

Provincial Privacy Legislation

Some health care professionals may be hesitant to bring external partners into a person’s circle of care citing privacy legislation. The table below summarizes provincial privacy legislations across Canada. The extracts regarding use and disclosure of personal information indicate that the teams may share a person’s personal and medical information with interprofessional health care teams and external partners to the extent necessary to provide individuals with care and treatment, without their express consent. In other words, they can share information about the person with members of this circle of care as long as it is for the purpose of contributing to their health care plan and meeting the service needs for them and their family.

Please share the section of table that applies to your team and refer them to their respective Privacy Policy Departments for any required documentation.

SPRINT TEAM	PROVINCE	PRIVACY LEGISLATION	EXTRACTS REGARDING USE AND DISCLOSURE OF PERSONAL INFORMATION
Alberta Health Services – Edmonton Zone	Alberta	<ul style="list-style-type: none"> Freedom of Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 39(1) A public body may use personal information only <ul style="list-style-type: none"> (a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose, Section 40(1) A public body may disclose personal information only <ul style="list-style-type: none"> (c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose <p><u>Definition of consistent purpose:</u> Section 41 For the purposes of sections 39(1)(a) and 40(1)(c), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure:</p> <ul style="list-style-type: none"> (a) has a reasonable and direct connection to that purpose, and (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information. <p>http://www.qp.alberta.ca/documents/Acts/F25.pdf (see page 43, 47)</p>
		<ul style="list-style-type: none"> Personal Information Protection Act 	<ul style="list-style-type: none"> Section 24(1) An individual may, request an organization: <ul style="list-style-type: none"> (a) to provide the individual with access to personal information about the individual, or (b) to provide the individual with information about the use or disclosure of personal information about the individual <p>http://www.qp.alberta.ca/documents/Acts/P06P5.pdf (see page 29)</p>

		<ul style="list-style-type: none"> Health Information Act 	<ul style="list-style-type: none"> Section 27(1) A custodian may use individually identifying health information in its custody or under its control for the following purposes: <ul style="list-style-type: none"> (a) providing health services; (b) determining or verifying the eligibility of an individual to receive a health service Section 35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information: (b) to a person who is responsible for providing continuing treatment and care to the individual <p>http://www.qp.alberta.ca/documents/Acts/H05.pdf (see page 23, 26)</p>
Bayshore	Ontario	<ul style="list-style-type: none"> Freedom of Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 41 (1) An institution shall not use personal information in its custody or under its control except, <ul style="list-style-type: none"> (a) where the person to whom the information relates has identified that information in particular and consented to its use; (b) for the purpose for which it was obtained or compiled or for a consistent purpose Section 42 (1) An institution shall not disclose personal information in its custody or under its control except, <ul style="list-style-type: none"> (b) where the person to whom the information relates has identified that information in particular and consented to its disclosure; (c) for the purpose for which it was obtained or compiled or for a consistent purpose <p><u>Definition of consistent purpose:</u> Section 43 Where personal information has been collected directly from the individual to whom the information relates, the purpose of a use or disclosure of that information is a consistent purpose under clauses 41 (1) (b) and 42 (1) (c) only if the individual might reasonably have expected such a use or disclosure</p> <p>https://www.ontario.ca/laws/statute/90f31#BK66</p>
		<ul style="list-style-type: none"> Municipal Freedom of Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 31 An institution shall not use personal information in its custody or under its control except, <ul style="list-style-type: none"> (a) if the person to whom the information relates has identified that information in particular and consented to its use; (b) for the purpose for which it was obtained or compiled or for a consistent purpose Section 32 An institution shall not disclose personal information in its custody or under its control except,

			<p>(b) if the person to whom the information relates has identified that information in particular and consented to its disclosure; (c) for the purpose for which it was obtained or compiled or for a consistent purpose</p> <p><u>Definition of consistent purpose:</u> Section 33 The purpose of a use or disclosure of personal information that has been collected directly from the individual to whom the information relates is a consistent purpose under clauses 31 (b) and 32 (c) only if the individual might reasonably have expected such a use or disclosure.</p> <p>https://www.ontario.ca/laws/statute/90m56#BK42</p>
		<ul style="list-style-type: none"> Personal Health Information Protection Act 	<ul style="list-style-type: none"> Section 37 (1) A health information custodian may use personal health information about an individual, <ul style="list-style-type: none"> (a) for the purpose for which the information was collected or created and for all the functions reasonably necessary for carrying out that purpose, but not if the information was collected with the consent of the individual or under clause 36 (1) (b) and the individual expressly instructs otherwise; (b) for a purpose for which this Act, another Act or an Act of Canada permits or requires a person to disclose it to the custodian; (c) for planning or delivering programs or services that the custodian provides or that the custodian funds in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring or preventing fraud or any unauthorized receipt of services or benefits related to any of them Section 38 (1) A health information custodian may disclose personal health information about an individual, <ul style="list-style-type: none"> (a) to a health information custodian described in paragraph 1, 2 or 4 of the definition of “health information custodian” in subsection 3 (1), if the disclosure is reasonably necessary for the provision of health care and it is not reasonably possible to obtain the individual’s consent in a timely manner, but not if the individual has expressly instructed the custodian not to make the disclosure; (b) in order for the Minister, another health information custodian, a local health integration network or the Agency to determine or provide funding or payment to the custodian for the provision of health care <p>https://www.ontario.ca/laws/statute/04p03#BK44</p>

Care Partners	Ontario		Same as above
SE Health	Ontario		Same as above
Eastern Health	Newfoundland	<ul style="list-style-type: none"> Access to Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 66 (1) A public body may use personal information only <ul style="list-style-type: none"> (a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose as described in section 69 ; (b) where the individual the information is about has identified the information and has consented to the use, in the manner set by the minister responsible for this Act Section 68 (1) A public body may disclose personal information only <ul style="list-style-type: none"> (b) where the individual the information is about has identified the information and consented to the disclosure in the manner set by the minister responsible for this Act; (c) for the purpose for which it was obtained or compiled or for a use consistent with that purpose as described in section 69 <p><u>Definition of consistent purpose:</u> Section 69 A use of personal information is consistent under section 66 or 68 with the purposes for which the information was obtained or compiled where the use (a) has a reasonable and direct connection to that purpose; and (b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.</p> <p>https://assembly.nl.ca/Legislation/sr/statutes/a01-2.htm</p>
		<ul style="list-style-type: none"> Personal Health Information Act 	<ul style="list-style-type: none"> Section 39 (1) A custodian may disclose personal health information without the consent of the individual who is the subject of the information <ul style="list-style-type: none"> (a) for the purpose of determining or verifying the eligibility of the individual to receive health care or related goods, services or benefits provided under an Act of the province or of Canada and funded in whole or part by the government of the province or of Canada; (b) for the purpose of determining or providing payment to the custodian for the provision of health care or for processing, monitoring, verifying or reimbursing claims for payment for the provision of health care; (c) to a department or the government of another jurisdiction or to an agency of that government to the extent necessary to obtain payment for health care provided to the individual who is the subject of the personal health information; (d) for the purpose of delivering, evaluating or monitoring a program of the custodian that

			<p>relates to the provision of health care or payment for health care; (e) for the purpose of review and planning that relates to the provision of health care by the custodian</p> <p>https://www.assembly.nl.ca/legislation/sr/statutes/p07-01.htm#39</p>
<p>Saskatchewan Health Authority -North East Prince Albert Area</p>	<p>Saskatchewan</p>	<ul style="list-style-type: none"> Freedom of Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 28 No government institution shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except: <ul style="list-style-type: none"> (a) for the purpose for which the information was obtained or compiled, or for a use that is consistent with that purpose Section 29(1) No government institution shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except: (a) for the purpose for which the information was obtained or compiled by the government institution or for a use that is consistent with that purpose <p>https://oipc.sk.ca/ (see pdf file under legislation tab, refer to page, 21of Freedom of Information and Protection of Privacy Act)</p>
		<ul style="list-style-type: none"> Local Authority Freedom of Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 27 No local authority shall use personal information under its control without the consent, given in the prescribed manner, of the individual to whom the information relates, except: (a) for the purpose for which the information was obtained or compiled, or for a use that is consistent with that purpose Section 28(1) No local authority shall disclose personal information in its possession or under its control without the consent, given in the prescribed manner, of the individual to whom the information relates except <ul style="list-style-type: none"> 28(2) (a) for the purpose for which the information was obtained or compiled by the local authority or for a use that is consistent with that purpose <p>https://oipc.sk.ca/ (see pdf file under legislation tab, refer to page 20)</p>
		<ul style="list-style-type: none"> Health Information Protection Act 	<ul style="list-style-type: none"> Section 27(2) A subject individual is deemed to consent to the disclosure of personal health information: (a) for the purpose for which the information was collected by the trustee or for a purpose that is consistent with that purpose <p>https://oipc.sk.ca/ (see pdf file under legislation tab, refer to page 16)</p>
<p>Saskatchewan Health Authority -North West Battleford</p>	<p>Saskatchewan</p>		<p>Same as above</p>

Saskatchewan Health Authority - Regina Palliative Care Services	Saskatchewan		Same as above
Health PEI	PEI	Freedom of Information and Protection of Privacy Act	<ul style="list-style-type: none"> Section 36 (1) A public body may use personal information only (a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose Section 37 (1) A public body may disclose personal information only (b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose https://www.canlii.org/en/pe/laws/stat/rspei-1988-c-f-15.01/latest/rspei-1988-c-f-15.01.pdf (See Page 30)
New Brunswick Extra-Mural Program	New Brunswick	<ul style="list-style-type: none"> Right to Information and Protection of Privacy Act 	<ul style="list-style-type: none"> Section 44 A public body may use personal information only (a) for the purpose for which the information was collected or compile for a use consistent with that purpose Section 46(1) A public body may disclose personal information only : (a) if the individual the information is about has consented to the disclosure Section 46.1(3) Despite paragraphs 46(1)(c.1) and (c.2), a public body shall disclose personal information: (a) if disclosure is necessary for the provision of a common or integrated service, program or activity, to (i) an officer or employee of another public body, (ii) an officer or employee of a non-public body, or (iii) a custodian who is a health care provider, as those terms are defined in the Personal Health Information Privacy and Access Act <p><u>Definition of consistent purpose</u> Section 45 For the purpose of paragraph 44(a), a use of personal information is consistent with the purpose for which the information was collected or compiled if the use (a) has a reasonable and direct connection to that purpose, (b) is necessary for performing the statutory duties of the public body that uses the information or necessary for providing a service, program or activity of the public body or a common or integrated service, program or activity.</p> <p>http://laws.gnb.ca/en/ShowPdf/cs/R-10.6.pdf (See pages 44, 45, 49)</p>
		<ul style="list-style-type: none"> Personal Health Information Privacy and Access Act 	<ul style="list-style-type: none"> Section 37(2) A custodian may disclose an individual’s personal health information without the consent of the individual: (a) to a person who is providing or has provided health care to the individual, to the extent necessary to provide health care to the individual, unless the individual has instructed the custodian not to make the disclosure <p>http://laws.gnb.ca/en/ShowPdf/cs/P-7.05.pdf (See page 37)</p>
Southern Health – Santé	Manitoba	<ul style="list-style-type: none"> Freedom of Information and 	<ul style="list-style-type: none"> Section 43 A public body may use personal information only:

Sud	Protection of Privacy Act	<p>(a) for the purpose for which the information was collected or for a use consistent with that purpose under section 45;</p> <p>(b) if the individual the information is about has consented to the use</p> <ul style="list-style-type: none"> • Section 44 (1) A public body may disclose personal information only <ul style="list-style-type: none"> (a) for the purpose for which the information was collected or or for a use consistent with that purpose under section 45; (b) if the individual the information is about has consented to its disclosure; (f.1) to an officer or employee of a public body, for the purpose of delivering a common or integrated service, program or activity, if the information is necessary to deliver the service, program or activity and the officer or employee to whom the information is disclosed needs the information to carry out his or her responsibilities (j) for the purpose of determining or verifying an individual's suitability or eligibility for a program, service or benefit; <p><u>Definition of consistent purpose:</u> Section 45 For the purpose of clauses 43(a) and 44(1)(a), a use or disclosure of personal information is consistent with the purpose for which the information was collected or compiled if the use or disclosure</p> <p>(a) has a reasonable and direct connection to that purpose; and</p> <p>(b) is necessary for performing the statutory duties of, or for delivering an authorized service or program or carrying out an activity of, the public body that uses or discloses the information.</p> <p>https://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php</p>
	<ul style="list-style-type: none"> • Personal Health Information Act 	<ul style="list-style-type: none"> • Section 22(2) A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is: <ul style="list-style-type: none"> (a) to a person who is or will be providing or has provided health care to the individual, to the extent necessary to provide health care to the individual, unless the individual has instructed the trustee not to make the disclosure <p>http://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php</p>

* The Personal Information Protection and Electronic Documents Act (PIPEDA) does not apply to the core activities of municipalities, universities, schools, and hospitals. Core activities are the ones that are central to the mandate and responsibilities of these institutions.