



YOUR PRIVACY FREQUENTLY ASKED QUESTIONS FOR PATIENTS

The Geraldton District Hospital respects the privacy of your personal health information. The Hospital has provided a list of frequently asked questions for your information and reference. For any other questions or concerns, please contact the Privacy Officer at the Geraldton District Hospital, Kurt Pristanski:

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What is Privacy?

Privacy is a person's claim to determine for himself or herself when, how and to what extent personal health information is communicated. It is an individual's right to determine who knows what about him/her and what is done with that knowledge.

What is the Personal Health Information Protection Act?

The Personal Health Information Protection Act, 2004 (PHIPA) is Ontario's health-specific privacy legislation that applies to health information custodians such as hospitals. This Act governs the manner in which personal health information may be collected, used and disclosed within the health care system. It also confirms patients' rights to access their own personal health information.

What is Personal Health Information?

Personal health information is identifying information collected about an individual, whether living or deceased, whether in oral or recorded form. It includes information concerning an individual's health or health care history related to:

- An individual's physical or mental health, including family history
- The provision of health care to the individual
- Payment or eligibility for health care in respect to the individual
- The individual's health care number
- Blood or body-part donations
- The identity of a health care provider or substitute decision-maker for the individual
- Long term care services

What is a health information custodian?

A health information custodian is a listed individual or organization under the Personal Health Information Protection Act that, as a result of their power or

duties, has custody or control of personal health information. Examples of health information custodians include:

- Hospitals
- Nursing Homes and Long-term care facilities
- Community Care Access Centres
- Health care practitioners (such as physicians, nurses, pharmacists, psychiatrists, dentists)
- Psychiatric facilities
- Pharmacies
- Laboratories
- Ambulance Services

What is the “circle of care”?

This is a term of reference used to describe health information custodians and their authorized agents who are permitted to rely on a patient’s implied consent when collecting, using, disclosing or handling personal health information for the purpose of providing direct health care or assisting in providing health care within the continuum of care. In a hospital setting, this would include, for example, the attending physician, the health care team composed of nurses, technicians, medical students, clinical clerks and others assigned to the patient) who have direct responsibilities of providing care to the patient.

What information does the Hospital collect?

The Geraldton District Hospital collects both personal and health information. Patient name, date of birth, address, are examples of personal information. Information relating to previous health problems, the record of your visits to the Hospital and the health care provided to you during those visits are examples of your health information.

Why does the Hospital need this information?

The personal health information collected may be used for the delivery of direct patient care, administration of the health care system, research, teaching, statistics, fundraising, and to meet legal and regulatory requirements. Examples of potential uses include:

- To quickly and accurately identify your health record each time you visit the Hospital
- To provide you with the most effective and appropriate health services and/or treatment(s). Your visit to the Hospital may include assessments of your health condition, surgical and medical procedures and other treatments. All of this information is recorded in your health record and made available to those involved in your care. The Geraldton District Hospital maintains a history of your health information so that health care providers have a complete summary of your health status and information for future care

- To comply with legal and regulatory requirements. Your health insurance number, for example, is collected because it is required for the processing and funding of health care services
- To improve the quality and efficiency with which the Geraldton District Hospital provides health care and services and for follow-up care in the community
- To support educational activities to keep current health care providers up to date and to train medical students and residents for the future

How does the Hospital protect your personal health information?

Your information is protected with an appropriate set of safeguards:

- **Physical** – for example locked doors, filing cabinets
- **Technical** – for example, applying security measures to electronic health records with user names, passwords, firewall and antivirus software
- **Administrative** – for example, policies and procedures
- Hospital staff and affiliates wear photo identification while on hospital property to protect against unauthorized individuals accessing information
- Hospital staff and affiliates have security cards which allow access to designated areas of hospital only
- All Hospital staff and affiliates are required to sign confidentiality agreements as a condition of their employment or affiliation
- All Hospital staff and affiliates are bound by hospital policies and practices related to privacy and confidentiality. These policies aim to ensure that staff only access information on a “need-to-know” basis. Regulated Health Professionals are also bound by privacy and confidentiality requirements from their professional Colleges.

PHIPA requires that hospitals obtain an individual's consent to collect, use and disclose his/her personal health information. How will the Geraldton District Hospital obtain such consent?

PHIPA permits the Hospital to assume implied consent where information is exchanged between custodians **within the circle of care** for the purpose of providing direct health care unless a custodian is aware that an individual has expressly withheld or withdrawn his/her consent.

Express consent to the collection, use or disclosure of personal health information by a health information custodian is explicit and direct. It may be given verbally or in writing.

Implied consent permits a health care custodian to infer from the surrounding circumstances that a patient would reasonably agree to the collection, use or disclosure of his/her personal health information.

What if I am unable to give consent to disclose my personal health information?

If you are unable to give consent due to reasons such as competency or consciousness, the consent decision falls to the substitute decision maker, such

as the spouse, parent, or guardian. This person is bound by law to act on your behalf and must make decisions based on their belief of what you would wish done if you were able to decide.

When does the Hospital disclose your Personal Health Information?

Some or all of your personal health information may be disclosed to the following persons or agencies:

- Health care providers within your circle of care, including other hospitals, nursing homes or health care agencies, unless you have expressly withheld or withdrawn your consent to do so. Staff may require information to conduct the business of the Hospital; for example, Finance Department staff sends an invoice to a patient's extended health insurance company. Information is shared for the purpose of your continuing care in the community. Students may also work with your health care team under the guidance of preceptors.
- You, your legal representative, or next of kin. Your personal health information can be disclosed to someone that you have designated to act on your behalf in the event that you are unable to do so (i.e. Power of Attorney for Personal Care, Substitute Decision-Maker)
- Agencies that fund the Hospital, for example, OHIP, WSIB, Ministry of Health and Long Term Care. Hospitals are required to provide health information for billing, statistical reporting, and health care management purposes
- Other agencies as required by law, for example, public health surveillance
- Any third party (such as a private insurance company or lawyer) **provided you have expressly consented to the disclosure** (by signing the Consent to the Disclosure of Personal Health Information) or law requires the disclosure
- In addition to your paper-based record, the Geraldton District Hospital has an electronic health record. Other health care providers, who are part of the affiliation agreement and who are partners in your care, may access the electronic health record provided all privacy and confidentiality measures are maintained

Will the Hospital disclose personal health information to outside companies or to an employer?

The Hospital requires your written permission or express consent, or a court order, to disclose health information to any organization or person not directly involved with the provision of patient care.

What is a breach of Privacy?

A breach of privacy, confidentiality or security refers to the unauthorized access, collection, use or disclosure of any personal information or personal health information.

Where is personal health information stored and for how long?

The Public Hospitals Act outlines the minimum retention requirements of your health records. The Health Records Department oversees the secure storage and management of your hospital health records. The Geraldton District Hospital is required to keep health records for a minimum of ten years past the date of the last admission or visit to the Hospital. In some cases, for example, the health records for children or records involved in litigation must be retained for much longer periods. Most health records are maintained in the Health Records Department, but some departments, such as Diagnostic Imaging and the Laboratory, maintain their own specific records. Also, a core record of your care is maintained as an electronic patient record.

Will the Hospital have all records on file?

The Geraldton District Hospital retains and manages patient records according to government legislation and Hospital policies. This means that the Hospital may only maintain some of your records.

How does an individual access or request a copy of their own personal health information?

- Ask your health care provider for information about your diagnosis/treatment while you are an in patient
- To obtain a copy of, or view your health record, contact the Health Records Department of the Hospital
- With limited exceptions, PHIPA provides individuals with a general right to access their own personal health information and the Hospital has the obligation to make it available.

Can the Hospital refuse to provide access to a patient's personal health information?

The Hospital is obligated to provide access to patients' personal health information. However, the Hospital may refuse in limited situations only, where for example:

- The information in question is subject to legal privilege
- The information was collected as part of an investigation
- Disclosure could reasonably be expected to result in a risk of serious bodily harm to an individual

Can the spouse of a patient access their partner's health record?

No, unless he/she has been designated substitute decision maker and the Hospital is provided with evidence of that. Although the patient has the right to access their own health records, this right does not automatically extend to family members and/or friends. If you consent to allow a family member or friend to view your record, then they will be provided access to specified section(s).

What is the procedure with regards to queries about records of a deceased patient?

To obtain records for individuals who are deceased, proof of executorship or legal signing authority must be submitted with the request.

Will my friends or family be able to call in and obtain information about me over the telephone?

- Hospital staff have no way to identify or verify who is calling and what their relationship is to you. In order to protect patient privacy, only a minimum amount of information is conveyed over the telephone.
- Also, if you do not want visitors or callers to know that you are in the Hospital, please advise Hospital staff when you are admitted. This also applies to the clergy from the community who may visit you while you are an inpatient. If you do not want this service, please advise Hospital staff when you are admitted.

Many areas of the Hospital are open and staff are overheard talking to patients and family about health information. Is this not a breach?

Despite the pressures of an acute care hospital setting, all Hospital staff and affiliates make every reasonable effort to discuss health information privately.

Can my family physician access my health information?

The Geraldton District Hospital releases specific documentation, such as discharge summaries, emergency department records, to the family physician to facilitate your continuing care. Other information can be disclosed or released at your request and with your consent.

Is an individual allowed to amend errors in his/her personal health information and how is this done?

An individual who believes that his/her personal health information is incomplete or inaccurate may request the Hospital to correct his/her record. The individual is required to submit a written request to the Hospital, which, in turn must respond within 30 days of receiving the amendment request. The Privacy Officer and the author of the record will review the request. The Hospital is not required to correct a professional opinion or observation made in good faith about a patient.

What if I have concerns about my Privacy?

Please contact the Privacy Officer at the Hospital if you have any questions or concerns.