

Important facts about the *Personal Health Information Privacy and Access Act (PHIPAA)*



The privacy and protection of your personal health information is a priority in New Brunswick. When you receive health services, you have a right to expect the appropriate use and safe keeping of your personal health information.

The *Personal Health Information Privacy and Access Act (PHIPAA)* provides a set of rules that protects the confidentiality of personal health information and the privacy of the information to whom that information relates. At the same time, the Act ensures that information is available, as needed, to provide health services to those in need and to monitor, evaluate and improve the health system in New Brunswick.

How does PHIPAA protect my personal health information?

PHIPAA places obligations on organizations and individuals that govern how they are permitted and required to collect, use, maintain and disclose personal health information to protect the privacy of your personal information.

Personal health information is defined as identifying information about an individual pertaining to that person's mental or physical health or health services provided to the individual. Examples include the medical record held by a physician; a patient record held by a hospital; registration information (Medicare number and other information such as your name and date of birth) held by the Department of Health to register individuals for insured services; and records of prescriptions filled by a pharmacist.

PHIPAA applies to personal health information held by any custodian, regardless of format. All parts of the Act apply equally to information regardless of form, including information that is oral, written or photographed. It applies to information recorded or stored in any media, including paper, microfilm, X-rays and electronic records.

Custodians are accountable under PHIPAA to safeguard the security and integrity of your personal health information in their possession or under their control. Examples of a custodian include: the Department of Health; regional health authorities; government organizations ("public bodies") that collect personal health information; hospitals; health professionals (for example, physicians, dentists, nurses, pharmacists); and ambulance operators.

PHIPAA identifies several rules that custodians must follow for the collection, use, disclosure, protection, and secure destruction of your personal health information including:

- custodians require consent to collect, use or disclose personal health information except in a limited number of situations such as a health emergency;

- custodians should collect, use and disclose only the minimum amount of information necessary to provide you with the service or benefit being offered;
- custodians must have information policies and practices in place that will ensure the safekeeping of personal health information;
- custodians that engage outside service providers (known as “information managers” under the Act) must follow specific rules to ensure that personal health information is appropriately protected while it is processed at the other organization;
- if identifiable personal health information about you is stolen, lost or otherwise inappropriately destroyed, disclosed, or accessed contrary to the Act, a custodian may be required to notify you and the Access to Information and Privacy Commissioner; and
- a custodian (including any information manager) who fails to comply with the Act may be subject to prosecution under the *New Brunswick Provincial Offences Procedure Act*.

What are my rights under PHIPAA?

PHIPAA identifies specific rights that individuals have with respect to their personal health information. These rights are important because they ensure that you will be involved in decisions about your personal health information.

You have the right to:

- be informed about the purpose for the collection and the anticipated uses and disclosures of your personal health information;
- withhold or withdraw consent for the collection, use and disclosure of your personal health information, except in specific circumstances outlined in the Act;
- designate another person to make decisions about your personal health information;
- request to examine or receive a copy of your personal health information;
- request correction of your personal health information once you have examined it;
- receive a reply to a request for information or correction to a custodian within 30 days (subject to extension in certain circumstances);
- receive written reasons from a custodian if a request for information or correction is refused;
- refuse to provide your Medicare number to any person or organization that collects the information as identification for a non-health service;
- make a complaint to the Access to Information and Privacy Commissioner about a custodian’s decision or information practices; and
- appeal or refer a matter to a New Brunswick court in certain situations if you are not satisfied with a decision of a custodian or the Access to Information and Privacy Commissioner or if you feel that your rights under the Act have not been respected.



How can I find out more?

For more information about the collection, use, disclosure and protection of your personal health information under PHIPAA, please talk to any custodian that has custody or control of your personal health information.

If you would like to learn more about PHIPAA and your rights under this legislation, you may contact the Access to Information and Privacy Commissioner:

Access to Information and Privacy Commissioner
 PO Box 6000
 Fredericton, NB
 E3B 5H1

Toll Free Number: 1-888-465-1100