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## Frequently asked questions:

### Shared health information

#### What is shared health information and who are sharing custodians?

- Shared health information is electronic health information in the custody or control of two or more custodians.
- Sharing custodians are custodians who have custody or control of shared health information.
- Example: A multidisciplinary family medicine clinic where more than one custodian provides health services and use a shared electronic medical record (EMR).
- The custodians adopt common policies and procedures that set out each custodian's roles under the *Health Information Act* (HIA). Each custodian in the clinic has custody and control of the shared health information in the EMR and is responsible for meeting all HIA obligations related that information.

#### How does a custodian become a sharing custodian?

- A custodian becomes a sharing custodian by joining one or more other custodians and making electronic health information accessible in the shared environment.
- Before becoming a sharing custodian, the custodian must:
  - prepare and submit a privacy impact assessment (PIA) to the Office of the Information and Privacy Commissioner (OIPC) for review and comment
  - ensure the PIA meets general requirements and describes the common policies and procedures. See below for detail.
- Before making shared health information available, sharing custodians must establish or adopt common policies and procedures identifying each custodian's roles and how they meet their obligations under the

#### What are common policies and procedures and what should they cover?

- Common policies and procedures must be adopted before making shared health information available to one another.
- These policies and procedures must set out the role of each sharing custodian's roles and responsibilities under the HIA.
- The Health Information (Ministerial) Regulation outlines what must be covered in the policies and procedures, including:
  - how a custodian may stop being a sharing custodian
  - how affiliates are identified for each sharing custodian
  - how each custodian ensures its affiliates comply with the HIA and regulations

- how sharing custodians will address:
  - access requests
  - correction or amendment requests
  - disclosure requests for research including conditions, consents, agreements and costs
  - individuals' expressed wishes about how their health information is used

### What are the PIA requirements for shared health information?

- Before becoming a sharing custodian, a custodian must prepare and submit a PIA to the OIPC for review and comment.
  - Custodians must consider any comments made by the Commissioner on the PIA.
- If a custodian is already a sharing custodian when the amendments to the HIA come into force, a PIA must be submitted within two years.
- A PIA for shared health information must include:
  - a description of the common policies and procedures the custodian must adopt before making shared health information accessible to other sharing custodians
  - a summary of each type of health information that is the subject of the PIA and the purposes for which it is to be collected, used or disclosed
  - the legal authority for the collection, use and disclosure of the health information
  - privacy risks of an individual whose health information is the subject of the PIA and the mitigation strategies
  - administrative, physical and technical safeguards implemented to protect the health information that is the subject of the PIA, including how information is securely transmitted, matched, or linked with other health information.

For more details on PIA requirements, please see the HIA Fact Sheet: *Privacy Impact Assessment*.

### Who can access shared health information?

- Shared health information may be used by each sharing custodian with custody or control of the shared health information.
- Affiliates of sharing custodians may use or disclose shared health information as required to perform their duties on behalf of the sharing custodian.
- Example: Medical office assistants, licensed practical nurses or social workers who require access to shared health information to provide services in a clinic using a shared health information model. Access is permitted only

after sharing custodians adopt common policies and procedures that define roles and responsibilities.

### For what purposes can shared health information be used?

- If a ministerial custodian, departmental custodian, provincial health agency, provincial health corporation, regional health authority, health services delivery organization, Health Quality Alberta, or the Canadian Centre of Recovery Excellence is a sharing custodian, it may use the shared health information for any purpose they can use health information.
- Other custodians (for example, community-based health services providers) may use shared health information only for individuals to whom they are providing or have provided health services, and only for the following purposes:
  - providing health services
  - common or integrated programs or services
  - determining or verifying the eligibility of a person to receive a health service
  - conducting investigations, discipline proceedings, practice visits, or inspections relating to the members of a health profession or discipline
  - responding to complaints made or legal actions taken against the custodian
  - conducting research or performing data matching or facilitating another person's research, so long as the HIA research requirements are met
  - providing health services provider education
  - carrying out an authorized purpose under an enactment of Alberta or Canada
- Any other custodian who becomes a sharing custodian may also use shared health information for internal management purposes, even if they have not provided health services to the individual who is the subject of that information. See HIA section 27(1)(g) for all authorized internal management purposes.

### For what purposes can shared health information be disclosed?

- If a ministerial custodian, departmental custodians, provincial health agency, provincial health corporation, regional health authority, health services delivery organization, Health Quality Alberta, or the Canadian Centre of Recovery Excellence is a sharing custodian, they can disclose the shared health information for any purpose they can use health information.
- Other custodians may disclose an individual's shared health information under sections 35(1) and 36(a) if they are providing or have provided a health services to the individual, with the following exceptions:
  - A sharing custodian may disclose an individual's shared health information when they are not providing, or have not previously provided a health service to the individual:

- where complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction in Alberta to compel the production of information or with a rule of court binding in Alberta that relates to the production of information
- where the disclosure is authorized or required by an enactment of Alberta or Canada

Who is responsible for ensuring the HIA requirements are met in a shared use environment?

- Each sharing custodian is responsible for ensuring HIA requirements are met.
- Roles and responsibilities for each sharing custodian must be defined in the common policies and procedures adopted by all sharing custodian.

Does my clinic have to transition our electronic medical record to the shared health information model?

- No. Custodians are not required to participate in a shared health information environment.
- The framework for collection, use, and disclosure has not been changed.
- If your clinic operates so that each custodian maintains custody or control of separate patient records you may continue that approach.
- You do not need to adopt the shared model if:
  - there is only one custodian in the clinic
  - custodians do not share custody or control of electronic health information
- Examples where there may not be a shared health information model:
  - A physician owns and operates a clinic and employs other custodians as affiliates.
  - A clinic that is made up of an integrated care team that includes only one custodian, such as a physician, and other health services providers, such as social workers and massage therapists, and there is no shared custody or control of electronic health information.
  - A clinic has multiple physicians but no shared custody or control of electronic health information.

Who can I contact if I have questions?

For more information, contact the HIA Help Desk at [HIAHelpDesk@gov.ab.ca](mailto:HIAHelpDesk@gov.ab.ca) or 780-427-8089.