



In accordance with WRHA policy **#10.40.110 Reporting and Investigating Privacy Breaches and Complaints**, individuals affected by a breach of their personal health information must be notified whenever the breach investigation determines the breach has the potential to place the individual at risk of significant harm.

**Risk of Significant Harm** – means anytime an individual has been directly targeted or snooped and/or sufficient levels of their PHI has been breached, and not sufficiently mitigated, to place them at risk of significant harm, which may include:

- ❖ physical harm (such as when addresses and access codes are compromised)
- ❖ financial harm (such as risk of identity theft) and
- ❖ psychological/emotional harm (such as due to embarrassment, loss of trust or standing).  
The decision to notify is made by the program in consultation with their Privacy Officer **and** with the WRHA Chief Privacy Officer. Where Risk of Significant Harm exists individuals **must be notified**.

### Definitions

**Individual** – means patient/client/resident

**CPO** – means WRHA Chief Privacy Officer

**PO** – means site Privacy Officer

### Process for Notification of Breaches

Where a breach of PHI has been confirmed in accordance with the [Reporting and Investigating Privacy Breaches and Complaints](#) policy (10.40.110) and the [Privacy Breach Investigation Process](#), the Privacy Officer/Manager/Regional Director/Community Area Director liaises with the WRHA Chief Privacy Officer and Others (as required) to determine whether the breach was willful/targeted, and whether there exists a risk of significant harm to the individual.

If the breach occurs after hours, such as when schedule sheets bearing residence access codes are lost or stolen, the program area will immediately notify the individual(s) affected and offer support to change access codes.

During regular business hours, the site/program area will liaise with site Privacy Officer and WRHA CPO as needed, to determine who may best notify the individual(s) affected.

The WRHA CPO may also notify other stakeholders, including but not limited to: Manitoba Health, Seniors and Active Living, The Manitoba Ombudsman, or other bodies with statutory responsibility for the discipline of health professionals as designated in S. 1.2 of the Personal Health Information Regulation. <http://web2.gov.mb.ca/laws/reg/current/pdf-reg.php?reg=245/97>