

DEFINITIONS UTILIZED IN POLICIES RELATED TO ACCESS & PRIVACY

1. Access: The right of an Individual, to examine (view) and receive a copy of the Individual's Personal Health Information Maintained by the Trustee.
2. Alternate: is a person who has decision-making capacity and is willing to make decisions on behalf of a client who does not have the capacity to make a decision. An alternate may be legally authorized (e.g. health care proxy)
3. Arrest Warrant: is a document that authorizes a police officer to find someone, enter into their premises or premises where that person is located and place them under arrest.
4. Breach of Security: Occurs whenever Personal Health Information is collected, Used, Disclosed or Accessed other than as authorized, or its Integrity is compromised.
5. Capacity: refers to the ability to understand the information that is relevant to making a decision and being able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.
6. Complaint:
A Complaint made to a Trustee by an Individual and/or by the Provincial Ombudsman about collection, Access, correction, Use, Disclosure, protection, and Privacy of Personal Health Information.
7. Confidentiality: The obligation of a Trustee to protect the Personal Health Information entrusted to it, to Maintain the secrecy of the information and not misuse or wrongfully Disclose it.
8. Court Order: a document issued by the court that may demand the production of personal health information for the court (i.e. production order).
9. Demographic Information:
An Individual's name, address, telephone number, and email address.
10. Disclosure:
Revealing the Personal Health Information outside the Trustee (IERHA), i.e. to other Trustees, to family and friends of the Individual, or to other persons legally entitled to have Personal Health Information released to them.
11. Emergency Demand for Records:
A court order for records required urgently under The Missing Persons Act where the missing person is at risk of imminent serious bodily harm or death. See Guideline for Police requests for access to Personal Health Information under *The Missing Persons Act*.

12. Exercising Rights: includes consent to or refusal to consent to treatment/intervention, consent to or refusal to consent to collection, use and disclosure of personal and personal health information or other consents as may be required (e.g. photograph).
13. Express Consent:
Consent given directly by an individual in oral, written or electronic form. For example, completion of a consent form by an individual that authorizes the disclosure of the individual's own personal health information is a form of express consent.
14. Health Care:
Any care, service or procedure provided to diagnose, treat or maintain an Individual's health; provided to prevent disease or injury or promote Health Care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
15. Health Care Facility:
A hospital, personal care home, Psychiatric Facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which Health Care is provided and that is designated in the PHIA regulation.
16. Health Professional:
A person who is licensed or registered to provide Health Care under an Act of the Legislature or who is a member of a class of persons designated as Health Professionals in the PHIA regulation
17. Health Services Agency:
An organization that provides Health Care such as community or home-based Health Care pursuant to an agreement with the Trustee.
18. Implied Consent:
In all circumstances, the purpose of the Use or Disclosure would become reasonably obvious to the Individual the information is about, and it is reasonable to expect that they would consent and the information is Used or Disclosed only for the purpose it was collected. Consent is not given directly by the Individual.
19. Individual:
A patient, client or resident receiving Health Care services within a Trustee. For the purpose of Access, correction, Use and Disclosure of Personal Health Information includes Persons Permitted to Exercise the Rights of an Individual.
20. Individual's Condition: The Individual's general health status, described as critical, poor, fair, stable or satisfactory, or in terms indicating similar conditions; and the Individual's location, unless Disclosure of the location would reveal specific information about the physical or mental condition of the Individual.

21. Information About Care Currently Being Provided:

(a) **Hospital In-patient**

Personal Health Information collected, documented and Maintained in the hospital in-patient chart during the current hospital stay for an Individual who has been admitted and not yet discharged from hospital.

(b) **Personal care home residents**

Personal Health Information about a resident in a personal care home includes the most current Quarterly Medication and Quarterly Team Review, Care Plan, Medication Administration Record and any other information on the health Record that would describe or explain an incident, injury or a new health issue.

(c) **Health Care Facility visits such as: emergency, outpatient, outreach, day surgery and facility based clinics**

Personal Health Information collected, documented and Maintained in a facility's health Record that is readily available during a visit to one of the above settings. This may also include information about the last visit to that setting.

(d) **Community Health Services such as family medicine/primary care, midwifery, home care, population & public health, mental health**

Personal Health Information collected, documented and Maintained in a health Record that is readily available during a visit pertaining to one of the above settings. This may also include information about the last visit in that setting.

22. Information Manager:

A person or body (corporation, business, or association) that processes, stores or destroys Personal Health Information or provides information management or information technology services for the Trustee.

23. Inpatient Chart: refers to the in-patient Record in IERHA hospitals. It is used in the clinical area during the patient's hospitalization and is filed in a binder. Upon discharge, the In-Patient Chart may be referred to as the "Health Record" for health information purposes.

24. Institutional Research Review Committee:

A committee formally established by a Health Care Facility, university or similar body whose function is to review the efficacy, scientific and ethical value of a research proposal involving human subjects or involving the review of Records containing Personal Health Information; and to ensure that the person proposing the research has adequate safeguards in place to protect the Confidentiality of Personal Health Information.

25. Integrity of Personal Health Information:

The preservation of its content throughout storage, Use, transfer, and retrieval so that there is confidence that the information has not been tampered with or modified other than as authorized.

26. Knowledgeable Consent:

Consent is knowledgeable if the Individual who gives it has been provided with and understands the information that a reasonable person in the same circumstances would need in order to make a decision about the Use or Disclosure of the information.

27. Maintain:

In relation to Personal Health Information, to have custody or control of the information.

28. Medical Director:

The psychiatrist responsible for the provision and direction of psychiatric services for a designated Psychiatric Facility. The Medical Director may delegate his or her authority in accordance with *The Mental Health Act*.

29. Notice of Motion: is a notice that an application has been made to the court for a court order.

30. Personal Health Information:

Recorded Information about an identifiable Individual that relates to:

- (a) the Individual's health, or Health Care history, including genetic information about the Individual;
- (b) the provision of Health Care to the Individual; or
- (c) payment for Health Care provided to the Individual;

and includes;

- (d) the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an Individual; and
- (e) any identifying information about the Individual that is collected in the course of, and is incidental to, the provision of Health Care or payment for Health Care;

and for further clarity includes:

- (f) personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the Individual which have been Disclosed to the Trustee;

and for the purpose of the Confidentiality policy:

- (g) any Personal Health Information exchanged verbally about the Individual.

31. Personal information - means recorded information about an identifiable individual, including

- (a) the individual's name,
- (b) the individual's home address, or home telephone, facsimile or e-mail number,
- (c) information about the individual's age, sex, sexual orientation, marital or family status,
- (d) information about the individual's ancestry, race, colour, nationality, or national or ethnic origin,

- (e) information about the individual's religion or creed, or religious belief, association or activity,
- (f) personal health information about the individual,
- (g) the individual's blood type, fingerprints or other hereditary characteristics,
- (h) information about the individual's political belief, association or activity,
- (i) information about the individual's education, employment or occupation, or educational, employment or occupational history,
- (j) information about the individual's source of income or financial circumstances, activities or history,
- (k) information about the individual's criminal history, including regulatory offences,
- (l) the individual's own personal views or opinions, except if they are about another person,
- (m) the views or opinions expressed about the individual by another person, and
- (n) an identifying number, symbol or other particular assigned to the individual;

32. Personal Representative:

- (a) an Executor/Executrix or joint Executor/Executrix named in a deceased Individual's will;
- (b) or a court appointed Administrator or joint Administrator of a person's estate.

33. Persons Associated with the Trustee includes: all contracted persons, volunteers, students, researchers, IERHA medical staff, educators, members of the Boards of Directors, Information Managers, employees, or Agents of any of the above or other health agencies.

34. Persons Permitted to Exercise the Rights of an Individual

- (a) any person with written authorization from the Individual to act on the Individual's behalf;
- (b) a proxy appointed by the Individual under *The Health Care Directives Act*;
- (c) a committee appointed for the Individual under *The Mental Health Act* if the committee has the power to make Health Care decisions on the Individual's behalf;
- (d) a substitute decision maker for personal care appointed for the Individual under *The Vulnerable Persons Living with a Mental Disability Act* if the exercise of the right relates to the powers and duties of the substitute decision maker;

- (e) the parent or guardian of an Individual who is a minor, if the minor does not have the capacity to make Health Care decisions;
- (f) if the Individual is deceased, his or her Personal Representative.

If it is reasonable to believe that no person listed in any clause of 2.14.1 exists or is available, the adult person listed first in the following who is readily available and willing to act may exercise the rights of an Individual who lacks the capacity to do so:

- (a) the Individual's spouse, or common-law partner, with whom the Individual is cohabiting;
- (b) a son or daughter;
- (c) a parent, if the Individual is an adult;
- (d) a brother or sister;
- (e) a person with whom the Individual is known to have a close personal relationship; a grandparent;
- (f) a grandparent;
- (g) a grandchild;
- (h) an aunt or uncle;
- (i) a nephew or niece.

Ranking: The older or oldest of two or more relatives described in any clause in section 14 is to be preferred to another of those relatives.

- 35. PHIA: *The Personal Health Information Act* (Manitoba).
- 36. PHIN:
The personal health identification number assigned to an Individual by the minister to uniquely identify the Individual for Health Care purposes.
- 37. Police: The local Police service or the Royal Canadian Mounted Police detachment that is responsible for providing law enforcement services.
- 38. Prescribed Health Research Organization includes:
Manitoba Centre for Health Policy at the University of Manitoba; and
Canadian Institute for Health Information.
- 39. Privacy:
The fundamental right of an individual to control the collection, Use and Disclosure of their Personal Health Information.
- 40. Privacy Officer – each site or program has a privacy officer designated by the Interlake-Eastern RHA whose responsibilities include dealing with requests from individuals who wish to examine and copy or to correct personal health information collected and maintained by the Interlake-Eastern RHA and facilitating the Interlake-Eastern RHA's compliance with PHIA. Each site or program privacy officer receives additional privacy training from the Regional Privacy Advisor.
- 41. Psychiatric Facility: A place designated in the regulation of The Mental Health Act as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.

42. Psychiatric Facility:

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43. Record Access Order:

A court order to produce records under *The Missing Persons Act*. See Guideline for Police requests for access to personal health information under *The Missing Persons Act*.

44. Record of User Activity: means a record about access to personal and/or personal health information maintained on an electronic information system, which identifies the following:

- (a) individuals whose personal and/or personal health information has been accessed,
- (b) persons who accessed personal and/or personal health information,
- (c) when personal and/or personal health information was accessed,
- (d) the electronic information system or component of the system in which personal and/or personal health information was accessed,
- (e) whether personal health information that has been accessed is subsequently disclosed under section 22 of *The Personal Health Information Act*.

45. Record or Recorded Information:

A Record of information in any form, and includes information that is written, photographed, Recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces Records.

46. Regional Privacy Advisor – an employee designated by the Interlake-Eastern RHA who acts as a resource to other Privacy Officers designates and managers / supervisors. It is the responsibility of the Regional Privacy Advisor to investigate privacy complaints or concerns, and to make recommendations to prevent future privacy breaches. It will also be the responsibility of the Regional Privacy Advisor to deliver PHIA education to staff, and to develop and deliver continuing privacy education initiatives. Also, the Regional Privacy Advisor will be responsible for making recommendations regarding prevention of security breaches and to provide an annual Summary Report to the Chief Executive Officer.

47. Security: The process of protecting the Personal Health Information by assessing threats and risks to information and taking steps to mitigate these threats and risks. The result is the consistent application of standards and controls to protect the Integrity and Privacy of the information during all aspects of its use, processing, disclosure, transmittal, transport, storage, retention including conversion to a different medium and destruction.

48. Site: A Health Care Facility, community health centre, community office within the IERHA.

49. Subpoena: A subpoena is a court order that is served for the purpose of having someone attend a proceeding as a witness and may require the production of documents as evidence in court.



50. Transmission: refers to a specific action or process defined by a user such as faxing, emailing or printing. A trustee determines where a transmission is use or disclosure. This does not include system-to-system transmission such as data being transmitted without user intervention (see clause 4(3) of the regulation).
51. Trustee: A Health Professional, Health Care Facility, public body or Health Services Agency that collects or Maintains Personal Health Information. For clarity, the IERHA as a public body is the Trustee of the Personal Health Information collected and Maintained within Health Care Facilities and Sites owned and/or operated by the IERHA and includes Community Health Services. The other hospitals and personal care homes within the region are Trustees of the Personal Health Information collected and Maintained at each Health Care Facility.
52. Use: Involves revealing Personal Health Information to someone within the Trustee's own organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of Personal Health Information.
53. User Access Role: refers to the functionality assigned to a specific user or group of users who require access to personal health information maintained in an electronic information system to do their job. (e.g. read/view, add, modify, delete)
54. Warrant to Search/Search & Seize: is a document issued by a magistrate or justice of the peace that permits the police to attend our premises, search it for the evidence set out on the warrant and remove that evidence from our premises.