

## PHIA Definitions

**Access:** The right of an individual, to examine (view) and receive a copy of the individual's personal health information maintained by the trustee.

**Agent:** Includes a student or volunteer and if the trustee is a corporation, an officer and director.

**Alternate:** Is a person who has decision-making capacity and is willing to make decisions on behalf of a patient who does not have the capacity to make a decision. An alternate may be legally authorized (e.g. health care proxy or committee) or may be a person designated (e.g. family member) in the absence of a legally authorized Individual.

**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.

**Breach of Security:** Occurs whenever personal health information is collected, used, disclosed or accessed other than as authorized, or its integrity is compromised.

**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.

**Client:** An individual who accesses and/or receives healthcare related services from a Northern Health Region (NHR) facility or program. A client may be a patient in an acute care setting, an Elder in a personal care home (PCH), or client in a community program or facility..

**Clinical Record:** The clinical record compiled and maintained in a designated Psychiatric Facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.

**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.

**Confidential Information:** Includes, but is not limited to, personal information as defined in *The Freedom of Information and Protection of Privacy Act (FIPPA)*; personal health information as defined in *The Personal Health Information Act (PHIA)*; and; administrative records collected and created of the course of business of NHR and relate to legal, financial, and operational matters of a confidential nature.

**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.

**Court Order:** A document issued by the court demanding the production of personal health information for the court. Examples of a court order include, but are not limited to: production orders, record access orders or subpoenas.

**Demographic Information:** An individual's name, address, telephone number, and email address.

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**Designate:** A person or persons delegated by the Medical Director to process requests for access to, correction or disclosure of information within the clinical record.

**Disclosure:** revealing the personal health information outside the trustee, i.e. to other trustees, to family and friends of the individual, insurance companies or other similar businesses or to other persons legally entitled to have personal health information released to them.

**Electronic Information:** Includes, but not limited to, data, documents, photographs, electronic software, or any electronic mechanism that produces records, audio recordings, radiographic and other digital images that are created, altered, communicated or stored in digital form and accessed through the computer or portable electronic device.

**Emergency Demand of Records:** A written demand served by the police when they believe a missing person may be at imminent risk of serious bodily harm or death. The emergency demand grants the policy immediate access to certain records that could help them find the missing person before that person is harmed

**Email or Electronic Mail:** A system for sending messages from one individual to another via telecommunications links between computers or terminals using dedicated software: Communication by *email* is almost instantaneous

**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 (i.e. photograph).

**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.

**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.

**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.

**Healthcare Professional:** An individual who is a member of a regulated health discipline and who participates within their scope and role may include physicians, physician assistants, elders, midwives, nurses, nurse practitioners, pharmacists and pharmacy technicians.

**Healthcare Provider:** Any person who provides care or services to an individual, includes healthcare professionals, employees, students, volunteers and other persons acting or in conjunction with the NHR.

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**Health Services Agency:** An organization that provides health care such as community or home-based health care pursuant to an agreement with the trustee.

**Implied Consent:** In all circumstances, the purpose of the use or disclosure would become reasonably obvious to the individual the information is about (or another person permitted to exercise the rights of the individual), 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.

**Individual:** A patient, client or elder 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.

**Individuals 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.

### Information about Care Currently Being Provided:

- **Hospital Inpatient**
  - Personal health information collected, documented and maintained in the hospital inpatient chart during the current hospital stay for an individual who has been admitted and not yet discharged from hospital.
- **Personal Care Home Elders**
  - Personal health information about an elder in a personal care home includes the most current information such as applicable quarterly reports and any other information on the health record that would describe or explain an incident, injury or a new health issue.
- **Health Care Facility Visits such as Emergency, Outpatient and Day Surgery**
  - 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.
- **Community Health Services such as Family Medicine/Primary Care, Midwifery, Home Care, Public Health and 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.

**Information and Communications Technology (ICT) Resources:** All assets relating to information and communications technology, but not limited to, all information in electronic form ( i.e. personal health information) and hardware, software, or network components on which information is entered, processed, stored, or transmitted.

**Information Manager:** A person or body (corporation, business or association) that processes, stores or destroys personal and/or personal health information or provides information management or information technology services for the Trustee.

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**Inpatient Chart:** Refers to the inpatient record in Northern Health Region hospitals only. It is used in the clinical area during the individual's hospitalization and is filed in a binder. Upon discharge, the inpatient chart may be referred to as the "health record" for health information purposes

**Institutional Research Review Committee:** A committee formally established by a Health Care Facility, university or similar body. Within Northern Health Region this includes the University of Manitoba Research Ethics Boards whose function is:

- To review the efficacy and 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.

**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 accessed/viewed, tampered with or modified other than as authorized.

**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.

**Legal Proceeding:** Any proceeding in court or before a quasi-judicial tribunal that involves the trustee, a health care facility, a medical staff member or an employee who renders services at a health care facility.

**Maintain:** In relation to personal health information, to have custody or control of the information.

**Medical Director:** The psychiatrist responsible for the provision and direction of psychiatric services for a designated Psychiatric Facility. The Medical Director may delegate any of the Medical Director's powers, duties or functions under *The Mental Health Act*.

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

**Out-guide:** A card or folder that replaces a file that has been removed from a storage location. The out-guide is used to indicate, at minimum, the date the file was removed from the storage location, the new location of the file, the individual or program that currently has custody of the file and the initial of the individual who removed the file.

**Patient:** A person who is or has been admitted to a facility as an in-patient, or is/was attending as an outpatient for diagnosis and treatment.

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**Personal Health Information:** Recorded information about an identifiable Individual that relates to:

- The Individual's health, or health care history, including genetic information about the Individual;
- The provision of health care to the individual; or
- Payment for health care provided to the individual;

and includes;

- The PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an individual; and
- 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:

- 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 HR-02-10 Confidentiality policy:

- Any personal health information exchanged verbally about an identifiable individual.

**Personal Information:** Recorded information about an identifiable individual including:

- The individual's name;
- Home address, or home telephone/fax number or personal email address;
- Ancestry, race, color, nationality, or national or ethnic origin;
- Religion or creed, or religious belief, association or activity;
- Blood type, fingerprints, or other hereditary characteristics;
- Political belief, association, or activity;
- Education, employment, or occupation, or educational, employment or occupational history;
- Source of income or financial circumstances, activities, or history;
- Criminal history, including regulatory offences;
- Individual's own personal views or opinions, except if they are about another person;
- The views or opinions expressed about the individual by another person, and;
- An identifying number, symbol or other particular assigned to the individual

**Personal Representative:**

- An Executor/Executrix named in a deceased individual's will or
- A court appointed Administrator/Administratrix of an individual's estate.
- A nearest adult relative who is willing to act, where one of the above does not exist or is not available.

**Person Associated with the Trustee:** Includes all contracted persons, volunteers, students, researchers, the region's medical staff, educators, member of the Board of Directors, Information Managers, employees, individuals under purchased salary/service agreements/contracts or agents of any of the above.

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### Persons Permitted to Exercise the Rights of an Individual:

- Any person with written authorization from the individual to act on the individual's behalf;
- A proxy appointed by the individual under The Health Care Directives Act;
- 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;
- 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;
- The parent or guardian of an individual who is a minor, if the minor does not have the capacity to make health care decisions,
- If the individual is deceased, his or her personal representative.

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

- The individual's spouse, or common-law partner, with whom the individual is cohabiting;
- A son or daughter;
- A parent, if the individual is an adult;
- A brother or sister;
- A person with whom the individual is known to have a close personal relationship;
- A grandparent;
- A grandchild;
- An aunt or uncle
- A nephew or niece.

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

**PHIA:** *The Personal Health Information Act (Manitoba).*

**PHIN:** The personal health identification number assigned to an individual by the minister to uniquely identify the individual for health care purposes.

**Police:** The local police service or the Royal Canadian Mounted Police detachment that is responsible for providing law enforcement services.

**Portable Electronic Devices (PEDs):** Includes portable computers that may be referred to as a "laptop" "notebook" "netbook" or "tablet" smart phones and other similar devices.

**Portable Storage Media:** Hardware devices used to store information. This includes, but is not limited to, USB storage devices (i.e. memory stick, flash drive), CD/DVD, etc.

**Prescribed Health Research Organization** includes:

- Manitoba Centre for Health Policy at the University of Manitoba and
- The Canadian Institute for Health Information.

**Privacy:** The fundamental right of an individual to control the collection, use and disclosure of their personal health information.

**Privacy Breach:** Is the unauthorized access, collection, use, disclosure or disposal of confidential information in violation of governing legislation and/or Northern Health Region policy.

## PHIA Definitions

**Privacy Designate:** Refers to an employee within a program or facility who assists the Manager/Supervisor/Site Privacy Officer or Regional Privacy & Access Officer

**Privacy Impact Assessment (PIA):** A tool used to assess legislative compliance and risks to personal privacy associated with a program, initiative, system or project. Privacy Impact Assessments identify issues and risks associated with the collection, access, use, disclosure, retention, destruction and security of personal and personal health information.

**Privacy Incident:** An incident where the confidentiality, security, accuracy and integrity of confidential information has been compromised. A privacy incident may be accidental or as a result of intentional actions and may be as a result of operational or technical failure.

**Privacy Officer:** An employee, designated by the NHR, 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 NHR, and facilitating the NHR's compliance with PHIA. The definition is intended to mean the Site Privacy Officer/designate.

**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.

**Public Body:** A local public body such as an educational body, a health care body, and a local government body. Within NHR this means any of the entities that comprise the region i.e. sites, facilities, community offices, EMS stations, etc.

**Public Health Care Body:**

- A hospital designated under *The Health Services Insurance Act*.
- A Regional Health Authority established under *The Regional Health Authorities Act*.
- The board of health and social services district established under *The District Health and Social Services Act*.
- The board of a hospital district established under *The Health Services Act*, and
- Any other body designated as a health care body in the regulations.

**Record Access Order:** Is a court order issued under *The Missing Persons Act*, requiring access to, and if requested, copies of records in respect of a missing person, or in the case of a minor or vulnerable person, records of a person believed to be accompanying the missing person.

**Record of User Activity:** Means a record about access to personal and/or personal health information maintained on an electronic information system, which defines the following:

- Individuals whose personal and/or personal health information has been accessed;
- Persons who accessed personal and/or personal health information;
- When personal and personal health information was accessed;
- The electronic information system or component of the system in which personal and/or personal health information was accessed;
- Whether personal health information that has been accessed is subsequently disclosed under section 22 of *The Personal Health Information Act*.

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**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.

**Search Warrant/Production Order:** Is a document issued by a magistrate or justice of the peace that permits the police to attend our premises, and remove specific evidence from our premises.

**Secure Location:** A designated place for temporary or permanent storage of and/or the use, processing, or transport of confidential information that is:

- Not readily accessible by unauthorized individuals;
- Supervised or monitored by authorized individuals;
- Keyed/coded to allow entrance to authorized users only;
- Locked when authorized users are not in attendance;
- Protected by controls to minimize loss, destruction or deterioration caused by fire, water or humidity damage; and
- Proper containers and adequate labeling are used to reduce accidental loss or destruction.

**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 information during all aspects of its use, processing, disclosure, transmittal, transport, storage, retention including conversion to a different medium and destruction.

**Site:** A health care facility, community health center, community office within the NHR.

**Staff:** All employees and individuals associated with Northern Health Region including: medical staff, contracted individuals, students, volunteers, researchers, educators and board members.

**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.

**Text Messaging, Texting, or SMS (Short Message Service):** Refers to short text messages either sent or received on a mobile phone using a cellular network which does not require an internet data plan or access to Wi-Fi.

**Transitory/Working Records:** Documents of short-term use and significance containing information that is not part of a required record keeping system.

**Trustee:** A health professional, health care facility, public body or health services agency that collects or maintains personal health information. For clarity, Northern Health Region as a public body is the trustee of the personal health information that is collected and maintained within health care facilities and sites owned and/or operated by Northern Health Region and include 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.



## PHIA Definitions

**Use:** Involves revealing personal information to someone within the public body's own organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of personal information.

**Warrant for Arrest:** 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.