alPHa Response to the Personal Health Information Protection Act

February 1998

alPHa

The Association of Local Public Health Agencies represents Ontario's Boards of Health, Medical Officers of Health, and public health unit management staff. Boards of health deal with personal health information especially in the areas of reportable diseases such as HIV/AIDS, Tuberculosis, Measles, STDs etc., immunization records, sexual health and healthy lifestyle counselling.

Overview of Draft Act

alPHa supports the direction and purpose of PHIPA as a method of protecting the health care consumer and meeting the needs of the delivery agency. We believe that the current PHIPA draft will improve the quality and efficiency of health care delivery by maintaining the confidentiality of personal health information while still allowing the sharing of relevant health information between health care providers.

Recommendations

Definition of Personal Health Information

alPHa is concerned that there is room for possible conflict between the provisions of PHIPA and the Municipal Freedom of Information and Protection of Privacy Act, 1989. It appears that some records could be subject to disclosure under one Act and forced to be withheld under the other Act.

• alPHa recommends clarification as to which Act takes precedence.

Custodian Status

The Draft Act designates "the Board" as the custodian. This is not consistent with the Health Protection and Promotion Act, 1997 which names the Medical Officer of Health as the person responsible for all actions and records generated by the local health unit. In fact, the draft Act suggests that a regional council acting as the Board, could be permitted to access personal information records for "public health administration".

• alPHa recommends that PHIPA name the Medical Officer of Health as the "Custodian".

Consent

The definition of "person" is important in regard to the ability to give consent and access to personal health information. For example, will a twelve year old be able to submit their own personal health information and limit access to information to their parents? In lieu of the nature of public health programs which often deal with sexually transmitted diseases, HIV, family planning and immunization, consent needs to be clarified.

• alPHa recommends that PHIPA further clarify the definition of "person" and "guardian".
Sharing Health Card Information

Currently, boards of health have difficulty receiving health card information from school boards. The schools collect the information, but are not empowered to pass the information to boards of health. This information is necessary in order for boards of health to maintain accurate immunization records.

- *alPHA recommends that PHIPA expressly authorize school boards to share health card information with their local health unit.*