

Privacy FAQ's

What is the Personal Health Information Protection Act?

The Personal Health Information Protection Act, 2004 (PHIPA) is Ontario's privacy legislation which applies to the healthcare organizations that have personal health information in their custody or control. PHIPA governs the manner in which personal health information may be collected, used and disclosed within the health-care system. PHIPA also confirms a patient's right to access one's own personal health information.

What is Personal Health Information?

Personal Health Information is "identifying information" collected about an individual. Any information that identifies an individual AND information about:

- Physical or mental health; family health history
- Providing health care or identification of provider of care
- Payments or eligibility for health care
- Donation of body part or body substance or derived from testing or exam of body part of body substance
- Health card number identification of substitute decision maker
- The individual's physical or mental health, including family history;

What is a health information custodian?

A health information custodian refers to a listed person or organization defined in PHIPA such as hospitals, who have custody or control of personal health information as a result of the work they do. As a public hospital, WCH is considered to be a health information custodian.

Some examples of health information custodians include:

- A HIC Health care practitioners (such as doctors, nurses, pharmacists, psychologists and dentists)
- Hospitals;
- Mental Health Facilities;
- Pharmacies;
- Laboratories;
- MOHLTC

What is the "circle of care"?

The "circle of care" is not a defined term under PHIPA. It is a term of reference used to describe health information custodians and their authorized agents who are permitted to rely on an individual's implied

consent when collecting, using, disclosing or handling personal health information for the purpose of providing direct health care.

In a hospital, the circle of care includes:

- Physicians, residents, nurses, technicians, allied health staff and administrative staff) who are either providing or assisting in the provision of care to a patient.

PHIPA requires that WCH obtain an individual's consent to collect, use and disclose personal health information.

In practice, the hospital is not required to obtain an individual's written or verbal consent every time personal health information is collected, used or disclosed. PHIPA permits the hospital to assume implied consent where information is exchanged between custodians within the circle of care for the purpose of providing direct health care – unless a custodian is aware that an individual has expressly withheld or withdrawn his/her consent.

Consent may never be implied for an individual who specifies that his/her personal health information may not be collected, used or disclosed.

Implied consent is also permitted if a health information custodian, such as Women's College Hospital, collects, uses or discloses names or addresses for the purposes of fundraising.

What is the difference between express and implied consent?

Express consent to the collection, use or disclosure of your personal health information by a health information custodian is consent that has been clearly and explicitly given by you. Express consent may be provided, either verbally, electronically or in writing.

Implied consent to the collection, use or disclosure of your personal health information is consent that a health information custodian concludes has been given by you. For example, when you disclose your personal health information for the purposes of a referral to a specialist, your specialist can reasonably assume your consent to the collection of this information.

Access to your own personal health information?

With limited exceptions, PHIPA provides individuals with a general right to access their own personal health information held by a health information custodian.

How does an individual obtain access to his/her personal health information?

An individual may request access to his/her own personal health information by submitting a **Consent to Disclose Personal Health Information** form to the **Health Information Department**.

An individual may also choose to sign up for myHealthRecord. myHealthRecord is Women's College Hospital's (WCH's) online patient medical record that gives you access to your health information online at any time, from anywhere. Become an active participant in your own healthcare by registering for **myHealthRecord**.