

The Health Information Protection Act **What a Trustee Needs to Focus On**

Policy & Procedure Required

- Section 9 – To inform individual of anticipated use and disclosure and rights under the Act
- Section 16 – Protecting records
- Section 17 – Retention and disposal
- Section 23 – Limiting use to a need to know basis
- Section 27 – Limiting disclosure to a need to know basis

Duties and other obligations

- Part III – Duty to Protect
- Policies and procedures required in sections 9, 16, 17, 23 and 27
- Actions a trustee “must” take (*select list*):
 - Sections 9, 10, 16, 17, 19, 21, 23, 36
- Must generally comply with rules on collection, use and disclosure

Duty to protect

- Administrative, technical and physical safeguards (section 16)
- Retention and destruction policy (section 17)
- Legally binding agreements with Information Managers (e.g. IT companies) (section 18)
- Ensure accuracy (section 19)
- When one trustee discloses to another (section 20)
- Disclosing to persons other than trustee (section 21)
- Continuing duty to protect (section 22)

A trustee must...

- Section 7 – Take reasonable steps to comply with a revocation of consent
- Section 9 – Inform individuals of anticipated use and disclosure
- Section 10 – Be able to track disclosures outside “circle of care”
- Section 16 – Protect records
- Section 17 – Have retention scheduled and safely dispose of records
- Section 19 – Take reasonable steps to ensure information is accurate and complete
- Section 21 – Take reasonable steps to:
 - ensure the identify of person receiving personal health information
 - inform them of limits of further use or disclosure
- Sections 23 & 27 – Have need-to-know policy and procedure
- Section 23 – Use or disclose de-identified if it will serve the purpose
- Allow individuals to access their health records
- Respond to access and amendment requests in prescribed manner and time
- Follow rules in Part V on Access
 - respond to written requests
 - 30 day response required
 - may refuse access in limited circumstances.
 - Comply with request to amend
- Generally comply with the rules on collection, use and disclosure

Miscellaneous

- There are other, event driven “musts” in the Act (e.g. what to do when an express consent is required)
- Section 56 – Exercise of rights by other persons
- Section 58 – Decisions of trustee by head or delegate
- Section 59 – pre-April 1, 1995 program records transferred to Regional Health Authorities