



Selected Annotated Bibliography Personal Health Information, Privacy and Access

A. National

Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5

canlii.org/en/ca/laws/stat/sc-2000-c-5/latest/sc-2000-c-5.html

Privacy Act, R.S.C. 1985, c. P-21

canlii.org/en/ca/laws/stat/rsc-1985-c-p-21/latest/rsc-1985-c-p-21.html

Compendium of Canadian Legislation Respecting the Protection of Personal Information in Health Research - Updated June 2005

www.cihr-irsc.gc.ca/e/31075.html

- Provides information on the protection of personal information in the health sector. Easy to navigate. Section 3 particularly helpful, as it discusses all the relevant sections in federal, provincial and territorial legislation dealing with the privacy and protection of health information.

Cornwall, Amanda. *Connecting Health: A review of electronic health record projects in Australia, Europe and Canada*, (2003)

www.piac.asn.au/publications/pubs/churchill_20030121.html

- The Public Interest Advocacy Centre investigates programs for electronic storage and linkage of patient records across the health care system. Provides details on national programs and compares them internationally.

Electronic Health Information Laboratory

ehealthinformation.ca

- An accessible and interactive website with a multi-disciplinary approach on e-Health privacy. Provides information on privacy news, publications as well as many helpful links and data.

El Emam, Khaled. *De-identifying Health Data for Secondary Use: A Framework* CHEO Research Institute. Version 5. October 22, 2008

Available at the Yukon Office of the Ombudsman/Information & Privacy Commissioner

- An expert in health information privacy and one of the primary persons responsible for Electronic Health Information Laboratory. A researched analysis of the secondary use of health information, issues and possible solutions to ensure the protection of privacy.

Federal-Provincial-Territorial Advisory Committee on Health Infostructure, *Tactical Plan for a Pan-Canadian Health Infostructure* (Ottawa: Office of Health and the Information Highway, 2001)

www.hc-sc.gc.ca/hcs-sss/pubs/ehealth-esante/2001-plan-tact/index-eng.php

- Published by Health Canada. Contains information regarding initiatives, actions needed and challenges to implement a Pan-Canadian Health Infostructure.

Industry Canada. *PIPEDA Awareness Raising Tools (PARTs) Initiative for the Health Sector*

ecom.ic.gc.ca/epic/internet/inecic-ceac.nsf/en/gv00235e.html

- Issued by Industry Canada to assist in understanding PIPEDA. Gives an overview of the Act, key definitions, the scope of application, and sections on knowledge and consent, disclosure, use and retention, access and safeguards. Question and answer format.

Towards an Evaluation Framework for Electronic Health Records Initiatives: A Review and Assessment of Methods used to Measure the Impact of Health Information Systems Projects

www.hc-sc.gc.ca/hcs-sss/pubs/kdec/nf_eval/nf_eval2-eng.php

- Provides an evaluation framework for electronic health records (EHR) initiatives in Canada to meet the information needs of key stakeholders and policy decision-makers. Based on the current initiatives across Canada, published literature, reports, and consultation with key informants. Targeted towards key decision makers and researchers involved in health initiatives regarding policy at both the federal and provincial/territorial level.

Weitz, Mark et al. *In Whose Interest? Current Issues in Communicating Personal Health Information: A Canadian Perspective* (2003) 31 *Journal of Law, Medicine & Ethics* 292

Available at the Yukon Office of the Ombudsman/Information & Privacy Commissioner

- Reviews recent developments in health informatics and legislation that affect how personal health information is exchanged by professional health providers in Canada. Particular emphasis on collection, use, disclosure, and retention.

Canada Health Infoway

www.infoway-inforoute.ca/lang-en/

- Canada Health Infoway is a not-for-profit organization that works with the provinces and territories health care providers and technology solution providers to accelerate and facilitate the use of electronic health records (EHRs) in Canada. Website contains information on EHRs, a section on working with EHRs, general information on the organization, links and a useful resource center concerning EHRs. Also contains an *ehealth* progress map which discusses the pan-Canadian

initiatives, giving a breakdown of the progress, as well as the legislation in each province and territory.

Canada Health Infoway. *White Paper on Information Governance of the Interoperable Electronic Health Record (EHR)* March 2007

www2.infoway-inforoute.ca/Documents/Information%20Governance%20Paper%20Final_20070328_EN.pdf

Available at the Office of the Ombudsman/Information & Privacy Commissioner

- Intended to contribute to understanding information governance topics in the interoperable EHR context. Contains information regarding oversight of interoperable EHR's to maintain patient privacy and data security.

Canada Health Infoway. *A Conceptual Privacy Impact Assessment on Canada's Electronic Health Record Solution* February 12, 2008

www2.infoway-inforoute.ca/Documents/CHI_625_PIA_rj13.pdf

Available at the Office of the Ombudsman/Information & Privacy Commissioner

- Electronic Health Record Solution (EHRs) Blueprint is a guide for the development of interoperable Electronic Health Record systems across Canada. Provides information and a vision for how EHR information could be securely and appropriately shared across Canada using information and communications technologies. Revised version of the report, which was initially released in 2003.

Pan Canadian Privacy Forum on EHR Information. *Jurisdictional Approaches to EHR Governance*. Version 1.0. October 23, 2008

Available at the Office of the Ombudsman/Information & Privacy Commissioner

- Jurisdictional approaches to EHR. Discusses issues identified in the "White Paper on Information Governance of the Interoperable Electronic Health Record (EHR)". Focuses on Alberta, Saskatchewan, Manitoba, New Brunswick and Newfoundland and Labrador. Also reviews common themes in EHR governance approaches.

Pan Canadian Privacy Forum on EHR Information. *Jurisdictional Scan of Patient Notices of Health Information Practices*. Version 1.0. October 23, 2008

Available at the Office of the Ombudsman/Information & Privacy Commissioner

- Identifies common elements in jurisdictional patient notices of health information practices. Can be used to develop or evaluate patient notices for other jurisdictional EHR initiatives.

B. Provincial/Territorial

SASKATCHEWAN

Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01

canlii.org/en/sk/laws/stat/ss-1990-91-c-f-22.01/latest/ss-1990-91-c-f-22.01.html

Health Information Protection Act, S.S. 1999, c. H-0.021

canlii.org/en/sk/laws/stat/ss-1999-c-h-0.021/latest/ss-1999-c-h-0.021.html

The Local Authority Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. L-27.1

canlii.org/en/sk/laws/stat/ss-1990-91-c-l-27.1/latest/ss-1990-91-c-l-27.1.html

Office of the Saskatchewan Information and Privacy Commissioner (OIPC)

www.oipc.sk.ca/

- Provides information on decisions, legislation and cases, approach to personal health information and the *Health Information Protection Act*.

OIPC report on the *Health Information Protection Act* Draft Regulations. September 10, 2004

www.oipc.sk.ca/Reports/TheHIPADraftRegulations.pdf

- OIPC's response to the *Health Information Protection Act* Regulations and the draft for consultation. Provides insight, comments, recommendations and justifications for the regulations.

OIPC presentation. "*The Health Information Protection Act -- A Primer*" (2004)

www.oipc.sk.ca/Presentations/HIPApowerpoint_files/frame.htm

- Powerpoint presentation on the *Health Information Protection Act* of Saskatchewan. Gives background and information on the field of health information privacy.

OIPC presentation. *Privacy Laws and Health Information: Making it Work!* October 27-28, 2004

www.oipc.sk.ca/webdocs/HIPAConferenceProgramforWebsite.pdf

- Provides information on the *Privacy Laws and Health Information: Making it Work!* Conference. Includes links to presentations, which provide different views on privacy laws and health information.

OIPC Annotated Section Indexes

www.oipc.sk.ca/reviews.htm

- Provides annotated information on the different privacy legislations in Saskatchewan. The section on *The Health Information Protection Act* (HIPA) [Annotated Section Index -- HIPA](#) and the [Annotated Section Index for Investigation Report H-2005-002](#) are important in the development of health privacy legislation.

OIPC presentation at the Prairie Health Information Privacy Day 2007 (April 16, 2007): "*Access Requests vs. Disclosure*"

www.oipc.sk.ca/Presentations/accessrequests.pdf

- Gives background information on access and disclosure.

ALBERTA

Freedom of Information and Protection of Privacy Act, R.S.A. 2000, C. F-25

canlii.org/en/ab/laws/stat/rsa-2000-c-f-25/latest/rsa-2000-c-f-25.html#history

Health Information Act, R.S.A. 2000, c. H-5

canlii.org/en/ab/laws/stat/rsa-2000-c-h-5/latest/rsa-2000-c-h-5.html#history

Health Information Act, Health Information Regulation, 70/2001

canlii.org/en/ab/laws/regu/alta-reg-70-2001/latest/alta-reg-70-2001.html

Personal Information Protection Act, S.A. 2003, c. P-6.5

canlii.org/en/ab/laws/stat/sa-2003-c-p-6.5/latest/sa-2003-c-p-6.5.html

Personal Information Protection Act Regulation, Alta. Reg. 366/2003

canlii.org/en/ab/laws/regu/alta-reg-366-2003/latest/alta-reg-366-2003.html

Office of the Information and Privacy Commissioner (OIPC) of Alberta.

www.oipc.ab.ca/pages/home/default.aspx

- Provides many reports, news, links, reviews and information on privacy legislation in Alberta. Provides a great deal of information on the *Health Information Act*

Submissions to Bill 52: *Health Information Amendment Act, 2009*

www.assembly.ab.ca/committees/health/submissions2009.html

- A series of amendments to the *Health Information Act*, to safeguard the confidentiality and security of Albertans' health information. Aims to expand the scope of the *Health Information Act* so it applies to more individual health information, including health services paid for privately. Provides a legislative framework for Alberta Netcare, Alberta's provincial electronic health record, as well as other electronic health record information systems. Offers a list and links to the submissions made by individuals, MLAs and health practitioners.

BRITISH COLUMBIA

Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165

canlii.org/en/bc/laws/stat/rsbc-1996-c-165/latest/rsbc-1996-c-165.html

Personal Information Protection Act, S.B.C. 2003, c. 63

canlii.org/en/bc/laws/stat/sbc-2003-c-63/latest/sbc-2003-c-63.html

Personal Information Protection Act Regulations, B.C. Reg. 473/2003

canlii.org/en/bc/laws/regu/bc-reg-473-2003/latest/bc-reg-473-2003.html

Office of the Information and Privacy Commissioner of British Columbia

www.oipc.bc.ca/

- Contains information for both the public and private sector on all of BC's privacy legislation, including the [E-Health \(Personal Health Information Access and Protection of Privacy\) Act \[SBC 2008\] CHAPTER 38](#). Contains guides, orders, decisions, case summaries and many other useful links.

OIPC of British Columbia. "Special Committee to Review the Personal Information Protection Act." *Submission of the Information and Privacy Commissioner for British Columbia*. March 2008.

[www.oipc.bc.ca/pdfs/private/PIPA_Submission_\(7_Mar_2008\).pdf](http://www.oipc.bc.ca/pdfs/private/PIPA_Submission_(7_Mar_2008).pdf)

Available at the Yukon Office of the Ombudsman/Information & Privacy Commissioner

- The OIPC's submission to the Special Committee to Review the Personal Information Protection Act. A general discussion of the importance of privacy, an overview of the *Personal Information Protection Act* (PIPA), highlights to date in overseeing compliance with PIPA and recommendations for changes to PIPA.

BC Medical Association: *Privacy Toolkit*

www.bcma.org/publications-media/privacy-toolkit

- A comprehensive toolkit on privacy published by the BC Medical Association. Contains background materials, tips, patient information, sample privacy forms and links.

BC's Big Opt-Out

www.bcoptout.ca/

- Represents a view on health legislation and privacy held by the public as opposed to governments and health practitioners. This "anti-consent" movement seeks to stop access to health information and believes that the federal and provincial legislation in place will not adequately protect the health information of Canadians.

MANITOBA

Freedom of Information and Protection of Privacy Act, C.C.S.M. c. F175

canlii.org/mb/laws/sta/f-175/20090324/whole.html

Personal Health Information Act, C.C.S.M. c. P33.5

canlii.org/mb/laws/sta/p-33.5/20090324/whole.html

Freedom of Information and Protection of Privacy Act (FIPPA) Information.

www.gov.mb.ca/chc/fippa/index.html

- Provides background information on FIPPA.

Government of Manitoba *Personal Health Information Act* (PHIA)

www.gov.mb.ca/health/phia/index.html

- Provides background information on the PHIA. Additional resources on personal health information and privacy.

NEW BRUNSWICK

***Protection of Personal Information Act*, S.N.B. 1998, c. P-19.1**

canlii.org/en/nb/laws/stat/snb-1998-c-p-19.1/latest/snb-1998-c-p-19.1.html

New Brunswick Office of the Ombudsman.

www.gnb.ca/0073/index-e.asp

- Contains information on both Ombudsman and Information and Privacy Commissioner roles.

NEWFOUNDLAND AND LABRADOR

***Access to Information and Protection of Privacy Act*, S.N.L. 2002, c.A-1.1 (Part IV yet to be proclaimed)**

canlii.org/nl/laws/sta/a-1.1/20090324/whole.html

***Freedom of Information Act*, R.S.N.L. 1990, c. F-25.**

canlii.org/nl/laws/sta/f-25/20050112/whole.html

Office of the Information and Privacy Commissioner for Newfoundland and Labrador

www.oipc.gov.nl.ca/default.htm

- Provides information on privacy and the *Access to Information and Protection of Privacy Act* (ATIPPA) as well as useful links.

NORTHWEST TERRITORIES

***Access to Information and Protection of Privacy Act*, S.N.W.T. 1994, c. 20**

canlii.org/nt/laws/sta/1994c.20/20090324/whole.html

Office of the Information and Privacy Commissioner of the Northwest Territories

www.justice.gov.nt.ca/ATIPP/index.shtml

- Contains information on the *Access to Information and Protection of Privacy Act* as well as access and disclosure. Has many other useful links.

NOVA SCOTIA

***Freedom of Information and Protection of Privacy Act*, S.N.S. 1993, c. 5**

canlii.org/en/ns/laws/stat/sns-1993-c-5/latest/sns-1993-c-5.html

Nova Scotia Freedom of Information and Privacy Review Office

www.gov.ns.ca/foiro/

- Provides information on the province's privacy legislation, Access to Review Reports, Court Cases, as well as other links.

NUNAVUT

Access to Information and Protection of Privacy Act (Nunavut), R.S.N.W.T. 1994, c. 20

canlii.org/nu/laws/sta/1994c.20/20070904/whole.html

Office of the Information and Privacy Commissioner of Nunavut

www.info-privacy.nu.ca/en/home

- Information on the *Access to Information and Protection of Privacy Act*, privacy, frequently asked questions, documents, reports and useful links

ONTARIO

Freedom of Information and Protection of Privacy Act

canlii.org/en/on/laws/stat/rso-1990-c-f31/latest/rso-1990-c-f31.html

Personal Health Information Protection Act

canlii.org/en/on/laws/stat/so-2004-c-3-sch-a/latest/so-2004-c-3-sch-a.html

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

canlii.org/en/on/laws/stat/rso-1990-c-m56/latest/rso-1990-c-m56.html

Municipal Freedom of Information and Protection of Privacy Act, General Regulation, O. Reg. 823

www.canlii.org/en/on/laws/regu/rro-1990-reg-823/latest/rro-1990-reg-823.html

Office of the Information and Privacy Commissioner of Ontario

www.ipc.on.ca/english/Home-Page/

- Provides information on decisions, legislation and cases and the protection of personal information in health care.

PRINCE EDWARD ISLAND

Freedom of Information and Protection of Privacy Act R.S.P.E.I. 2002, c. F-15.01

canlii.org/pe/laws/sta/f-15.01/20090324/whole.html

Prince Edward Island Office of the Privacy Commissioner

www.oipc.pe.ca

- Provides information on the Privacy Commissioner and decisions, legislation and cases.

QUÉBEC

Act respecting access to documents held by public bodies and the protection of personal information, R.S.Q. A-2.1

canlii.org/en/qc/laws/stat/rsq-c-a-2.1/latest/rsq-c-a-2.1.html

An Act respecting the Protection of personal information in the private sector, R.S.Q., c. P-39.1

Accessible at: www.canlii.org/en/qc/laws/stat/rsq-c-p-39.1/latest/rsq-c-p-39.1.html

Commission d'accès à l'information du Québec

www.cai.gouv.qc.ca/index-en.html

- Provides information on legislation regarding the protection of personal information. Contains information on the Commission, information for citizens, fact sheets, press releases and speeches, documentation, an index of persons responsible for access in public bodies, as well as other useful links.

YUKON

Access to Information and Protection of Privacy Act, R.S.Y. 2002, c.1

canlii.org/yk/laws/sta/1/20060728/whole.html

Yukon Office of the Ombudsman and Information & Privacy Commissioner.

ombudsman.yk.ca/

- Provides information on the Yukon Ombudsman and Information & Privacy Commissioner. Offers information on our legislation as well as useful links.

Note: Additional materials are available at the Office of the Ombudsman and Information and Privacy Commissioner's office in Whitehorse.