

Personal Health Information Act (PHIA) Definitions

Access: The right of an Individual, to examine (view) and receive a copy of the Individual's Personal Health Information Maintained by the Trustee.

Agent: Includes a student or volunteer and if the Trustee is a corporation, an officer and director.

Alternate: Is a person who has decision-making capacity and is willing to make decisions on behalf of a patient who does not have the capacity to make a decision. An Alternate may be legally authorized (e.g. health care proxy or committee) or may be a person designated (e.g. family member) in the absence of a legally authorized Individual. The MHA forms refers to such a person as "Person Authorized to Make Treatment Decisions" or the MHA reference under 28(1) as "Treatment Decisions by Others" so this may be problematic terminology for a Psychiatric Facility.

Alternate Decision Maker: Means a person other than a parent or guardian who has been confirmed in writing by an Indigenous service provider as defined in *The Child and Family Services Act*, or by a child and family services agency in accordance with section 15.1 of that Act, to be responsible for making decisions in respect of a child.

Arrest Warrant: Is a document that authorizes a police officer to find someone, enter into their premises or premises where that person is located and place them under arrest.

Breach of Security: Occurs whenever Personal Health Information is collected, Used, Disclosed or Accessed other than as authorized, or its Integrity is compromised.

Client: Any person (including a person permitted to exercise the rights of an individual, where the context so requires) who receives health care services within Southern Health-Santé Sud, including patients and residents.

Clinical Record: The clinical record compiled and Maintained in a designated Psychiatric Facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.

Complaint: A Complaint made to a Trustee by an Individual and/or by the Provincial Ombudsman about collection, Access, correction, Use, Disclosure, protection, and Privacy of Personal Health Information.

Confidential Information: includes, but is not limited to Personal information as defined in The Freedom of Information and Protection of Privacy Act (FIPPA); Personal Health Information as defined in The Personal Health Information Act (PHIA); and; Administrative records collected and created as part of the course of business of Southern Health-Santé Sud and relate to legal, financial and operational matters of a confidential nature.

Confidentiality: The obligation of a Trustee to protect the Personal Health Information entrusted to it, to maintain the secrecy of the information and not misuse or wrongfully disclose it.

Court Order: A document issued by the court demanding the production of Personal Health Information for the court. Examples of a court order include, but are not limited to: production orders, record access orders or subpoenas).

Demographic Information: An Individual's name, address, telephone number, and email address.

Designate: A person or persons delegated by the Medical Director to process requests for Access to, correction or Disclosure of information within the clinical record.

Disclosure: Revealing the Personal Health Information outside the Trustee, i.e. to other Trustees, to family and friends of the Individual, insurance companies or other similar businesses or to other persons legally entitled to have Personal Health Information released to them.

Express Consent: Consent given directly by an individual in oral, written or electronic form. For example, completion of a consent form by an individual that authorizes the disclosure of the individual's own personal health information is a form of express consent.

Health: Means the condition of being sound in mind, body and spirit.

Health Care: Any care, service or procedure provided to diagnose, treat or maintain an Individual's health; provided to prevent disease or injury or promote health care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.

Health Care Facility: A hospital, personal care home, Psychiatric Facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which Health Care is provided and that is designated in the PHIA regulation.

Health Professional: A person who is licensed or registered to provide Health Care under an Act of the Legislature or who is a member of a class of persons designated as Health Professionals in the PHIA regulation.

Health Services Agency: An organization that provides Health Care such as community or home-based Health Care pursuant to an agreement with the Trustee.

Implied Consent: In all circumstances, the purpose of the Use or Disclosure would become reasonably obvious to the Individual the information is about (or another Person Permitted to Exercise the Rights of the Individual), and it is reasonable to expect that they would consent and the information is Used or Disclosed only for the purpose it was collected. Consent is not given directly by the Individual.

Individual: A patient, client or resident receiving Health Care services within a Trustee. For the purpose of Access, correction, Use and Disclosure of Personal Health Information includes Persons Permitted to Exercise the Rights of an Individual.

Individuals Condition: The individual's general health status, described as critical, poor, fair, stable or satisfactory, or in terms indicating similar conditions; and the Individual's location, unless Disclosure of the location would reveal specific information about the physical or mental condition of the individual.

Information and Communications Technology (ICT) Resources: all assets relating to information and communications technology including, but not limited to, all information in electronic form (e.g. personal health information) and the hardware, software or network components on which information is entered processed, stored or transmitted

Information and Communications Technology (ICT) Services: includes all Southern Health-Santé Sud internet, email, network and telecommunication services

Information about Care Currently Being Provided:

- **Hospital Inpatient**
 - Personal Health Information collected, documented and Maintained in the hospital inpatient chart during the current hospital stay for an Individual who has been admitted and not yet discharged from hospital.
- **Personal Care Home Residents**
 - Personal Health Information about a resident in a personal care home includes the most current information such as applicable quarterly Reports and any other information on the health Record that would describe or explain an incident, injury or a new health issue.
- **Health Care Facility Visits such as Emergency, Outpatient and Day Surgery**

- Personal Health Information collected, documented and Maintained in a facility's health Record that is readily available during a visit to one of the above settings. This may also include information about the last visit to that setting.
- **Community Health Services such as Family Medicine/Primary Care, Midwifery, Home Care, Public Health and Mental Health**
 - Personal Health Information collected, documented and Maintained in a health Record that is readily available during a visit pertaining to one of the above settings. This may also include information about the last visit in that setting.

Information Manager: A person or body (corporation, business or association) that processes, stores or destroys personal and/or personal health information or provides information management or information technology services for Southern Health-Santé Sud.

Information and Communications Technology (ICT) Resources: all assets relating to information and communications technology including, but not limited to, all information in electronic form (e.g. personal health information) and the hardware, software or network components on which information is entered processed, stored or transmitted.

Information and Communications Technology (ICT) Services: includes all Southern Health-Santé Sud internet, email, network and telecommunication services.

Inpatient Chart: Refers to the inpatient Record in Southern Health-Santé Sud hospitals only. It is used in the clinical area during the Individual's hospitalization and is filed in a binder. Upon discharge, the Inpatient Chart may be referred to as the "Health Record" for health information purposes.

Institutional Research Review Committee: A committee formally established by a Health Care Facility, university or similar body. Within Southern Health-Santé Sud Central this includes the University of Manitoba Research Ethics Boards whose function is:

- To review the efficacy and scientific and ethical value of a research proposal involving human subjects or involving the review of Records containing Personal Health Information; and
- To ensure that the person proposing the research has adequate safeguards in place to protect the Confidentiality of Personal Health Information.

Integrity of Personal Health Information: The preservation of its content throughout storage, Use, transfer, and retrieval so that there is confidence that the information has not been tampered with or modified other than as authorized.

Knowledgeable Consent: Consent is knowledgeable if the Individual who gives it has been provided with and understands the information that a reasonable person in the same circumstances would need in order to make a decision about the Use or Disclosure of the information.

Legal Proceeding: Any proceeding in court or before a quasi-judicial tribunal that involves the Trustee, a Health Care Facility, a medical staff member or an employee who renders services at a Health Care Facility.

Maintain: In relation to Personal Health Information, to have custody or control of the information.

Medical Director: The psychiatrist responsible for the provision and direction of psychiatric services for a designated Psychiatric Facility. The Medical Director may delegate any of the Medical Director's powers, duties or functions under *The Mental Health Act*.

Notice of Motion: Is a notice that an application has been made to the court for a court order.

Ombudsman: means the Ombudsman appointed under *The Ombudsman Act*. The Manitoba Ombudsman is an independent office of the Legislative Assembly of Manitoba and is not part of any government department or agency. The ombudsman conducts independent, impartial and non-partisan investigations.

Patient: A person who is or has been admitted to a Facility as an in-patient, or is/was attending as an outpatient for diagnosis and treatment.

Personal Information: Means information about an identifiable individual including:

- the individual's name
- home address, or home telephone/fax number or personal email address
- ancestry, race, colour, nationality, or national or ethnic origin
- religion or creed, or religious belief, association or activity
- blood type, fingerprints or other hereditary characteristics
- political belief, association or activity
- education, employment or occupation, or educational, employment or occupational history
- source of income or financial circumstances, activities or history
- criminal history, including regulatory offences
- involvement in legal matters

Personal Health Information: Recorded information about an identifiable Individual that relates to:

- The Individual's health, or Health Care history, including genetic information about the Individual;
- the provision of Health Care to the Individual; or
- payment for Health Care provided to the Individual;

and includes:

- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an Individual; and
- any identifying information about the Individual that is collected in the course of, and is incidental to, the provision of Health Care or payment for Health Care;

and for further clarity includes:

- Personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the Individual which have been Disclosed to the Trustee;

and for the purpose of the Confidentiality policy:

- Any Personal Health Information exchanged verbally about an identifiable Individual.

Personal Representative:

- An Executor/Executrix or joint Executor/Executrix named in a deceased Individual's will; or
- a court appointed Administrator or joint Administrator of a person's estate.

Persons Associated with the Trustee: Includes all contracted persons, volunteers, students, researchers, Southern Health-Santé Sud medical staff, educators, members of the Boards of Directors, Information Managers, employees, or Agents of any of the above or other health agencies.

Persons Permitted to Exercise the Rights of an Individual includes:

- Any person with written authorization from the Individual to act on the Individual's behalf;
- a proxy appointed by the Individual under The Health Care Directives Act;
- a committee appointed for the Individual under The Mental Health Act if the committee has the power to make Health Care decisions on the Individual's behalf;
- a substitute decision maker for personal care appointed for the Individual under The Vulnerable Persons Living with a Mental Disability Act if the exercise of the right relates to the powers and duties of the substitute decision maker;
- the parent or guardian of an Individual who is a minor, if the minor does not have the capacity to make Health Care decisions,
- if the Individual is deceased, his or her Personal Representative.

If it is reasonable to believe that no person listed above exists or is available, the adult person listed first below who is readily available and willing to act may exercise the rights of an Individual who lacks the capacity to do so:

- The Individual's spouse, or common-law partner, with whom the Individual is cohabiting;
- a son or daughter;
- a parent, if the Individual is an adult;
- a brother or sister;
- a person with whom the Individual is known to have a close personal relationship;
- a grandparent;
- a grandchild;
- an aunt or uncle
- a nephew or niece.

The older or oldest of two or more relatives described in any clause in this section is to be preferred to another of those relatives.

PHIA: *The Personal Health Information Act (Manitoba).*

PHIN: The personal health identification number assigned to an Individual by the minister to uniquely identify the Individual for Health Care purposes.

Police: The local Police service or the Royal Canadian Mounted Police detachment that is responsible for providing law enforcement services.

Prescribed Health Research Organization includes:

- Manitoba Centre for Health Policy at the University of Manitoba and
- The Canadian Institute for Health Information.

Privacy: The fundamental right of an Individual to control the collection, Use and Disclosure of their Personal Health Information.

Privacy Breach: means, in relation to personal health information,

- a) Theft or loss; or
- b) Access, use, disclosure, destruction or alteration in contravention of this Act.

Privacy Delegate: An employee delegated as Privacy Officer under *The Personal Health Information Act* and whose responsibilities include facilitating the region's compliance with the Act.

Privacy Impact Assessment (PIA): A tool used to assess the risks to personal privacy associated with a program, initiative, system or project and determines compliance with applicable legislation. Privacy Impact Assessments address issues such as privacy risk management including collection, access, use, disclosure, retention and destruction of personal/personal health information, record linkages and security safeguards.

Privacy Incident: an incident where the confidentiality, security, accuracy and integrity of confidential information has been compromised. A privacy incident may be accidental or as a result of intentional actions and may be as a result of operational or technical failure.

Privacy Officer: An employee designated by Southern Health-Santé Sud or the Health Care Facility whose responsibilities include dealing with requests from individuals who wish to examine, receive a copy or make a correction to Personal Health Information Maintained by the Trustee and facilitating the Trustee's compliance with PHIA. The definition is intended to mean the Privacy Officer and/or their designate.

Production Order: An order issued by a Judicial Justice of the Peace requiring a person or entity to produce the record(s) to a peace office or public office named in the order within the time, at the place and in the form specified in the order.

Psychiatric Facility: A place designated in the regulation of *The Mental Health Act* as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.

Record Access Order: Is a court order issued under *The Missing Persons Act*, requiring access to, and if requested, copies of records in respect of a missing person, or in the case of a minor or vulnerable person, records of a person believed to be accompanying the missing person.

Record of Disclosure: A prescribed form or documentation that identifies what personal health information was disclosed, how it was disclosed and to whom.

Record or Recorded Information: A Record of information in any form, and includes information that is written, photographed, Recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces Records.

Record of User Activity: A patient or user centric record/report about access to personal health information maintained on an electronic information system.

Retention Period: The length of time that a Site health Record shall be kept prior to their permanent destruction. The Retention Period commences at the time the volume of a Site health Record is closed. Closure of a volume usually coincides with the date of death or discharge.

Retention Schedule: A timetable stipulating how long Site health Records shall be kept and available prior to their permanent destruction. During or prior to the Retention Period, the media used to record the original information may change to facilitate storage and accessibility of the Site health Record; i.e. conversion of paper to microfilm, conversion of paper to scanned digital images.

Review Board: The Mental Health Review board established pursuant to *The Mental Health Act*.

Search Warrant/Production Order: Is a document issued by a magistrate or justice of the peace that permits the police to attend our premises and remove specific evidence from our premises.

Secured Place: A physical environment for the temporary or permanent storage of, or for the use, processing or transmittal of Personal Health Information that has the following characteristics:

- not readily accessible by unauthorized users;
- supervised or monitored by authorized users;
- keyed to allow entrance to authorized users only;
- locked when authorized users are not in attendance;
- protected by controls to minimize loss, destruction or deterioration caused by fire, water, or humidity damage; and
- proper containers and adequate labeling to reduce accidental loss or destruction.

Security: The process of protecting the Personal Health Information by assessing threats and risks to information and taking steps to mitigate these threats and risks. The result is the consistent application of standards and controls to protect the Integrity and Privacy of the information during all aspects of its Use, processing, Disclosure, transmittal, transport, storage, retention including conversion to a different medium and destruction.

Sever: means to remove from the body of a Record only the information that meets the conditions for an exception (to access).

Significant Harm: includes, in relation to an individual, bodily harm, humiliation, damage to the individual's reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the individual's credit rating or report, and damage to or loss of the individual's property.

Site: A Health Care Facility, community health centre, community office within Southern Health-Santé Sud.

Stab Wound: A wound caused by a knife or other sharp object or pointed instrument that appears to have been inflicted by another person.

Staff: includes all employees and persons associated with Southern Health-Santé Sud including: Medical staff, contracted individuals, students, volunteers, researchers, educators, and Board members.

Subpoena: A subpoena is a court order that is served for the purpose of having someone attend a proceeding as a witness and may require the production of documents as evidence in court.

Trustee: A Health Professional, Health Care Facility, public body or Health Services Agency that collects or Maintains Personal Health Information. For clarity, Southern Health-Santé Sud as a public body is the Trustee of the Personal Health Information collected and Maintained within Health Care Facilities and Sites owned and/or operated by Southern Health-Santé Sud and includes Community Health Services. The other hospitals and personal care homes within the region are Trustees of the Personal Health Information collected and Maintained at each Health Care Facility.

Use: Involves revealing Personal Health Information to someone within the Trustee's own organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of Personal Health Information.

Warrant for Arrest: Is a document that authorizes a police officer to find someone, enter into their premises or premises where that person is located and place them under arrest.

Warrant to Search/Search & Seize: Is a document issued by a magistrate or justice of the peace that permits the police to attend our premises, search it for the evidence set out on the warrant, and remove that evidence from our premises.