

Frequently Asked Questions: Personal Health Information Legislation for Nova Scotia

March 2012

Q1. What is the *Personal Health Information Act*?

A. The *Personal Health Information Act* is a new law that the province passed in December 2010, but is not yet proclaimed or in force. This law sets out rules for how your health information will be collected, used, disclosed, retained, and destroyed by healthcare providers in Nova Scotia.

Q2. What is personal health information?

A. Personal health information is **information that healthcare providers and government collect to help make decisions** about your healthcare. Healthcare providers include doctors, dentists, and hospitals, for example. Your personal health information may include information about diagnosis, treatment, placement in a healthcare facility, eligibility for services and benefits, and funding of health care. It includes information about your own health, and may also include information about family members' health history. It may also include financial information that is collected to find out if you are eligible for a benefit or service.

Q3. My personal information is already protected so why do we need a new law?

A. Although many laws do protect your information, there is not one consistent set of rules that applies to everyone who provides and supports health care. With a *Personal Health Information Act*, the majority of providers in the health sector in the province will operate under the same set of rules. (Some health providers will not be covered e.g. unregulated private health providers.)

The new legislation will better support a system that uses electronic as well as paper health records.

Q4. What is the status of the law right now?

A. The *Personal Health Information Act* was passed in December 2010, but is not yet proclaimed or in force.

Currently, Department of Health and Wellness' staff are working with health sector partners on the implementation of *this Act* Implementation activities include preparation of information for the public, development of a toolkit for custodians, and drafting of regulations to support the *Act*. The Department is aiming to have the *Act* in effect in the winter of 2012/2013.

Q5. How will I benefit from the law?

A. The *Personal Health Information Act* would benefit you in many ways. For example:

1. **Your personal health information will follow you wherever you go** in the healthcare system, whether public or private and regardless of whether or not the services were publicly funded. In some cases, existing legislation may limit what your health care provider can disclose to other providers involved in your care.

2. Every healthcare provider who has access to your personal health information will need to have **clear privacy practices and policies**. For example, they would need to have a privacy contact person and communication materials describing their privacy practices. They would be subject to access audits to make sure that only certain people (such as your doctor or nurse) have viewed your health record electronically.

3. **You will be told about any privacy breach** of your personal health information. You will be notified if there was a theft, loss or unauthorized access of your information.

4. The rules for your health care providers will be the **same wherever you go in the province**.

Q. Will the *Personal Health Information Act* apply to electronic health records?

A. **Yes**. Our existing privacy laws were developed in a system that ran on paper records. Comprehensive personal health information legislation is **a key element in developing electronic information**.

Q. Will the legislation give me the ability to view or get a copy of my health record?

A. Yes. You will continue to be able to **view or receive a copy of your health record** and **request that a correction be made** if you think the information is incorrect or incomplete.

Q. Are there any instances in which personal health information will *not* be covered by the *Personal Health Information Act*?

A. Yes. If your personal health information were collected for a purpose **not related to health care, this law would not protect it**. For example, the Department of Community Services may ask for medical information if you are adopting a child. This use of your personal health information is not covered by this law, but would be covered by privacy law applicable to Community Services

Q. How can I learn more about the *Personal Health Information Act*?

A. Click on the Personal Health Information Act page within the NS Department of Health and Wellness website at **www.gov.ns.ca/dhw/** or contact the Department of Health and Wellness at 902.424.5419, or toll free at 1-855-6404765.

If you have any question or comments on this legislation, you can submit your questions or comments online at www.gov.ns.ca/dhw/, e-mail your comments to phia@gov.ns.ca, or mail your comments to:

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