

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;">POLICY</p>	REGIONAL		Level:
	Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.		1
	Policy Name: Correction of Personal Health Information	Policy Number: 10.40.080	Page: 1 of 6
	Approval Signature: <i>Original signed by M. Nader.</i>	Section: GENERAL ADMINISTRATION	
Date: January 1, 2022	Supercedes: May 2016		

Language used within this Policy, particularly discretionary language, is reflective of the terms used in *The Personal Health Information Act*.

1.0 PURPOSE:

- 1.1 To ensure Individuals are able to exercise their right to request a correction to their Personal Health Information, including Demographic Information as set out under *The Personal Health Information Act* ("PHIA").
- 1.2 To establish a consistent and controlled process for individuals to request correction of their Personal Health Information, and to accept or refuse those requests.

2.0 DEFINITIONS:

- 2.1 Access: means the right of an Individual, or a Person Permitted to Exercise the Rights of an Individual, to examine (view) and receive a copy of the Individual's Personal Health Information Maintained by the Trustee in accordance with the Trustee's established policies and procedures.
- 2.2 Complaint: means a Complaint made to a Trustee by an Individual and/or by the Provincial Ombudsman about collection, Access, correction, Use, Disclosure, protection, and privacy of Personal Health Information.
- 2.3 Demographic Information: means an Individual's name, address, telephone number and email address.
- 2.4 Disclosure: means revealing personal health information outside the Trustee.
- 2.5 Employees and Persons Associated with the WRHA/Health Care Facility: means all contracted persons, volunteers, students, researchers, WRHA medical staff, educators, members of the Boards of Directors, Information Managers, employees, or agents of any of the above or other health agencies.

DISCLAIMER: Please be advised that printed versions of any policy, or policies posted on external web pages, may not be the most current version of the policy. Although we make every effort to ensure that all information is accurate and complete, policies are regularly under review and in the process of being amended and we cannot guarantee the accuracy of printed policies or policies on external web pages. At any given time the most current version of any WRHA policy will be deemed to apply. Users should verify that any policy is the most current policy before acting on it. For the most up to date version of any policy please call 204-926-7000 and ask for the Regional Policy Chair's office.

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- 2.6 Health Care: means any care, service or procedure provided to diagnose, treat or Maintain an Individual's health; provided to prevent disease or injury or promote Health Care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
- 2.7 Health Care Facility: means a hospital, personal care home, Psychiatric Facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which Health Care is provided and that is designated in the PHIA regulations.
- 2.8 Health Professional: means a person who is licensed or registered to provide Health Care under an Act of the Legislature or who is a member of a class of persons designated as Health Professionals in the PHIA regulations.
- 2.9 Individual: means a patient, client or resident receiving Health Care services within the WRHA/Health Care Facility. For the purposes of Access, correction, Use and Disclosure of Personal Health Information, includes Persons Permitted to Exercise the Rights of an Individual.
- 2.10 Information Manager: means a person or body (corporation, business, or association) that processes, stores or destroys Personal Health Information or provides information management or information technology services for the Trustee.
- 2.11 Maintain: means in relation to Personal Health Information, to have custody or control of the information.
- 2.12 Personal Health Information: means recorded information about an identifiable Individual that relates to:
- the Individual's health, or Health Care history, including genetic information about the Individual;
 - the provision of Health Care to the Individual; or
 - payment for Health Care provided to the Individual;
- and includes:
- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an Individual; and
 - 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.
- and for further clarity includes:
- personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the Individual which have been disclosed to the Trustee.
- and for the purpose of the Confidentiality policy:
- any Personal Health Information exchanged verbally about an identifiable Individual;

2.13 Persons Permitted to Exercise the Rights of an Individual means:

- 2.13.1(a) any person with written authorization from the Individual to act on the Individual's behalf;
- (b) a proxy appointed by the Individual under *The Health Care Directives Act*;
- (c) a committee appointed for the Individual under *The Mental Health Act* if the committee has the power to make Health Care decisions on the Individual's behalf;
- (d) a substitute decision maker for personal care appointed for the Individual under *The Vulnerable Persons Living with a Mental Disability Act*, if the exercise of the right relates to the powers and duties of the substitute decision maker;
- (e) the parent or guardian of an Individual who is a minor, if the minor does not have the capacity to make Health Care decisions;
- (f) if the Individual is deceased, his or her personal representative.

2.13.2 If it is reasonable to believe that no person listed in any clause of 2.13.1 exists or is available, the adult person listed first in the following who is readily available and willing to act may exercise the rights of an Individual who lacks the capacity to do so:

- (a) the Individual's spouse or common-law partner, with whom the Individual is cohabiting;
- (b) a son or daughter;
- (c) a parent, if the Individual is an adult;
- (d) a brother or sister;
- (e) a person with whom the Individual is known to have a close personal relationship;
- (f) a grandparent;
- (g) a grandchild;
- (h) an aunt or uncle;
- (i) a nephew or niece.

Ranking: The older or oldest of two or more relatives described in any clause of 2.13.2 is to be preferred to another of those relatives.

2.14 Privacy Officer: means an employee designated by the WRHA or the Health Care Facility whose responsibilities include dealing with requests from Individuals who wish to examine and copy or to correct Personal Health Information collected and maintained by the Trustee and facilitating the Trustee's compliance with PHIA. The definition is intended to mean the Privacy Officer and/or their delegate.

2.15 Psychiatric Facility: means a place designated in the regulations of *The Mental Health Act* as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.

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- 2.16 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.
- 2.17 Site: means a Health Care Facility, community health centre, community office within the WRHA.
- 2.18 Trustee: means a Health Professional, Health Care Facility, public body, or health services agency that collects or Maintains Personal Health Information. For clarity, the WRHA is the Trustee of the Personal Health Information collected and Maintained within Health Care Facilities and Sites owned and/or operated by the WRHA and includes Community Health Services. The other hospitals and personal care homes within the region are Trustees of the Personal Health Information collected and Maintained at each Health Care Facility.
- 2.19 Use: means any activity involving personal health information within the Trustee. Use includes accessing, looking at and sharing the information collected by the Trustee for the purpose of providing health care. Use also includes, but is not limited to, processing, reproduction, transmission and transportation of Personal Health Information.

3.0 **POLICY:**

- 3.1 The Trustee shall Maintain and adhere to standards to ensure the right of Individuals to request a correction to their Personal Health Information previously accessed by the Individual.
- 3.2 The Trustee shall respond as promptly as possible, but no later than 30 days after receiving the written request.
- 3.3 A Trustee shall not charge a fee in connection with a request for a correction to Personal Health Information.
- 3.4 Requests to correct Personal Health Information recorded in a designated Psychiatric Facility pursuant to *The Mental Health Act* shall be processed in accordance with the WRHA Policy: Access to, Disclosure of and Corrections to the Clinical Record under *The Mental Health Act*.

4.0 **PROCEDURE:**

- 4.1 Persons associated with the WRHA/Health Care Facility who receives a request from an Individual for the correction of Personal Health Information shall:
- 4.1.1 Refer the Individual to the site Privacy Officer or the WRHA Chief Privacy Officer, or provide the Individual with the Privacy Officer's name, contact address and phone number in writing where applicable; or

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- 4.1.2 Forward the completed WRHA Request to Correct Personal Health Information form or written request to the Privacy Officer, where applicable;
- 4.1.3 Document the action taken to facilitate an Individual's request for correction in the Individual's health Record, where applicable.

4.2 The Privacy Officer shall:

- 4.2.1 Obtain the request in writing using the Request to Correct Personal Health Information form, or in a covering letter that includes the written request.
- 4.2.2 Respond as promptly as possible, but no later than 30 days after receiving the written request.
- 4.2.3 Consult with any of the following when considering the request for correction if there are any questions about the request:
 - Health care professionals who are or have provided Health Care to the Individual;
 - The person who documented the Personal Health Information in the Individual's health Record;
 - Administrative or managerial staff responsible for the service/discipline in question.
- 4.2.4 Respond in one of four ways:
 - (a) Add the corrected information to the Record of the Personal Health Information in such a manner that it will be read with and form part of the Record or be adequately cross-referenced to it;
 - (b) Inform the Individual in writing if the information does not exist or cannot be found;
 - (c) Inform the Individual in writing that the Trustee does not Maintain the Personal Health Information and provide them with the name and address of the Trustee who Maintains it;
 - (d) Inform the Individual in writing that the request is refused, in whole or in part, the reason for refusal and advise the Individual of their right to:
 - add a statement of disagreement to the Record, and
 - make a Complaint about the refusal to the Provincial Ombudsman.

A response in writing to the Provincial Ombudsman about the decision applies.

- 4.2.5 When a correction is made or a statement of disagreement is added, the Privacy Officer shall notify any other Trustee or person to whom the Personal Health Information has been disclosed within the past year.
- 4.2.6 The notice of correction or statement of disagreement shall be added to any Record of Personal Health Information maintained by the Trustee.

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5.0 **REFERENCES:**

- 5.1 Access to, Disclosure of and Corrections to the Clinical Record under *The Mental Health Act* Policy.
- 5.2 *The Personal Health Information Act* (Manitoba)
- 5.3 *The Personal Health Information Act* Regulations

Policy Contact: *Christina Von Schindler, WRHA Chief Privacy Officer*