M. 1987, c. P-125</i>	http://web2.gov.mb.ca/laws/statutes/ccsm/p125e.php
Ontario	<i>Personal Health Information Protection Act, S.O. 2004, c.3</i>	http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/04p03_e.htm
	<i>Personal Health Information Protection Act, General Regulation, O. Reg 329/04</i>	http://www.e-laws.gov.on.ca/DBLaws/Regs/English/040329_e.htm
	<i>Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31</i>	http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90f31_e.htm
	<i>Freedom of Information and Protection of Privacy Act, General Regulations, R.R.O. 1990, Reg. 460</i>	http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900460_e.htm
	<i>Freedom of Information and Protection of Privacy Act, Disposal of Personal Information Regulation, R.R.O. 1990, Reg. 459</i>	http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900459_e.htm
	<i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i>	http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90m56_e.htm
	<i>Municipal Freedom of Information and Protection of Privacy Act, General Regulation, O. Reg. 823</i>	http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900823_e.htm
	<i>Regulated Health Professions Act, 1991, S.O. 1991, c. 18</i>	http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/91r18_e.htm
	<i>Medicine Act, Professional Misconduct Regulation, O. Reg. 856/93</i>	http://www.e-laws.gov.on.ca/DBLaws/Regs/English/930856_e.htm
	<i>Medicine Act, General Regulation, O. Reg. 114/94</i>	http://www.e-laws.gov.on.ca/DBLaws/Regs/English/940114_e.htm
	<i>Ministry of Health and Long Term Care Act, R.S.O. c. M-26</i>	http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90m26_e.htm
<i>Health Protection and Promotion Act, R.S.O. 1990, c. H.7</i>	http://www.e-laws.gov.on.ca/DBLaws/statutes/English/90h07_e.htm	

<p>Ontario</p>	<p><i>Public Hospitals Act, Hospital Management Regulation</i>, R.R.O. 1990, Reg. 965</p> <p><i>Independent Health Facilities Act</i> (and general regulation), R.S.O. 1990, c. I.3</p> <p><i>Vital Statistics Act</i>, R.S.O. 1990, c. V.4</p> <p><i>Vital Statistics Act, General Regulation</i>, R.R.O. 1990, Reg. 1094</p> <p><i>Cancer Act</i>, R.S.O. 1990, c. C.1</p> <p><i>Pharmacy Act</i>, 1991, <i>Professional Misconduct Regulation</i>, O. Reg. 681/93</p> <p><i>Nursing Act, 1991, Professional Misconduct Regulation</i>, O. Reg. 799/93</p>	<p>http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900965_e.htm</p> <p>http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90i03_e.htm</p> <p>http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90v04_e.htm</p> <p>http://www.e-laws.gov.on.ca/DBLaws/Regs/English/901094a_e.htm http://www.e-laws.gov.on.ca/DBLaws/Regs/English/901094b_e.htm http://www.e-laws.gov.on.ca/DBLaws/Regs/English/901094c_e.htm</p> <p>http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90c01_e.htm</p> <p>http://www.e-laws.gov.on.ca/DBLaws/Regs/English/930681_e.htm</p> <p>http://www.e-laws.gov.on.ca/DBLaws/Regs/English/930799_e.htm</p>
<p>Quebec</p>	<p><i>An Act respecting Access to documents held by public bodies and the Protection of personal information</i>, R.S.Q. c. A-2.1</p> <p><i>An Act respecting the Protection of personal information in the private sector</i>, R.S.Q. c. P-39.1</p> <p><i>An Act respecting Health services and social services</i>, R.S.Q. c. S-4.2</p> <p><i>An Act respecting Health services and social services for Cree Native persons</i>, R.S.Q. c. S-5</p> <p><i>Public Health Act</i>, R.S.Q. c. S-2.2</p> <p><i>An Act respecting the Institut de la Statistique du Québec</i>, R.S.Q. c. I-13.011</p> <p><i>Civil Code of Quebec</i>, S.Q. 1991, c. 64</p>	<p>http://www2.publicationsduquebec.gouv.qc.ca/home.php#</p> <p>http://www2.publicationsduquebec.gouv.qc.ca/home.php#</p> <p>http://www2.publicationsduquebec.gouv.qc.ca/home.php#</p> <p>http://www2.publicationsduquebec.gouv.qc.ca/home.php#</p> <p>http://www.publicationsduquebec.gouv.qc.ca/accueil.en.html</p> <p>http://www.publicationsduquebec.gouv.qc.ca/accueil.en.html</p> <p>http://www.publicationsduquebec.gouv.qc.ca/accueil.en.html</p>

Quebec	<i>Professional Code</i> , R.S.Q. c. C-26	http://www2.publicationsduquebec.gouv.qc.ca/home.php#
	<i>Charter of Human Rights and Freedoms</i> , R.S.Q. c. C-12	http://www2.publicationsduquebec.gouv.qc.ca/home.php#
	<i>Code of Ethics of Physicians</i> , R.Q. c. M-9, r. 4.1	http://www2.publicationsduquebec.gouv.qc.ca/home.php#
	<i>Regulation respecting the Keeping of records by physicians</i> , R.Q. c. M-9, r. 19	http://www2.publicationsduquebec.gouv.qc.ca/home.php#
	<i>Code of Ethics of Pharmacists</i> , R.Q. c. P-10, r.5	http://www2.publicationsduquebec.gouv.qc.ca/home.php#
	<i>Code of Ethics of Nurses</i> , R.Q., c. I-8, r. 4.1	http://www2.publicationsduquebec.gouv.qc.ca/home.php#
New Brunswick	<i>Protection of Personal Information Act</i> , S.N.B. 1998, c. P-19.1	http://www.gnb.ca/0062/acts/acts/p-19-1.htm
	<i>Regional Health Authorities Act</i> , 2002 c. R. 5.05	http://www.gnb.ca/0062/acts/acts/r-05-05.htm
	<i>Public Health Act/ Health Act</i> , S.N.B. 1998, c. P-22.4	http://www.gnb.ca/0062/acts/acts/p-22-4.htm
	<i>Hospital Act</i> (and regulation), S.N.B. 1992, c. H-6.1	http://www.gnb.ca/0062/acts/BBR-2003/2003-49.pdf
	<i>Mental Health Act</i> , S.N.B. 1989, M-10	http://www.gnb.ca/0062/PDF-acts/m-10.pdf
	<i>Vital Statistics Act</i> , S.N.B. 1979, V-3	http://www.gnb.ca/0062/PDF-acts/v-03.pdf
<i>Statistics Act</i> , S.N.B. 1984, S-12.3	http://www.gnb.ca/0062/PDF-acts/s-12-3.pdf	
Nova Scotia	<i>Freedom of Information and Protection of Privacy Act</i> , S.N.S. 1993, c.5	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Freedom of Information and Protection of Privacy Regulations</i> , N.S. Reg. 105/94	http://www.gov.ns.ca/just/regulations/regs/foiregs.htm
	<i>Municipal Government Act</i> , S.N.S. 1998, c. 18	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Pharmacy Act</i> , S.N.S., 2001, c.36	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>The Pharmacy Act, Qualification and Professional Accountability</i>	http://www.gov.ns.ca/legislature/legc/index.htm

Nova Scotia	<i>Regulation</i> , N.S. Reg. 144/2003	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>The Health Act</i> , R.S.N.S. 1989, c. 195	http://www.gov.ns.ca/just/regulations/regs/HEtuberc.htm
	<i>Health Act, Tuberculosis control Regulations</i> , N.S. Reg. 45/42	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Health Protection Act</i> , S.N.S. 2004, c. 4	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Hospitals Act</i> (and regulation), R.S.N.S. 1989, c. 208	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Vital Statistics Act</i> , R.S.N.S. 1989, c. 494	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Statistics Act</i> , R.S.N.S. 1989, c. 441	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Human Tissue Gift Act</i> , R.S.N.S. 1989, c. 215	http://www.gov.ns.ca/legislature/legc/index.htm
Prince Edward Island	<i>Licensed Practical Nurses Act</i> , S.N.S. 2001, c.7	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Registered Nurses Act</i> , S.N.S. 2001, c. 10	http://www.gov.ns.ca/legislature/legc/index.htm
	<i>Freedom of Information and Protection of Privacy Act</i> , R.S.P.E.I. c. F-15.01	http://www.gov.pe.ca/law/statutes/pdf/f-15_01.pdf
	<i>Freedom of Information and Protection of Privacy Act General Regulations</i> , P.E.I. Reg. EC2002-564	http://www.gov.pe.ca/law/regulations/pdf/F&15-01G.pdf
	<i>Provincial Health Number Act</i> , R.S.P.E.I. 1988, c. P-27.01	http://www.gov.pe.ca/law/statutes/pdf/p-27_01.pdf
	<i>Public Health Act</i> , R.S.P.E.I. 1988, c. P-30	http://www.gov.pe.ca/law/statutes/pdf/p-30.pdf
	<i>Hospital Act, Hospital Management Regulation</i> , P.E.I. Reg. EC574/76	http://www.gov.pe.ca/law/regulations/pdf/H&10-2.pdf
	<i>Mental Health Act</i> , R.S.P.E.I. M-6.1	http://www.gov.pe.ca/law/statutes/pdf/m-06_1.pdf
<i>Vital Statistics Act</i> , R.S.P.E.I. V-4.1	http://www.gov.pe.ca/law/statutes/pdf/v-04_01.pdf	
<i>Vital Statistics Act, Regulations</i> , P.E.I., Reg. EC453/00	http://www.gov.pe.ca/law/regulations/pdf/V&04-1G.pdf	

Newfoundland and Labrador	<p><i>Access to Information and Protection of Privacy Act</i>, S.N.L. 2002, c. A-1.1</p> <p><i>The Privacy Act</i>, R.S.N.L. 1990, c. P-22</p> <p><i>Pharmacy Act, Pharmacy Regulations</i>, N.L. Reg. 80/98</p> <p><i>Venereal Disease Prevention Act</i>, R.S.N.L. 1990, c. V-2</p> <p><i>Hospitals Act</i>, R.S.N.L. 1990, c. H-9</p> <p><i>Licensed Practical Nurses Act, Licensed Practical Nurses Regulations</i>, N.L. Reg. 59/99</p>	<p>http://www.hoa.gov.nl.ca/hoa/statutes/a01-1.htm</p> <p>http://www.hoa.gov.nl.ca/hoa/statutes/p22.htm</p> <p>http://www.hoa.gov.nl.ca/hoa/regulations/rc980080.htm</p> <p>http://www.hoa.gov.nl.ca/hoa/statutes/v02.htm</p> <p>http://www.hoa.gov.nl.ca/hoa/statutes/h09.htm</p> <p>http://www.hoa.gov.nl.ca/hoa/sr/</p>
Yukon	<p><i>Access to Information and Protection of Privacy Act</i>, R.S.Y. 2002, c.1</p> <p><i>Access to Information Regulation</i>, Y.O.I.C. 1996/053</p> <p><i>Hospital Act</i>, R.S.Y. 2002, c. 111</p> <p><i>Mental Health Act</i>, R.S.Y. 2002, c. 150</p> <p><i>Vital Statistics Act</i>, R.S.Y. 2002, c. 225</p> <p><i>Human Tissue Gift Act</i>, R.S.Y. 2002, c. 117</p>	<p>http://www.canlii.org/yk/sta/pdf/ch1.pdf</p> <p>http://www.gov.yk.ca/legislation/pages/regindex.pdf</p> <p>http://www.canlii.org/yk/laws/sta/111/20041124/whole.html</p> <p>http://www.canlii.org/yk/sta/pdf/ch150.pdf</p> <p>http://www.canlii.org/yk/sta/pdf/ch225.pdf</p> <p>http://www.canlii.org/yk/sta/pdf/ch117.pdf</p>
Northwest Territories	<p><i>Access to Information and Protection of Privacy Act</i>, S.N.W.T. 1994, c.20</p> <p><i>Access to Information and Protection of Privacy Regulations</i>, R-206-96</p> <p><i>Disease Registries Act</i>, R.S.N.W.T. 1988, c.7(Supp.)</p> <p><i>Mental Health Act</i>, R.S.N.W.T. 1988, c.M-10</p> <p><i>Vital Statistics Act</i>, R.S.N.W.T. 1988, c.V-3</p> <p><i>Medical Care Act</i>, R.S.N.W.T. 1988, c.M-8</p>	<p>http://www.justice.gov.nt.ca/PDF/ACTS/Access_to_Information.pdf</p> <p>http://www.justice.gov.nt.ca/PDF/REGS/ACCESS_TO_INFO_(ATIPP)/ATIPP.pdf</p> <p>http://www.justice.gov.nt.ca/PDF/ACTS/Disease_Registries.pdf</p> <p>http://www.justice.gov.nt.ca/PDF/ACTS/Mental_Health.pdf</p> <p>http://www.justice.gov.nt.ca/PDF/ACTS/Vital_Statistics.pdf</p> <p>http://www.justice.gov.nt.ca/PDF/ACTS/Medical_Care.pdf</p>

Northwest Territories	<i>Nursing Profession Act</i> , S.N.W.T. 2003, c. 15	http://www.justice.gov.nt.ca/PDF/ACTS/Nursing_Profession.pdf
Nunavut	<p><i>Access to Information and Protection of Privacy Act</i>, S.N.W.T. 1994, c.20, as duplicated for Nunavut by s. 29 of the <i>Nunavut Act</i>, S.C. 1993, c. 28</p> <p><i>Access to Information and Protection of Privacy Regulations</i>, R-206-96</p> <p><i>Medical Care Act</i>, R.S.N.W.T. 1988, c. M-8</p> <p><i>Disease Registries Act</i>, R.S.N.W.T. 1988, c.7 (Supp.)</p> <p><i>Mental Health Act</i>, (Nunavut), R.S.N.W.T. 1988, c. M-10</p> <p><i>Vital Statistics Act</i>, R.S.N.W.T. 1988, c.V-3</p>	<p>http://www.canlii.org/nu/sta/cons/pdf/Type002a.pdf http://www.canlii.org/nu/sta/cons/pdf/Type002b.pdf</p> <p>http://www.canlii.org/nu/regu/cons/pdf/Reg720.pdf</p> <p>http://www.canlii.org/nu/sta/cons/pdf/Type124.pdf</p> <p>http://www.canlii.org/nu/sta/cons/pdf/Type051.pdf</p> <p>http://www.canlii.org/nu/sta/cons/pdf/Type126a.pdf http://www.canlii.org/nu/sta/cons/pdf/Type126b.pdf http://www.canlii.org/nu/sta/cons/pdf/Type126c.pdf</p> <p>http://www.canlii.org/nu/sta/cons/pdf/Type202a.pdf http://www.canlii.org/nu/sta/cons/pdf/Type202b.pdf</p>

