Policy Name: PHIP (Personal Health Information Protection)
Originating/Responsible Department: University Secretariat
Approval Authority: Senior Management Committee
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Contact: University Secretariat

Purpose
This policy is designed to provide a general overview of the confidentiality requirements set out under the Personal Health Information Protection Act, 2004 (PHIPA) and to outline the obligations of all health professionals and patients of the Carleton University Health and Counselling Services. It is not meant to be construed as legal advice, nor does it address all matters pertaining to privacy and confidentiality of personal health information.

Definitions
The terms noted below will appear throughout this policy and have the following legal definitions under section 4 of PHIPA:

"Personal health information," subject to certain exceptions, means identifying information about an individual in oral or recorded form, if the information,

1. relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family,
2. relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,
3. is a plan of service within the meaning of the Long-Term Care Act, 1994 for the individual,
4. relates to payments or eligibility for health care in respect of the individual,
5. relates to the donation by the individual of any body part or bodily substance,
6. is the individual’s health number, or
7. identifies an individual’s substitute decision-maker.

"Identifying information," means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other
information, to identify an individual.

**Principles**
1. Health professionals must act in accordance with all of their professional and legal obligations.
2. To establish and preserve trust in the health professional-patient relationship, patients must be confident that their personal health information will remain confidential.
3. Maintaining confidentiality is fundamental at all levels of use of personal health information.

**Policy**
*Carleton University* expects all health professionals and patients to follow the regulations and rules under the PHIPA when collecting, using or disclosing personal health information.

While the PHIPA establishes rules in relation to the “collection,” “use” and “disclosure” of personal health information, this policy will focus only on those pertaining to the “disclosure” of such information.

**Disclosure of personal health information**
*Carleton University* may disclose personal health information:
- where the physician has the patient’s or substitute decision-maker’s consent and it is necessary for a lawful purpose;
- where it is permitted under legislation, without the patient’s or substitute decision-maker’s consent; or
- where it is required by law.

**Consent**
Generally, *express* or *implied* consent is needed before disclosing personal health information.

Health professionals, however, are entitled to assume that they have the patient’s *implied* consent for the purposes of providing or assisting in providing health care, unless the health professional disclosing the information is aware that the patient has expressly withheld or withdrawn consent. This means that, without reason to believe otherwise, health professionals can share information with others involved within the patient’s circle of care without asking for the patient’s consent.

The patient’s *express* consent is required for providing his or her personal health information outside of the circle of care, except where otherwise directed by statute.
"Lock Boxes"
The term “lock box” applies to situations where the patient has expressly restricted his or her physician from disclosing specific personal health information to others – even to others involved in the patient’s circle of care.

Where in the course of treatment, a physician is not able to disclose to another physician or health care provider all of the information reasonably necessary for providing care, the physician must notify the recipient of that fact. Physicians are advised to discuss with patients the potential health risks associated with creating a lock box. These discussions and the patient’s decision should be well documented in the patient’s medical record.

Alternatively, if the lock box creates a situation where the physician feels the patient’s safety is at risk, the physician can refuse to provide treatment when it is not an emergency situation. The physician should explain the reasons for his or her decision not to treat the patient and note all relevant discussions in the patient’s health record.

It is to be noted that patients may not prevent the physician from disclosing personal health information permitted or required by law.

Permitted Disclosure under PHIPA
PHIPA allows the disclosure of personal health information without patient consent under certain circumstances. Health professionals, however, are not prohibited from seeking the patient’s consent. For this reason, Carleton University advises that, whenever possible, every reasonable effort to obtain the patient’s consent before disclosing his or her information should be taken.

Can I access my information?
Individuals have a right to access to their Personal Health Information and Personal Information and the right to have this information corrected. At any time, Individuals have the right to change or remove consent for Health and Counselling Services to collect or use Personal Health Information and/or Personal Information.

Individuals wishing to access their Personal Health Information or Personal Information held by Health and Counselling Services please contact: Health and Counselling Services, 613-520-6674.

Accountability & Privacy
Health and Counselling Services, as part of Carleton University is responsible for all personal Health Information and Personal Information gathered in the course of providing services.
In the event of a breach of privacy or confidentiality Carleton University holds a duty to prevent further harm and notify the Information and Privacy Commissioner of Ontario, to allow for retroactive steps to be taken.

The Privacy Office is responsible for the administration of this statement: 613-520-2600 extension 2047, university_privacy_office@carleton.ca.

If you would like to challenge our compliance with applicable legislation, please contact the Information and Privacy Commissioner of Ontario at (800)-387-0073.