



Health Information Act Amendments

Updated: October 2013

Intended to add as amendment to your existing Health Information Privacy and Security Manual / Privacy and Security Policies and Procedures.

APPENDIX 1: DEFINITIONS

This section provides definitions of terms used in applicable privacy legislation, and Clinic policies and procedures. Includes **Health Information Act Amendments of September 2010 and September 2013.**

Access Request: Request by an individual who wants to see or obtain a copy of their own health records.

Affiliates: includes all employees, volunteers, students, and persons contracted to provide services for custodians. Also includes a *health services provider* who is exercising the right to admit and treat patients at a hospital as defined in the Hospitals Act; an information manager as defined by the Act; or a person who is designated under the regulations to be an *affiliate*.

Alberta Electronic Health Record (EHR): The Act defines the *Alberta Electronic Health Record (Alberta EHR)* as the integrated *health information* system established to provide shared access by authorized *custodians*, such as Alberta Health Services, the Minister and the Department, and independent *health services providers*, to prescribe *health information* in a secure environment. The Act states that making prescribed *health information* available through the *Alberta EHR* is considered a use and not a disclosure of *health information*. The Act also says that accessing information through the *Alberta EHR* is considered a use and not a collection of *health information*.

Authorized Representative: Means any person who can exercise the rights or powers conferred on an individual under applicable privacy legislation. This includes the right of access to an individual's health information and the power to provide consent for disclosure of such information.

If the individual is under 18 years of age, and does not understand the nature of the right or power or the consequences of exercising the right or power, by the guardian of the individual

If the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the estate

A guardian or trustee appointed under the *Dependent Adults Act* if the right or power related to the powers or duties of the guardian or trustee

An agent under the *Personal Directives Act* if the directive so authorizes

A person who has power of attorney granted by the individual if the exercise of the right or power relates to the powers or duties conferred by the power of attorney

If the individual is a formal patient as defined in the *Mental Health Act*, by the individual's nearest relative as defined in the *Act* if the exercise of the right or power is necessary to carry out the obligations of the nearest relative under that *Act*.
Any person with written authorization from the individual to act on the individual's behalf.

Collection: Means to gather, acquire, receive or obtain health information

Consent: Agreement by an individual to the disclosure of their own health information to a third party. The consent must include:

- An authorization for the custodian to disclose the information specified in the consent
- The purpose for which the information may be disclosed
- The identity of the person to whom the information may be disclosed
- An acknowledgement that the individual providing the consent has been made aware of the reasons why the information is needed and the risks and benefits to the individual of consenting or refusing to consent
- The date the consent is effective and the date, if any, on which the consent expires
- A statement that the consent may be revoked at any time by the individual providing it. A consent or revocation of consent can be provided in writing or electronically.
- Electronic consent is valid only if the level of authentication is sufficient to identify the individual who is granting the consent or revoking the consent.
- Continuing Care Provider – individuals who provide care to the patient. May include other family, parents of young children, group home employee.

Custodian: includes the following:

- A health services provider who is designated in the regulations as a custodian, or who is within a class of health services providers that is designated in the regulations. Includes health service providers, whether privately or publicly (AHCIP) funded¹ (see Health Information Act s.2.2) ; ***Updated September 2010 ***
- The following health services providers are designated custodians for the purposes of section 1(1)(f)(ix) of the Act; *to be defined in the regulations*
 - **Physicians**
 - Pharmacists;
 - Optometrists;
 - Opticians
 - Chiropractors;
 - Midwives;
 - Podiatrists
 - Denturists.
 - Dentists and dental hygienists (March 1, 2011)
 - Registered nurses (September 1, 2011)
- Regional Health Authorities
- Operators of nursing homes and hospitals not owned by the above
- Community Health Councils and subsidiary health corporations of RHAs, Boards
- Minister and the Department of Health and Wellness
- Boards, committees, panels, councils or agencies established by any of the above and designated in the regulations
- An ambulance operator as defined in the *Emergency Health Services Act*
- Health Quality Council of Alberta (February 1, 2012)

¹ HIA Regulation A.R. 119/2010 s.2(2)

- Non-regional health authority Family Care Clinic approved by the Minister as a custodian (September 6, 2013)

Note: *custodian is not a custodian if acting as an affiliate;*

Data Matching: Means the creation of individually identifying health information by combining individually identifying or non-identifying health information or other information from two (2) or more electronic databases, without the consent of the individuals who are the subjects of the information

Disclosure: When a custodian provides health information to another custodian or to other entities.

Health Information: Recorded information about individuals. There are two types of health information: (1) diagnostic, treatment and care information (which includes health service provider information), and (2) registration information (including billing information). The collection, use and disclosure of all types are regulated by the *Health Information Act*.

Health Information Repository: an agency, corporation or other entity designated by the Minister (September 2010 – not yet enacted)

Health Service: A **health service** is a service that is provided to an individual for any of the following purposes: i) protecting, promoting, or maintaining physical and mental health; ii) preventing illness; iii) diagnosing and treating illness; iv) rehabilitation; or v) caring for the health needs of the ill, disabled, injured or dying; but does not include a service excluded by the regulations

Information Manager: means a person or body that (a) processes, stores, retrieves or disposes of health information (b) in accordance with the regulations, strips, encodes or otherwise transforms individually identifying health information to create non-identifying health information, and (c) provides information management or information technology services. (HIA s 66(1)) Alberta Health and Wellness is the information manager of the Alberta EHR.

Record: Information in any form, including notes, images, audiovisual recordings, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner. Does not include software or any mechanism that produces records.

Research: Means academic, applied or scientific health-related research that necessitates the use of individually identifying diagnostic, treatment and care information or individually identifying registration information, or both.

Use: Means the internal use of information (i.e. between affiliates of the Clinic), making health information accessible to the provincial EHR.

Policy #3: Collection, Use and Disclosure of Health Information

4 Disclosure of Identifying Health Information

4.1 The Clinic will normally require written consent from the individual to disclose identifying health information to anyone other than the individual or authorized representative or to another custodian. If the written consent is not in the prescribed form, the Clinic OR Attending Physician, may consult with the individual to ensure that he or she understands the reasons for the disclosure and the content of the information that is being disclosed (e.g. to insurers or lawyers).

4.2 Disclosure of registration information - For the purposes of section 36(c) of the Act, a custodian may disclose individually identifying registration information about an individual without the consent of the individual

- (a) to an ambulance attendant or ambulance operator under the Emergency Health Services Act,
- (b) to the Minister of Health or Minister of Human Services for the purpose of administering the Aids to Daily Living Program, or
- (c) to the Minister responsible for the Seniors Benefit Act and the Seniors' Property Tax Deferral Act for the purpose of administering those Acts.

Complete Health Information Act proclamation details are found at [Queen's Printers](#).

This publication provides general guidance for a medical office in Alberta. Consultation with your information systems, health records, and privacy office is recommended. For additional assistance, contact Information Managers Ltd.