

# PREDICTABLE PROBLEM AREAS FOR TRUSTEES

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# Biggest non-compliance risks

- Access by client to own p.h.i. & correction
- Security of p.h.i.
- Consent
- Disclosure

# Access

- Different than “use” and “disclosure”
- Fundamental element of HIPA
- Quasi-constitutional right of the individual
- Identity of applicant
- Duty to assist
- Record or inspection
- surrogates

# Security

- Curiosity is too often the problem
- Implementing 'need to know' policies
- Consider section 16 need for physical, administrative & technical safeguards
- Follow COACH (Canadian Health Informatics Association) standards

# Consent

- Fundamental to any privacy law
- 3 options for a trustee:
  - Express consent
  - Implied consent
  - Deemed consent
- Pan-Canadian Framework
- Best practice considerations

# Disclosure

- Different than “access” and “use”
- Mandatory only in limited circumstances
- Generally discretionary
- Consult with client
- Be mindful of data minimization principle

# Questions?

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