



Your Privacy and Your Personal Health Information

Questions and Answers about the Privacy of Personal Health Information and E-health in British Columbia

from www.healthinfoprivacybc.ca

This brochure and other information about health information privacy is available at www.healthinfoprivacybc.ca, a website created for the BC Freedom of Information and Privacy Association and funded by the Law Foundation of British Columbia to provide free, non-partisan information about personal health information privacy in British Columbia.

What is Personal Health Information?

Personal Health Information is information about an identifiable individual's health and includes information about the individual's health care providers, health numbers (such as care card number) and insurance.

My Personal Health Information is Confidential, isn't it?

Doctors, nurses and other independent health care providers have a duty of confidentiality to their patients. They are under legal and ethical duties to keep their computerized and paper records containing their patients' personal health information secure and protected from unauthorized access, use and disclosure.

With a few legal exceptions (discussed below), health care providers need the patient's consent to collect, use or disclose their personal health information. They are allowed to use patient personal health information only for very limited purposes, mainly for providing care and treatment, billing and related administrative purposes.

If health care providers want to use the personal health information of patient for other purposes, such as research, they have to get the patient's consent unless a number of special conditions are met.

Generally, your health care providers will assume you consent to the disclosure of your personal health information to other care providers if necessary for your care and treatment (these providers are referred to as being in your "circle of care").

Health care providers generally have to get your express consent to disclose your information to others outside the "circle of care."

Different laws apply to the government and therefore to the Ministry of Health and to Health Authorities, and the hospitals and clinics they operate.

The Ministry, all health authorities and the hospitals, clinics and agencies they operate also have to keep your personal information secure and make sure that it is not collected, used or disclosed by unauthorized people or for unauthorized purposes. However, the law allows them to authorize the collection, use and disclosure of your personal information for more purposes than simply giving you care and treatment or related administrative purposes, and in these cases, your consent is not required. These other purposes are sometimes called “stewardship purposes”.

What are “Stewardship Purposes”?

“Stewardship purposes” is a broad term and includes all types of health-system management activities, such as health systems planning, maintenance or improvement; developing, operating, monitoring or evaluating a program authorized under a health law; monitoring or evaluating a hospital or health authority; doing research into health issues; and other similar activities.

Sometimes personal health information will be seen and used in a form that identifies the person (that is, a name or Personal Health Number or other identifier is attached to the information) and sometimes all the identifying information is removed before the health information is used or disclosed for a stewardship purpose, so the information is anonymous.

How is my information collected into the system?

Your health care providers may get information directly from you, and from the other health care providers, hospitals, labs and pharmacies that participate in your care. Sometimes your family members or other people close to you may give some information to your health care providers, if necessary.

What is my information used and disclosed for?

Personal health information is used and disclosed to other health care providers within the patient’s circle of care for the purpose of providing or supporting the provision of care and treatment to the patient.

Depending on the situation, personal health information that is collected by a hospital, clinic, hospital laboratory, diagnostic centre, or specialized government health agency may also be used and disclosed within the health care system for authorized administrative and billing purposes, and for the Stewardship Purposes listed above.

What are E-Health and the Electronic Health Record?

In B.C. today, the government is working on province-wide project called “E-Health”. This is a plan to move from paper files to a wide range of computerized databases and communication tools so health care can be delivered over distances, and so that patient health information can be accessed more readily by authorized people, for legally authorized purposes.

The major aim of this project is to build a number of special databases to hold certain specific types of health information. Each of these special databases will be a “health information bank” or “HIB”. There will be a HIB to store diagnostic test results, another to store laboratory test results, and still another for prescription information.

In addition, doctors in BC are also being encouraged to move to electronic systems, so that in the future, they will be more able to transmit and access patient personal health information through the system. It is intended that doctors will in the future be connected to the larger e-health system, which will, in turn, also be connected to labs, pharmacies, hospitals, health authorities and the Ministry.

The purpose is to ensure that personal health information about an individual – their ‘electronic health record’ - will be available, as

required, to people in the health care system who are legally authorized to see the information.

This system is currently under construction, and the first health information bank has been developed and launched. It is called the Provincial Laboratory Information System or "PLIS". It is intended to hold all diagnostic laboratory test results done in BC, and to provide simple and quick access for authorized health care providers to an individual's lab test results. It is also meant to enable the collection of laboratory information for the purpose of analyzing and managing chronic disease in BC.

Patients are allowed by law to put some limits on who sees their health information in a health information bank by putting a "disclosure directive" on their electronic health record. A "disclosure directive" is an instruction by you about whether or not your information can be disclosed, or to whom, or for what purposes, which you may attach to your electronic record in a particular health information bank.

There are a few steps involved in putting a disclosure directive on the information in a health information bank. You must download the form from the Ministry of Health website or call Health Insurance BC at 604-683-7151 in the Lower Mainland or elsewhere in BC: 1-800-663-7100. If you call, a representative on the helpline can answer any questions you may have.

What is PharmaNet?

PharmaNet is a province-wide computerized system for recording all your prescriptions. It holds the record of all prescriptions dispensed from community pharmacies in BC as well as prescriptions dispensed from hospital outpatient pharmacies for patient use at home. Each time a prescription is filled, a drug interaction check is done, and a claim is sent to PharmaCare to determine how much the patient must pay and how much is covered by PharmaCare.

Hospital emergency departments, mental health facilities, the nurses at HealthLink BC, and even some doctor's medical practices can use PharmaNet to see what drugs the patient is taking, and to record medications provided to a patient.

If you want to, you can check your PharmaNet record from time to time to make sure that it is correct. For information on how to request a copy of your record and to find out who can see PharmaNet information and how to limit access by others to your PharmaNet information, go to www.healthinfoprivacybc.ca and click on PharmaNet, or contact the College of Pharmacists of BC at www.bcpharmacists.org or call 604-733-2440 or 1-800-663-1940.

Who has access to my information?

Access by others to your personal health information is generally based on the person's role. People providing you with care and treatment may have access to some or all of your personal health information. Others with role-based access to the computerized systems operated by a health authority or the Ministry of Health may have limited access to some portion of your personal health information for management purposes, if necessary for them to do their job.

For example, people working in the pharmacy may have access to the PharmaNet system so they can see patient information as necessary to dispense medication; lab technicians may need to get access to laboratory or diagnostic information; administrators may have access to computerized systems which hold other types of information for billing or administrative purposes. Sometimes personal information may be gathered for the Ministry of Health to determine how effective a program or service is.

In general, electronic and procedural measures are used to make sure individuals do not access your personal information without having first being properly authorized to do so.

How is my privacy protected?

There are laws that apply to health care providers in the private sector (such as your doctor in her office) and to health care providers in the public sector (such as hospitals, public clinics, laboratories and agencies).

These laws require personal health information to be protected from unauthorized collection, access, use, and disclosure. The security applied to the records must be strong and must include electronic protection (such as passwords and encryption) and rules and procedures (such as approval processes before an employee is allowed onto a system or a part of a system).

Only those individuals who are legally authorized to do so, and who have an authorized purpose for seeing or using the personal health information may access the information. The purpose for the access must also be authorized.

For more information about the laws that protect health information privacy, go to www.healthinfoprivacybc.ca.

What are the legal exceptions to my right of confidentiality?

Certain legal requirements limit your right to total confidentiality in your personal health information. For example, billing and administrative purposes required that certain information must be sent to the Medical Services Plan (MSP). In some other situations, doctors are required by law to file a report. A report must be made to authorities if:

- someone is unable to drive,
- there is suspected child abuse;
- someone is wounded by a gun or knife; or
- someone is a danger to others.

If a patient has one of certain identified communicable diseases, it must be reported to the Centre for Disease Control.

Can I limit who can see my personal health information?

Sometimes it is possible to put limits on who can see your personal health information. Your ability to do this will depend on what type of organization holds the information and whether their system has the technical means to block access. Some hospitals have systems that can put a “flag” on a patient’s record to indicate that special instructions or limits apply that record during the person’s stay in hospital. Some clinics and laboratories can do the same.

To find out what your health care provider can do to limit access to your health record, ask your doctor or health care provider, or contact the privacy officer of the organization.

Information on how to contact the privacy offices of health authorities, and how to limit access to your personal information in the e-Health system, is listed at the bottom of this brochure.

How can I get access to my personal health information?

You can get access to your personal information in your doctor’s records by request to your doctor or her office manager.

You can get access to your personal information in a hospital or health authority’s records by contacting the privacy officer of the authority. For a list of privacy officers go to www.healthinfoprivacybc.ca and click on Contact Information for Health Authority Privacy Offices, located under the Home tab.

Where can I find out more?

If you want more information about personal health information privacy, your rights and health providers' obligations in British Columbia, go to www.healthinfoprivacybc.ca

For information about privacy laws in BC and to find out about the Office of the Information and Privacy Commissioner for BC, go to www.oipc.bc.ca

For contact information for health authority privacy offices, go to www.healthinfoprivacybc.ca and look for Contact Information for Health Information Privacy Offices in the Home tab.

For more information about British Columbia's e-health projects, go to <http://www.health.gov.bc.ca/ehealth/>

To find out how to limit access to your records in PLIS, go to the Ministry of health E-Health page at <http://www.health.gov.bc.ca/ehealth/> and click on "Disclosure Directives", or call Health Insurance BC Contact Centre (HIBC) in the Lower Mainland: 604-683-7151; or elsewhere in BC: 1-800-663-7100

This brochure is part of a public education project of BC Freedom of Information and Privacy Association.



FIPA wishes to thank the Law Foundation of BC for its generous support of this project.

