



Saskatchewan College of Psychologists

*1026 Winnipeg Street
Regina SK, S4R 8P8*

Tel: (306) 352-1699

Fax: (306) 352-1697

Email: skcp@sasktel.net

www.skcp.ca

Membership Advisory

(HIPA) Amendments to the Health Information Protection Act

The Health Information Act (HIPA) has been amended to allow for the sharing of personal health information for the purposes of service provision through common or integrated programs and services such as the Community Mobilization Project in Prince Albert (the Hub). The amendments will come into force on June 1, 2016.

The amendments to HIPA outline the establishment of agreements for sharing client personal health information, and the rules for the sharing of that information between agencies/organizations providing interrelated services. In establishing the amendments, consultation was sought by the Ministry of Health with relevant stakeholders including the Information and Privacy Commissioner of Saskatchewan.

Affiliated legislation will also be amended to allow for this information flow between agencies providing integrated programs and services. The legislation that has also been amended are the Freedom of Information and Protection of Privacy Act, the Local Freedom of Information and Protection of Privacy Act, and the Youth Drug Detoxification and Stabilization Act. The amendments to these various pieces of legislation will also come into force on June 1, 2016.

Members are encouraged to familiarize themselves with these amendments. The amendments will necessarily impact the provision of services by Psychologists, in particular the informed consent and information sharing processes. Questions in regard to the amendments can be directed to the Chief Privacy Officer for the Ministry of Health at 306-787-2137, Email: Health.InfoPrivacy&AccessHelp@health.gov.sk.ca **OR** the Office of the Information and Privacy Commissioner of Saskatchewan at 306-787-8350 / 1-877-748-2298 (toll free), Email: webmaster@oipc.sk.ca.

The amendments to HIPA are as follows (document provided by the Ministry of Health):

DRAFT

SCHEDULE

Title

1 These regulations may be cited as *The Health Information Protection (Information Sharing Agreements) Amendment Regulations, 2016*.

R.R.S. c.H-0.021 Reg 1, new section 5.2

2 *The Health Information Protection Regulations* are amended by adding the following section after section 5.1:

“Disclosure of personal health information to a party to an information sharing agreement
5.2(1) In this section:

(a) ‘common or integrated service’ means a program or activity designed to benefit the health, safety, welfare or social well-being of an individual that is delivered by a government institution and one or more of the following:

(i) another government institution;

(ii) a local authority;

(iii) a trustee as defined in *The Health Information Protection Act*;

(iv) a First Nation;

(v) a police service or regional police service as defined in *The Police Act, 1990*;

(vi) the Royal Canadian Mounted Police;

(vii) a non-profit organization that provides a service of the type to be included in the common or integrated service;

(viii) any other agency or organization that the minister determines is appropriate;

(b) ‘information sharing agreement’ means an agreement that governs the collection, use and disclosure of personal health information by the parties involved in the provision of a common or integrated service and that meets the requirements of subsection (2).

(2) An information sharing agreement must contain the following:

(a) a description of the common or integrated service to be provided;

(b) a description of the purposes or expected outcomes of the common or integrated service;

HEALTH INFORMATION PROTECTION
(INFORMATION SHARING AGREEMENTS) AMENDMENT REGULATIONS, 2016

2

- (c) provisions setting out the obligations of a party respecting the security and safeguarding of personal health information received by that party;
 - (d) provisions that prohibit the subsequent use and disclosure of the personal health information for purposes not related to the common or integrated service except:
 - (i) with the consent of the person to whom the information relates; or
 - (ii) if required or authorized by law;
 - (e) provisions for the withdrawal of a party and, in the case of a withdrawal, provisions that:
 - (i) prohibit any further use or disclosure of the personal health information received by that party except:
 - (A) with the consent of the person to whom the information relates; or
 - (B) if required or authorized by law; and
 - (ii) specify the ongoing obligations of that party to secure and safeguard the personal health information;
 - (f) provisions for the termination of the information sharing agreement and, in the case of a termination, provisions that:
 - (i) prohibit any further use or disclosure of the personal health information received by the parties except:
 - (A) with the consent of the person to whom the information relates; or
 - (B) if required or authorized by law; and
 - (ii) specify the ongoing obligations of the parties to secure and safeguard the personal health information;
 - (g) any other provisions that the minister considers necessary.
- (3) For the purposes of clause 27(4)(p) of the Act, personal health information may be disclosed to a party to an information sharing agreement entered into for the purposes of providing a common or integrated service:
- (a) if that information is disclosed in accordance with the agreement for any or all of the following purposes:
 - (i) determining the eligibility of an individual to receive the common or integrated service;
 - (ii) assessing and planning the common or integrated service and delivering that service to an individual or that individual's family; or

HEALTH INFORMATION PROTECTION
(INFORMATION SHARING AGREEMENTS) AMENDMENT REGULATIONS, 2016

3

(b) if consent to the disclosure was obtained pursuant to any other Act or regulation that does not require the consent to be in writing.

(4) If the Royal Canadian Mounted Police participates in providing a common or integrated service, the requirements of subsection (3) are met if the Royal Canadian Mounted Police enters into a single arrangement in writing with a government institution that is involved in the provision of the common or integrated service, under which the Royal Canadian Mounted Police signifies that it will comply with the terms governing the collection, use and disclosure of personal information contained in the information sharing agreement applicable to the common or integrated service in which the Royal Canadian Mounted Police participates”.

Coming into force

3(1) Subject to subsection (2), these regulations come into force on May 1, 2016.

(2) If these regulations are filed with the Registrar of Regulations after May 1, 2016, these regulations come into force on the day on which they are filed with the Registrar of Regulations.