

## Basic Privacy Tips

- Access client and/or other confidential information only as is needed to perform your duties.
- Do not share any client and/or other confidential information to any person within or outside of Labrador-Grenfell Health, except as may be required in the course of your duties. Even after your affiliation with Labrador-Grenfell Health has ended, such sharing of information is still considered a privacy breach.
- Always protect client and/or other confidential information, while only discussing with others on a “need-to-know” basis.
- Keep client and/or other confidential information secure at all times and do not leave such information in unsecure locations.
- Do not discuss client and/or other confidential information in public places.
- Promptly retrieve your confidential documents from printers, copiers and faxes.
- Immediately report any privacy breach (or potential breach) that you become aware of.
- Adhere to Labrador-Grenfell Health’s policies and procedures as they relate to privacy, confidentiality and the Personal Health Information Act (PHIA).

## Additional Resources

This brochure provides a basic overview of your privacy obligations, as well as your obligations under the Personal Health Information Act (PHIA). This pamphlet does not constitute legal direction or advice. For interpretation and/or guidance, you are advised to consult with the Act and/or speak with legal counsel.

Privacy/confidentiality policies for the Health Authority are available on Labrador-Grenfell Health’s website:  
<http://www.lghealth.ca/>  
Also, you may visit the PHIA link at the Health and Community Services website:  
<http://www.health.gov.nl.ca/health/PHIA/>

Should you have further questions or concerns, please contact:

**Regional Privacy Office**  
**Telephone: 454-0162**  
**Fax: 454-2467**  
**E-mail: [privacy@lghealth.ca](mailto:privacy@lghealth.ca)**



# Labrador - Grenfell Health

## Privacy, Confidentiality and the Personal Health Information Act: Information for Contractors, Vendors and their Employees



Labrador - Grenfell Health

*Privacy...  
it's everyone's  
responsibility*



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## **What is the Personal Health Information Act (PHIA)?**

The Personal Health Information Act (PHIA) is a health-sector specific privacy law, proclaimed on April 1, 2011, that establishes rules for the collection, use and disclosure (sharing) of personal health information in both the public and private sectors. PHIA also sets out the rights of residents of Newfoundland and Labrador regarding obtaining access to and exercising control of their personal health information.

Personal health information includes information (oral and recorded) that can be used to identify an individual. This can include their name, address, MCP, social insurance number, contact details, as well as any information relating to the physical or mental health of an individual and/or care provided to them (i.e., test results, family health history, treatment records, registration information, etc.).

PHIA recognizes that people expect their health information to be kept confidential and that it should not be collected, used or disclosed (shared) for purposes not related to their care and treatment. However, the Act also recognizes that information is sometimes needed for other authorized purposes outside of direct client care. Therefore, PHIA strikes a balance between (1) protecting individuals' privacy and (2) using personal health information for legitimate health-related purposes, such as:

- Delivering primary health care
- Planning and monitoring of the health system
- Public health and safety
- Health research (Research Ethics Board)
- Criminal investigations

Whatever your role with Labrador-Grenfell Health, it is important to understand your responsibilities and obligations related to PHIA, as well as the Health Authority's policies and procedures regarding privacy and the security of confidential information.

## **Why is this important to me?**

Labrador-Grenfell Health may engage the services of contractors and vendors to support their operations. Under certain circumstances, these contractors and/or vendors may need to access, use or disclose (share) personal health or other confidential information. In these instances, such access, use and disclosure (sharing) is restricted to what is needed to achieve the specific purpose that has been identified.

In completing their duties, contractors and/or vendors may also inadvertently and/or unintentionally become exposed to personal health and/or other confidential information (i.e., observe a client's presence in a hospital or facility of Labrador-Grenfell Health). Regardless of how confidential information is obtained, all contractors, vendors and/or other people affiliated with Labrador-Grenfell Health have an obligation to ensure that information to which they have access is kept confidential and private. To access, use or disclose (share) personal health and/or other confidential information other than what is necessary for the purpose of the contract/service provision is considered a privacy breach.

## **PHIA Education and Oath/Affirmation of Confidentiality**

Upon engagement with Labrador-Grenfell Health, all contractors and vendors are required to sign an Oath/Affirmation of Confidentiality and must adhere to the statements contained therein. This Oath/Affirmation must be notarized by a designated official and for this purpose, Commissioners for Oaths have been designated at all sites throughout the Health Authority. It is the responsibility of all contractors/vendors to review all informational materials/policies related to PHIA, privacy and confidentiality as they are provided or referred to, while making every effort to ensure that both they and their employees, who may also be engaged in the completion of the Contract, adhere to all related legislation/policies.

## **Privacy Breaches**

At Labrador-Grenfell Health, privacy breaches are taken very seriously. The unauthorized collection, use or disclosure of personal health, employee and/or corporate information is considered a privacy breach, even though the breach may be unintentional. Some examples include:

- Intentional access, use, and/or viewing of personal health or other confidential information that is not necessary to perform one's legitimate duties. Such activity would be considered a breach, even if that information is never discussed with anyone else.
- The disclosure of a client's presence in a facility (i.e., hospital) to an unauthorized party without the client's consent.

If it is established that a breach of privacy or confidentiality has occurred, those individuals deemed responsible may be subject to penalty or discipline up to and including termination of the contract or affiliation with Labrador-Grenfell Health. Such activity may also result in restrictions being placed on the ability to engage in further competitions with the Health Authority.

PHIA specifies that a person who willfully causes a privacy breach involving personal health information may be subject to a fine up to \$10,000 and/or six (6) months in prison. Other consequences, such as civil suits, may also result.

All privacy breaches must be reported to the appropriate Labrador-Grenfell Health personnel. If you suspect or are aware of a privacy breach, please discuss with the manager/supervisor for the department under which you are operating, as an Occurrence Report must be completed and forwarded to the Patient Safety and Quality Department.