

## TITLE

**INDIVIDUALLY IDENTIFYING INFORMATION**SCOPE

Provincial

## DOCUMENT #

1174

## APPROVAL AUTHORITY

Clinical Operations Executive Committee

## INITIAL EFFECTIVE DATE

October 31, 2017

## SPONSOR

Health Information Management

## REVISION EFFECTIVE DATE

Not applicable

## PARENT DOCUMENT TITLE, TYPE AND NUMBER

Not applicable

## SCHEDULED REVIEW DATE

October 31, 2020

**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**

- The purpose of this policy is to ensure that all individuals, acting in relation to any aspect of the collection, creation, access, use, disclosure, or destruction of any **records**, excluding employee records, understand that all records containing **individually identifying information**:
  - must be retained by AHS in accordance with the *AHS Records Retention Schedule*; and
  - must comply with the *Health Information Act (Alberta)* and the *Freedom of Information and Protection of Privacy Act (Alberta)* in relation to these records.
- To facilitate AHS' organization and classification of individually identifying information that supports both business purposes and legislative obligations while enabling AHS to meet clinical, legal, client and family expectations in the provision of high quality **health services**.

**PRINCIPLES**

The **comprehensive record** is a foundational element of a province wide, fully-integrated health system and supports direction towards “One Person. One Record. One Health System.”

Information management governance for records containing individually identifying information supports AHS in:

- the delivery of high-quality health service experiences;
- improving health outcomes;
- clinical communication and care planning;
- meeting legal obligations; and

- the development of an accessible, integrated, comprehensive and standardized clinical information system.

Information management governance for records containing individually identifying information enables AHS to leverage primary information as a strategic asset facilitating improvements in:

- individual and population health outcomes;
- research, education and peer review;
- quality insurance and quality assurance;
- business efficiencies; and
- the value and sustainability of the health care system.

## 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. Comprehensive Records

- 1.1 An individual's comprehensive record is the collection of all records documenting individually identifying information in relation to that person (see Appendix A).
- 1.2 The various components of a comprehensive record do not need to be physically or electronically, by way of information technology, combined as a result of this policy.
- 1.3 An individual's comprehensive record shall consist of the following:
  - a) All records containing individually identifying information comprising:
    - (i) **health records**; and
    - (ii) **personal records**.
  - b) All information and documentation covered by Section 1.3(a) regardless of whether:
    - (i) it was collected prior to the start of an episode of care;
    - (ii) the person actually started, engaged in, or completed the episode of care;
    - (iii) it is subject to a **legal hold** status;
    - (iv) it is subject to a **limited access** status; or

- (v) it is subject to an exception under either the *Health Information Act (Alberta)* or the *Freedom of Information and Protection of Privacy Act (Alberta)*.

1.4 Comprehensive Records do not contain:

- a) **non-identifying information**, except where Section 2.3(b) applies;
- b) transitory records that are no longer useful, as per the *AHS Transitory Records Procedure*;
- c) employment records; or
- d) information that has extended past the retention period as set out in the *AHS Records Retention Schedule*.

1.5 All records containing individually identifying information must adhere to the *Health Information Act (Alberta)*, the *Freedom of Information and Protection of Privacy Act (Alberta)* and other applicable legislation, regulations and AHS policy, as applicable.

## 2. Health Records

2.1 Health records are a subset of comprehensive records.

2.2 Health records are subject to the *Health Information Act (Alberta)*.

2.3 Health records shall contain all records containing individually identifying **health information** (see Appendix B), regardless of whether:

- a) it is part of the individual's **clinical record**;
- b) it is an administrative record; or
- c) it is an **information resource** provided directly to an individual during an episode of care or specifically noted in the clinical record as being applicable to an episode of care (Note: these actions make the information resource individually identifiable).

2.4 Information is determined to be health information if it is collected for the purpose of providing health services or is specifically identified in the *Health Information Act (Alberta)* as health information.

2.5 Where health information is personal information and subject to the *Freedom of Information and Protection of Privacy Act (Alberta)*, it shall be deemed to be part of the individual's personal record, not health record.

2.6 Clinical records are the product of the clinical documentation process and must be maintained in accordance with any AHS clinical documentation policies or processes.

- 2.7 Administrative records only belong to an individual's health record where they contain individually identifying health information; otherwise, administrative records containing individually identifying information belong to an individual's personal record.
- 2.8 Information resources subject to section 2.3(c) must be retained in accordance with the following:
- a) A notation of any information resource given directly to an individual, provided a copy of the resource is maintained outside of the health record such that it can be recalled with certainty as requested; or
  - b) A copy of the information resource if the ability to recall the record at a future date is in doubt.
- 3. Personal Records**
- 3.1 Personal records are a subset of comprehensive records.
- 3.2 Personal records are subject to the *Freedom of Information and Protection of Privacy Act* (Alberta).
- 3.3 Personal records shall contain all records containing individually identifying **personal information** (see Appendix B).
- 3.4 Information is determined to be personal information if it is recorded information about an identifiable individual as defined in the *Freedom of Information and Protection of Privacy Act* (Alberta).
- 3.5 Where personal information is health information and subject to the *Health Information Act* (Alberta), it shall be deemed to be part of the individual's health record, not personal record.
- 4. Ownership**
- 4.1 An individual has the right to access their individually identifying information.
- 4.2 AHS owns the physical and technical infrastructure where records containing individually identifying information are stored.
- 4.3 AHS is a **custodian** for all records containing individually identifying information within its custody and control.
- 5. Media and Storage**
- 5.1 Records containing individually identifying information may be stored on a variety of media.

- 5.2 Records containing individually identifying information may be stored in multiple locations. This policy does not require the duplication of records for the purpose of creating a single storage location.
- 5.3 Records containing individually identifying information, in whole or in part, may be transferred between media. Any transfers between media must comply with all applicable legislation, regulations and AHS policy.
- 5.4 AHS promotes and prefers the electronic medium. Where electronic systems are available, they should be used.
- 5.5 All forms containing individually identifying information shall comply with the AHS *Forms Management Directive*.
- 5.6 All records containing individually identifying information shall comply with all applicable legislation, regulations and AHS policy, regardless of the physical location or media of the record.

## 6. Lifecycle

- 6.1 Creation of the Comprehensive Record
- a) An individual's comprehensive record is created when the first record containing individually identifying information for that individual is retained by AHS in accordance with the AHS *Records Retention Schedule*.
- b) Comprehensive records are identified through the use of unique identifiers.
- 6.2 Collection, Access, Use, Retention, Disclosure and Destruction
- a) The determination of whether a record contains health information or personal information depends on the authorized purpose and/or intent for which it is collected. This determination sometimes requires a high degree of judgement to be exercised.
- b) Collection, access, use, retention, disclosure and destruction of individually identifying information is subject to the:
- (i) *Health Information Act* (Alberta) and regulations, as amended;
- (ii) *Freedom of Information and Protection of Privacy Act* (Alberta) and regulations, as amended;
- (iii) AHS *Collection, Access, Use, and Disclosure of Information Policy*;
- (iv) The AHS *Records Management Policy* and associated procedures and schedules; and

- (v) all other applicable legislation, regulations, and AHS policy, as applicable.

## DEFINITIONS

**Administrative record** means a record created for a purpose other than clinical documentation.

**Clinical record** means the collection of all health records documenting health services provided including the interactions with and communications between health care providers and the individual receiving the health service.

**Comprehensive record** means the collection of all records documenting individually identifying information in relation to a single person.

**Custodian** means a custodian as defined by the *Health Information Act*.

**Health information** means one or both of the following:

- Diagnostic, treatment and care information;
- Registration information.

**Health record** means the collection of all records documenting individually identifying health information in relation to a single person.

**Health service** means a service that is provided to an individual for any of the following purposes: protecting, promoting or maintaining physical and mental health, preventing illness, diagnosing and treating illness, rehabilitation and caring for the health needs of the ill, disabled, injured or dying, but does not include a service excluded by the HIA regulations.

**Individually identifying** means the identity of the individual who is the subject of the information can be readily ascertained from the information.

**Information resource** is a record that provides educational material or otherwise enables knowledge about a topic.

**Legal hold** means a hold placed on the scheduled destruction of records due to foreseeable or pending litigation, government investigation, audit or special organizational requirements as initiated in accordance with the *Legal Hold* procedure.

**Limited access** means a status assigned to a health record, in whole or in part, which limits access beyond normal restrictions to individuals with special permissions.

**Non-identifying 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 about an identifiable individual as described in the *Freedom of Information and Protection of Privacy Act*.

**Personal record** means the collection of all records documenting individually identifying personal information in relation to a single person.

**Records** means documents, data or information of any kind and in any form or medium (including, but not limited to, paper, digital, and audio-visual media) created, received and maintained by Alberta Health Services as part of its services or business. This does not include computer software or any mechanisms that produce records.

## REFERENCES

- Appendix A: *Comprehensive Record Decision Chart*
- Appendix B: *Inclusion and Exclusion Guidance*
- Alberta Health Services Governance Documents:
  - *Clinical Documentation Directive* (#1173)
  - *Clinical Documentation Process Directive* (#1173-01)
  - *Code of Conduct*
  - *Collection, Access, Use and Disclosure of Information Policy* (#1112)
  - *Forms Management Corporate Directive* (#CPSM-11-01)
  - *Legal Hold Procedure* (1133-04)
  - *Medical Staff Bylaws and Rules*
  - *Midwifery Staff Bylaws and Rules*
  - *Records Destruction Procedure* (#1133-02)
  - *Records Management Policy* (#1133)
  - *Records Retention Schedule* (#1133-01)
  - *Transitory Records Procedure* (#1133-03)
- Non-Alberta Health Services Documents:
  - *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25
  - *Health Information Act*, R.S.A. 2000, c.H-5

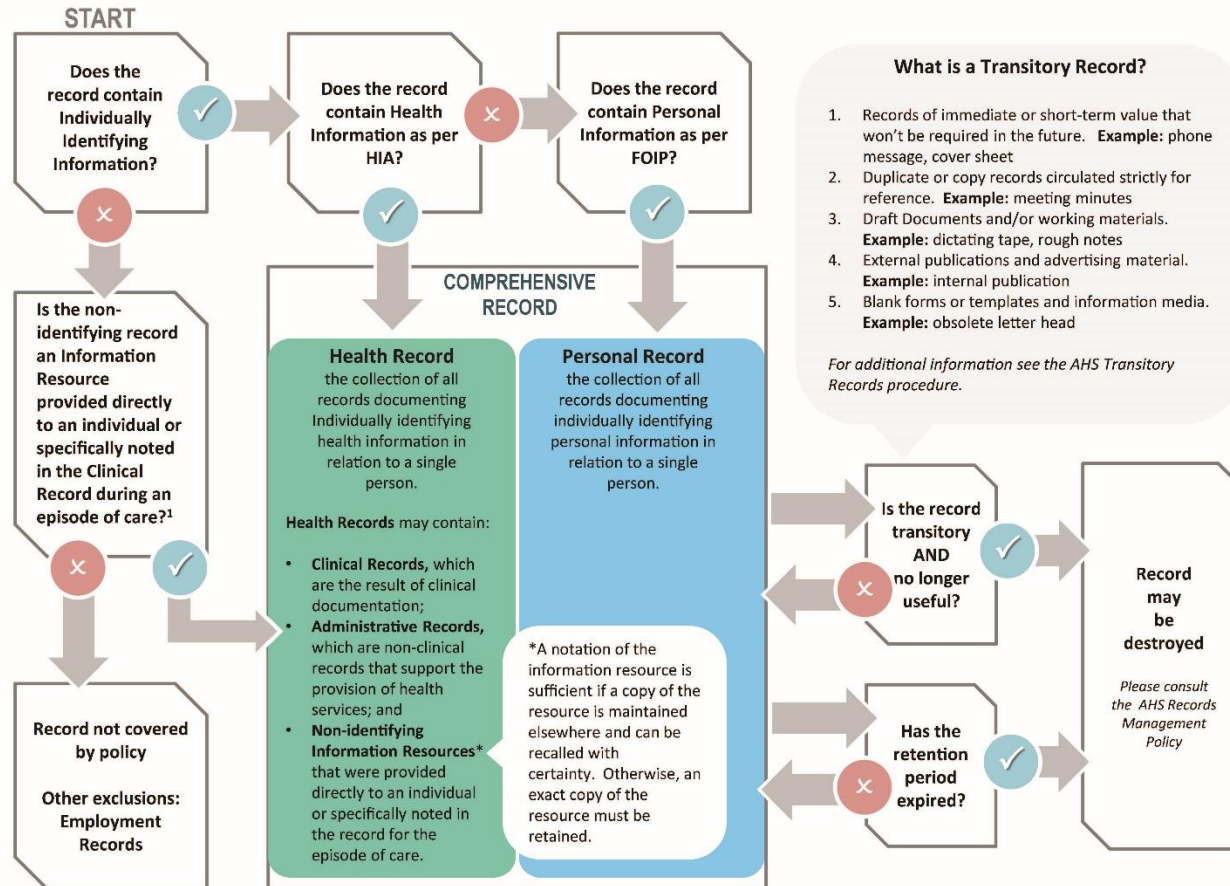
## VERSION HISTORY

Date	Action Taken
November 01, 2017	Non-substantive change



Appendix A

COMPREHENSIVE RECORD DECISION CHART



<sup>1</sup>An information resource is individually identifying in these circumstances.



## Appendix B

<b>Personal Information</b> subject to the <i>Freedom of Information and Protection of Privacy Act</i> , R.S.A. 2000, c. F-25 (FOIP)	<b>Health Information</b> subject to the <i>Health Information Act</i> , R.S.A. 2000, c.H-5 (HIA)	
<p><b>“personal information”</b> means recorded information about an identifiable individual, including:</p> <ul style="list-style-type: none"> <li>• the individual’s name, home or business address or home</li> <li>• or business telephone number</li> <li>• the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations</li> <li>• the individual’s age, sex, marital status or family status</li> <li>• an identifying number, symbol or other particular assigned to the individual</li> <li>• the individual’s fingerprints, other biometric information, blood type, genetic information or inheritable characteristics</li> <li>• information about the individual’s health and health care history, including information about a physical or mental disability</li> <li>• information about the individual’s educational, financial employment or criminal history, including criminal records where a pardon has been given</li> <li>• anyone else’s opinions about the individual</li> <li>• the individual’s personal views or opinions, except if they are about someone else.</li> </ul>	<p><b>“health information”</b> means one or both of the following:</p> <ul style="list-style-type: none"> <li>• diagnostic, treatment and care information</li> <li>• registration information</li> </ul>	
	<p><b>Diagnostic, treatment and care information</b> means information about any of the following:</p> <ul style="list-style-type: none"> <li>• the physical and mental health of an individual</li> <li>• a health service provided to an individual, including the following information respecting a health services provider who provides a health service to that individual:               <ul style="list-style-type: none"> <li>○ name</li> <li>○ business title</li> <li>○ business mailing address and business electronic address</li> <li>○ business telephone number and business facsimile number</li> <li>○ type of health services provider</li> <li>○ licence number or any other number assigned to the health services provider by a health professional body to identify that health services provider</li> <li>○ profession</li> <li>○ job classification</li> <li>○ employer</li> <li>○ municipality in which the health services provider’s practice is located</li> <li>○ provincial service provider identification number that is assigned to the health services provider by the Minister to identify the health services provider</li> <li>○ any other information specified in the regulations;</li> </ul> </li> <li>• the donation by an individual of a body part or bodily substance, including information derived from the testing or examination of a body part or bodily substance</li> <li>• a drug as defined in the <i>Pharmacy and Drug Act</i> provided to an individual</li> <li>• a health care aid, device, product, equipment or other item provided to an individual pursuant to a prescription or other authorization</li> <li>• the amount of any benefit paid or payable under the <i>Alberta Health Care Insurance Act</i> or any other amount paid or payable in respect of a health service provided to an individual</li> <li>• any other information about an individual that is collected when a health service is provided to the individual, but does not include information that is not written, photographed, recorded or stored in some manner in a record.</li> </ul>	<p><b>Registration information</b> means information relating to an individual that falls within the following general categories and is more specifically described in the regulations:</p> <ul style="list-style-type: none"> <li>• demographic information, including the individual’s personal health number</li> <li>• location information</li> <li>• telecommunications information</li> <li>• residency information</li> <li>• health service eligibility information</li> <li>• billing information, but does not include information that is not written, photographed, recorded or stored in some manner in a record.</li> </ul>

Note: FOIP does not apply where the record is health information as defined in HIA that is in the custody or under the control of a public body that is a custodian as defined in the HIA.