

# HIA Fact Sheet: Privacy management program

The *Health Information Act* (HIA) requires custodians to establish and maintain a privacy management program (PMP).

## Overview

Under section 63 of the HIA, each custodian must establish or adopt policies and procedures under a PMP that facilitate compliance with the Act and its regulations.

A PMP ensures custodians not only define privacy requirements but also put them into practice through training, oversight, risk management and ongoing monitoring. Custodians are encouraged to actively implement and maintain their PMP.

Custodians who have developed policies and procedures required by the HIA prior to the introduction of PMP requirements can use those policies and procedures as part of their PMP. Custodians should also establish a scheduled review process to ensure the PMP remains up to date, as the PMP must be actively implemented and maintained.

## Access to privacy management programs

The Office of the Information and Privacy Commissioner (OIPC) may request a custodian's PMP. Custodians must provide it within 30 days of the request. The commissioner may review the PMP and comment on implications for access to and protection of health information.

Custodians must also provide a copy of their PMP to the Minister or Department of Primary and Preventative Health Services upon request.

## Regulated health services providers

Section 63.1 of the HIA enables health professional bodies to develop general policies and procedures for managing health information.

The health regulatory body may submit the policies and procedures to the OIPC for review and comment.

Registered members of a health profession whose regulatory body has created general policies and procedures may incorporate some or all of them into their PMP.

Submitting general policies and procedures to the OIPC for review is a voluntary ability of health regulatory bodies. Custodians should contact their health regulatory body to determine if general policies or procedures have been developed.

## PMP components

The following examples outline types of policies or procedures that may form part of a PMP. This list is not exhaustive. Some elements may be more relevant depending on the custodian (for example, an individual pharmacist versus a provincial health corporation).

### Accountability

- Establish clear roles, responsibilities, and reporting structures.
- Designate a contact person, or persons, responsible for HIA compliance. For example, a custodian may have one staff member who is responsible for access and correction request processes and another staff member who is responsible for privacy compliance.
- Implement a complaints process, including delegation, where appropriate.
- Monitor, report on, evaluate and update the PMP regularly.
- Establish processes for individuals to request access to or correction of their health information.

### Collection, use and disclosure

- Ensure all collection, use and disclosure comply with the HIA, including for research purposes.
- Apply limitation and need-to-know principles (s.57&58).
- Ensure health information is accurate.
- Have processes to consider expressed wishes of the subjects of the information, where applicable.
- Ensure appropriate access to and use of Alberta Netcare, where applicable.

### Safeguards, breaches and security

- Protect health information in accordance with the HIA and the Health Information Regulation.
- Implement appropriate administrative, technical and physical safeguards.

- Prevent, detect, contain and respond to privacy breaches.
- Meet reporting and notification requirements.
- Ensure privacy impact assessment requirements are met.

### **Affiliate management and training**

- Ensure affiliates are aware of their obligations to comply with the HIA and to follow the policies and procedures set by the custodians.
- Ensure affiliates, including information managers, are aware of and comply with the PMP.
- Ensure all affiliates have completed HIA training.
- Establish policies for information manager agreements and other agreements, such as data-sharing agreements.

### **Contact**

HIA Help Desk provides general information about the HIA and health information privacy in Alberta.

- Phone: [780-427-8089](tel:780-427-8089) or Toll free: [310-0000](tel:310-0000) before the phone number (in Alberta)
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