

Fact Sheet

The Health Information Protection Amendment, 2015

May 31, 2016

- *The Health Information Protection Amendment, 2015* will be proclaimed on June 1, 2016.
- The amendments strengthen and clarify the requirements of trustees, Information Management Service Providers and their employees in protecting personal health information.
- They also provide the mechanism through which swift action can be taken to secure personal health information, such as patient files, if found abandoned.
- The amendments to *The Health Information Protection Act* (HIPA) include:
 - A strict liability offence specifically aimed at foregoing the need to establish evidence of specific intent to abandon records. Once the abandonment is established and the trustee is identified, that trustee will have the onus to prove he or she took all reasonable steps to prevent the abandonment from occurring;
 - Provisions that clarify that the offence provisions for intentional or willful disclosure of personal health information apply not only to trustees, but to individuals who are employees of trustees;
 - A specific offence for inappropriate use of personal health information by employees of a trustee who accesses information without a need for that information – known as snooping; and
 - A new provision authorizing the Minister of Health to appoint a person to take over control and custody of the records where an active trustee abandons records.

Questions?

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