



TITLE

COLLECTION, ACCESS, USE, AND DISCLOSURE OF INFORMATION

SCOPE

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NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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OBJECTIVES

- To outline requirements for the collection, access, use, or disclosure of records, including **health information, personal information, and business information** (collectively referred to as 'information') in the control or custody of Alberta Health Services (AHS).
- To comply with the *Health Information Act* (Alberta) (HIA), *Freedom of Information and Protection of Privacy Act* (Alberta) (FOIP), and the other applicable legislation.
- To support the expected InfoCare behaviours of **AHS people**.

PRINCIPLES

All information in the control or custody of AHS, in any format, shall only be available to authorized AHS people. AHS people collecting, accessing, using, or disclosing information shall do so in accordance with applicable legislation and AHS policies.

All AHS people shall conduct themselves in accordance with the expected InfoCare behaviours and to access AHS resources and training as provided to educate themselves on the protection of health, personal, and business information as applicable to their roles and responsibilities.

Disclosure of information for the purpose of conducting research shall be conducted in accordance with the *Research Information Management Policy*.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, Students, Volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS

1. Collection and Use of Information

- 1.1 AHS people shall collect and use:
- a) health information, in accordance with the HIA, only where the collection of the information relates directly to, and is necessary for, carrying out AHS' activities; and
 - b) personal and business information, in accordance with FOIP, only where the collection of the information relates directly to, and is necessary for, AHS' operating programs or activities, and the use is for the purpose for which the information was originally collected or compiled (or for a use consistent with that purpose), or another use authorized by FOIP.
- 1.2 AHS may collect and use information in accordance with other applicable legislation.
- 1.3 AHS people shall only access and use Information required for the performance of their duties with AHS.

2. Individuals' Requests to Access Own Information

- 2.1 Individuals, or their **authorized representatives** acting on the individuals' behalf in accordance with their authorization, may request access to their own health or personal information.
- 2.2 Individuals' requests for access to health or personal information shall be directed to the department holding the record unless the request specifies HIA or FOIP. Requests specifying HIA or FOIP shall be forwarded to the Information & Privacy Department as soon as reasonably practical.
- 2.3 AHS departments, in conjunction with the Information & Privacy Department, shall develop processes and fee schedules for responding to requests for information.

3. Individual Requests to Correct Their Own Health or Personal Information

- 3.1 Individuals, or their authorized representatives acting on the individuals' behalf in accordance with their authorization, may request amendments or corrections to their own information. Requests for amendments or corrections may be restricted or declined by AHS in a manner consistent with legislation.
- 3.2 Departments shall, in conjunction with the Information & Privacy Department, develop processes for responding to requests for correction of information.

- 3.3 Individuals, or their authorized representatives acting on the individuals' behalf, requesting corrections of factual matters shall be directed to the department holding the record.
- 3.4 Requests regarding other matters, or those related to FOIP or HIA, shall be directed to the Information & Privacy Department as soon as reasonably practical.

4. Disclosure of Information

- 4.1 Disclosure of health information or personal information shall require the written consent of the individual who is the subject of the information, or the individual's authorized representative, unless disclosure without consent is authorized by the HIA or FOIP.
- 4.2 AHS shall comply with all mandatory disclosure requirements in federal and provincial legislation.

5. Requests for Disclosure of Information

- 5.1 Requests for disclosure of information classified as public, restricted, confidential, or protected (see the *Information Classification Policy*) may be responded to by the department receiving the request in accordance with AHS privacy and security policies.
- 5.2 Requests for access to records which specifically reference FOIP or the HIA shall be forwarded to the Information & Privacy Department as soon as reasonably practical unless an alternative practice has been agreed upon by Information & Privacy and the department receiving the request.
- 5.3 Departments receiving requests for disclosure of health, personal, or business information from third parties (other than persons authorized to act on behalf of the individual who is the subject of the information) shall, in conjunction with the Information & Privacy Department, develop processes and fee schedules for responding to the requests.

6. Non-Identifying Health or Personal Information

- 6.1 **Non-identifying health or personal information** may be collected, accessed, used, and disclosed by AHS for any purpose in accordance with the HIA or FOIP as applicable.
- 6.2 AHS may transform identifiable health or personal information into non-identifying health or personal information where the end user of the information does not require the identity of the individual(s).
- 6.3 AHS may disclose non-identifying health or personal information to non-custodians for the purposes of **data matching** by the non-custodian. When doing so, AHS shall inform the non-custodians that they shall notify the Office of the

Information and Privacy Commissioner of their intent prior to undertaking any data matching.

7. Breaches of Information Confidentiality and Mandatory Reporting

- 7.1 Any collection, access, use, or disclosure of information not complying with this Policy, or other AHS policies, shall be reported as soon as practicable to the AHS Information & Privacy Department. AHS people shall take immediate action to contain breaches to reduce the risk of further harm relating to the breach. Concerns about non-compliance shall be investigated by the Information & Privacy Department, and confirmed breaches shall be reported to the Office of the Information and Privacy Commissioner of Alberta by the Information & Privacy Department in accordance with relevant legislation (as applicable).
- 7.2 Non-compliance with this Policy may result in disciplinary action up to and including termination of employment or appointment.

DEFINITIONS

AHS people means Alberta Health Services employees, members of the medical and midwifery staffs, Students, Volunteers, and other persons acting on behalf of AHS (including contracted service providers as necessary).

Authorized representative means a person who has been granted legal authority to make decisions on behalf of another person, has written authorization to act on that person's behalf, or is otherwise authorized by law to act on behalf of that person.

Business information means general information, which is any recorded information about AHS' business activities such as those related to facilities, infrastructure, and security; policies and programs; budgets, expenses, and contracts; reports and statistics, etc. that are under the custody or control of AHS.

Data matching means the creation of individually identifying health information by combining health information, whether identifiable or non-identifiable, from two or more sources without the consent of the individual who is the subject of the information.

Health information means one or both of the following:

- a) diagnostic, treatment, and care information; and
- b) registration information (e.g., demographics, residency, health services eligibility, or billing).

Non-identifying health or personal information means that the identity of the individual who is the subject of the information cannot be readily ascertained from the information.

Personal information means recorded information, not governed by the *Health Information Act* (Alberta), of any kind stored in any format that identifies an individual including, but not limited to:

- a) address and contact information (including an identifying number or symbol assigned to an individual);
- b) race, ethnic origin, gender, or marital status;
- c) educational, financial, employment, or criminal history;
- d) opinions of others about the person;
- e) the image of a person on a photograph; and
- f) personal views and opinions of a person (except if these are about another person).

REFERENCES

- Appendix A: *Protection and Privacy of Information During Transportation*
- Alberta Health Services Governance Documents:
 - *Code of Conduct*
 - *Contractor Requirements for Security and Privacy of Information and Information Technology Resources Policy* (#1107)
 - *Delegation of Authority and Responsibilities for Compliance with FOIP and the HIA Policy* (#1108)
 - *Individually Identifying Information Policy* (#1174)
 - *Information Classification Policy* (#1142)
 - *Information Security and Privacy Safeguards Policy* (#1143)
 - *Information Technology Acceptable Use Policy* (#1109)
 - *Privacy Protection and Information Access Policy* (#1177)
 - *Records Management Policy* (#1133)
 - *Records Retention Schedule* (#1133-01)
 - *Research Information Management Policy* (#1146)
 - *Whistleblower Policy* (#1101)
- Alberta Health Services Forms:
 - *Consent to Disclose Health Information Form* (#18028)
 - *Consent to collection and use of a recording device or camera for Photographs, Video or Sound Recordings for Health Care purposes Form* (#07998)
 - *Consent To Collect, Use, and Disclose Stories, Photos and/or Video and Sound Recordings Form* (#18273)
 - *Privacy Breach Notification Form* (#09579)
- Alberta Health Services Resources:
 - Access & Disclosure (Health Information Management): disclosure@ahs.ca
 - Information and Privacy: privacy@ahs.ca
 - Whistleblower Line (Confidential): 1-800-661-9675
- Non-Alberta Health Services Documents:
 - *Freedom of Information and Protection of Privacy Act* (Alberta)
 - *Health Information Act* (Alberta)

VERSION HISTORY

Date	Action Taken
September 2, 2009	Revised
January 10, 2012	Revised
October 16, 2019	Revised

APPENDIX A

Protection and Privacy of Information During Transportation

1. AHS people are responsible and accountable for the safety and security of all Information entrusted to them. All health and personal information shall be collected, transported, retained and destroyed in accordance with applicable legislation and defined AHS policies and procedures.
 - 1.1 AHS people shall not remove original AHS records from an AHS facility, unless absolutely necessary to perform job related duties and approved by their direct manager/supervisor.
 - 1.2 AHS people shall transport only the minimum amount of health and personal information from secure AHS facilities and only when absolutely necessary to perform job related duties.
2. AHS people shall keep all health and personal information which they have taken off site under their direct control when travelling or performing job-related duties outside of an AHS facility.
 - 2.1 Health and personal information shall be secured in a closed non-transparent/non-translucent container (e.g., a briefcase or similar container) during transport. AHS people shall label the container “confidential” and attach their AHS contact information (e.g., name, business address, and telephone number).
 - 2.2 Health and personal information being transported on mobile wireless devices and mobile storage devices shall be stored and transported in accordance with AHS policies, procedures, and standards, applicable legislation, and/or with the specific authorization of Information Risk Management.
 - 2.3 When using any type of public passenger mode of transportation (e.g., train, bus, LRT, taxi, Uber), AHS people shall ensure that health and personal information which they have taken off site is under their direct control throughout the travel period.
 - 2.4 When using a private vehicle (including a rental vehicle), AHS people shall secure all information in the vehicle's trunk (or equivalent) during transport.
 - a) Health and personal information shall not be visible at any point during transport.
 - b) Health and personal information shall not be left unattended in a vehicle.
 - 2.5 While off-duty, AHS people are responsible for the security and control of health and personal information which they have taken off site (e.g., during scheduled and unscheduled breaks, end of shift). AHS people shall ensure Information is secured:

- a) by keeping the information in their physical possession at all times;
 - b) by depositing the information at a secure AHS facility (in accordance with pre-determined processes implemented by the applicable department, manager and/or site administrator); or
 - c) by securing the information within their private residence.
3. Breaches of confidentiality and/or failure to secure Information during transport, as described in this document, may be considered grounds for disciplinary action up to and including dismissal.