

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p><b>POLICY</b></p>	<h2>REGIONAL</h2> <p>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.</p>		Level: <b>1</b>
	Policy Name: <b>Use of Personal Health Information</b>	Policy Number: 10.40.100	Page 1 of 5
	Approval Signature: <i>Original Signed by M. Nader.</i>	Section: General Administration	
	Date: January 1, 2022	Supercedes: May 2015	

**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 that the Individual's right to Privacy of their Personal Health Information including Demographic Information is protected during Use as set out under *The Personal Health Information Act* ("PHIA").
- 1.2 To detail the conditions and restrictions on the Trustee's ability to Use Personal Health Information.

### 2.0 **DEFINITIONS:**

- 2.1 **Access:** 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 **Demographic Information:** An Individual's name, address, telephone number, and email address.
- 2.3 **Disclosure:** Means revealing personal health information outside the Trustee. For example, to other Trustees, to family and friends of the Individual, or to other persons legally entitled to have the Personal Health Information released to them. As an employee or agent of a Trustee, when authorized to disclose, you are only permitted to disclose the minimum amount of information required as authorized by the Act.
- 2.4 **Health Care:** 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.

---

**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

WRHA Policy Name: <b>Use of Personal Health Information</b>	Policy Number: 10.40.100	Page 2 of 6
----------------------------------------------------------------	-----------------------------	----------------

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.

- 2.5 Health Care Facility: 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 regulation.
- 2.6 Health Professional: 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 regulation.
- 2.7 Health Services Agency: An organization that provides Health Care such as community or home-based Health Care pursuant to an agreement with the Trustee.
- 2.8 Individual: A patient, client or resident receiving Health Care services within the WRHA/ Health Care Facility. For the purpose of Access, correction, Use and Disclosure of Personal Health Information includes Persons Permitted to Exercise the Rights of an Individual.
- 2.9 Information Manager: 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.
- 2.10 Maintain: In relation to Personal Health Information, to have custody or control of the information.
- 2.11 Personal Health Information: 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 the Individual.
- 2.12 Personal Representative: includes any of the following:
- an Executor/Executrix or joint Executor/Executrix named in a deceased Individual's will; or

- a court appointed Administrator or joint Administrator of a person's estate.

2.13 Persons Associated with the Trustee includes: all contracted persons, volunteers, students, researchers, WRHA medical staff, educators, members of the Boards of Directors, Information Managers, and employees or agents of any of the above, or other health agencies.

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

- 2.14.1 (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.

2.14.2 If it is reasonable to believe that no person listed in any clause of 2.14.1 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 2.14.2 is to be preferred to another of those relatives.

2.15 PHIN: The personal health identification number assigned to an Individual by the minister to uniquely identify the Individual for Health Care purposes.

2.16 Privacy: The fundamental right of an Individual to control the collection, Use and Disclosure of their Personal Health Information.

WRHA Policy Name: <b>Use of Personal Health Information</b>	Policy Number: 10.40.100	Page 4 of 6
----------------------------------------------------------------	-----------------------------	----------------

- 2.17 **Psychiatric Facility:** A place designated in the regulation of *The Mental Health Act* as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.
- 2.18 **Trustee:** A Health Professional, Health Care Facility, public body, or Health Services Agency that collects or Maintains Personal Health Information. For clarity, the WRHA as a public body 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. As an employee or agent of a Trustee, you should only be using the minimum amount of information required to do your job.

### 3.0 **POLICY:**

- 3.1 A Trustee must limit the Use of Personal Health Information to the minimum amount necessary to accomplish the purpose for which it is used.
- 3.2 A Trustee shall limit the Use of Personal Health Information to those Persons Associated with the Trustee who needs to know the information to carry out the purpose for which the information was collected or received.
- 3.3 Employees and persons associated with the WRHA/Health Care Facility, shall not access their own personal health information, or the health information of family or friends, except in accordance with the Trustee's established policies and procedures, unless specifically required as part of their job responsibilities and duties. Using employee access for personal reasons is a breach of this policy and may be a breach of the Conflict of Interest policy.
- 3.4 Before using Personal Health Information, reasonable steps must be taken to ensure the information is accurate, up to date, complete and not misleading.
- 3.5 Personal Health Information may only be Used for the purpose for which it was collected or received, and shall not be Used for any other purpose unless:
- 3.5.1 the other purpose is directly related to the purpose for which the information was collected or received; or
- 3.5.2 the Individual the Personal Health Information is about has consented to the Use; or
- 3.5.3 Use of the information is necessary to prevent or lessen:
- a risk of harm to the health or safety of a minor, or

WRHA Policy Name: <b>Use of Personal Health Information</b>	Policy Number: 10.40.100	Page 5 of 6
----------------------------------------------------------------	-----------------------------	----------------

- a risk of serious harm to the health or safety of the individual the information is about or another individual, or to public health or public safety.

3.5.4 the information is Demographic Information about an Individual, or is his or her PHIN, and is Used to:

- confirm eligibility for Health Care or payment for Health Care; or
- verify the accuracy of the Demographic Information or PHIN; or

3.5.5 the information is Demographic Information about an Individual and is Used to collect a debt the Individual owes to the Trustee; or

3.5.6 the information is used for educating individuals (refer to Guideline – Secondary Use of Personal Health Information for Educational Purposes) respecting the provision of health care including:

- employees and agents of the Trustee;
- students training to be Health Professionals, and
- Health Professionals who have been granted privileges to provide services at a Health Care Facility operated by the Trustee.

3.5.6 to deliver, monitor or evaluate a program that relates to the provision of Health Care or payment for Health Care by the Trustee; or

3.5.7 for research and/or planning that relates to the provision of Health Care or payment for Health Care by the Trustee; or

3.5.8 if it is Used for the same purpose for which it was Disclosed to the Trustee; or

3.5.9 if Use of the information is authorized by an enactment of Manitoba or Canada.

3.5.10 if a Trustee has collected or received Personal Health Information about an employee or prospective employee for a purpose unrelated to the employee's or prospective employee's employment, the Trustee must not use the information for a purpose related to the employee's or prospective employee's employment without first obtaining the employee's or prospective employee's consent.

3.5 Personal Health Information cannot be Used unless the intended Use is authorized under PHIA or with the consent of the Individual.

4.0 **PROCEDURE:** N/A

5.0 **REFERENCES:**

5.1 *The Personal Health Information Act (Manitoba).*

5.2 *The Personal Health Information Act Regulations.*

WRHA Policy Name: <b>Use of Personal Health Information</b>	Policy Number: 10.40.100	Page 6 of 6
----------------------------------------------------------------	-----------------------------	----------------

5.3 Conflict of Interest Policy #20.10.010

5.4 Guideline – Secondary Use of Personal Health Information for Educational Purposes

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