



# *Saskatchewan College of Psychologists*

1026 Winnipeg Street  
Regina SK S4R 8P8

Tel: (306) 352-1699  
Fax: (306) 352-1697  
Email: [skcp@sasktel.net](mailto:skcp@sasktel.net)  
[www.skcp.ca](http://www.skcp.ca)

## **Membership Advisory**

### **Release of Test Data and Test Protocols**

A recent report was released by the Office of the Information and Privacy Commissioner (OIPC) of Saskatchewan regarding the release of test data and test protocols/test question booklets to clients. The report arose from a complaint that was made to the OIPC about a member of the College and their denial of a request to release raw test data and a test question booklet. In his report the Commissioner ruled that the test question booklets are personal health information under HIPA, and that copyright does not override a client's right to their health information. The Commissioner made a number of recommendations, and in particular a recommendation to the College to seek an amendment to the Health Information Protection Act (HIPA) to include and exemption from release of test data and test protocols / test question booklets.

The College Executive Council discussed the report and in particular the ruling that raw test data should be released to the client along with the test question booklet, and the ruling that test booklets constitute personal health information. A legal opinion was sought in regard to the interpretation of the legislation. The College has taken the following steps to speak to the rulings and the recommendations of the Information and Privacy Commissioner:

- 1) A written request has been made to the Ministry of Health for an amendment to HIPA that would allow test data and test protocols/test question booklets to be exempted from compulsory release under the legislation.
- 2) A letter has been sent to the OIPC outlining the College's concerns. The letter identifies the concern about the release of raw test data and test protocols / test question booklets to clients, the profession's ethical responsibilities in regard the release of these materials, and the College's perspective that test protocols / test question booklets are not personal health information.

Members are reminded of the following sections of the SCP Professional Practice Guidelines which are germane to this issue:

#### 9.1 Collection, use and disclosure

Members shall obtain informed consent with respect to the collection, use, and disclosure of personal health information from the client or their authorized representative unless otherwise permitted or required by law.

#### 9.2 Access by client or client's authorized representative

Members shall provide access by clients, or their authorized representatives, to clients' personal health information unless prohibited by law or members are otherwise permitted to refuse access (e.g. potential risk to third party, potential risk of harm, breach of the integrity of a test).

#### 14.8 Clarity of communication

The expected standard of practice is for the member to provide direct feedback to clients and/or legal guardians. Members shall ensure that results are explained in a manner that is likely to be understood by clients or their legal guardians.

#### 14.10 Protection of test security

Members shall protect and maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, the requirements of this Guidelines document, the Canadian Code of Ethics for Psychologists, and relevant legislation.