



COMMUNIQUÉ

for the Health Industry

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BILL 31-HEALTH INFORMATION AMENDMENT ACT, 2006

The Alberta *Health Information Act* (the "HIA") is designed to protect individually identifying health information. It imposes restrictions on the collection, use and disclosure of such information by "custodians" and "affiliates" of custodians under the HIA.

The Alberta *Health Information Amendment Act* (the "Act") received Royal Assent on May 24, 2006 but it is not yet in force. This legislation will relax some of the requirements for consent to disclose health information in certain circumstances. Some of the major amendments this Act will cause include the following:

- A custodian may disclose health information without the consent of the patient to the federal, provincial or territorial governments for health system planning, management and development.
- A custodian can disclose health information for the purpose of obtaining or processing payment for health services by a person that is required under a contract to pay for those services for that individual, or to the College of Physicians and Surgeons of Alberta for the purpose of administering the Triplicate Prescription Program.
- A custodian may disclose certain health information without the consent of the patient to a police service or the Minister of Justice and Attorney General in certain circumstances.
- A custodian that discloses a record containing certain health information is no longer required to make a note of that disclosure if the information is stored in a computer database that automatically keeps a log of (a) the user identification of the custodian that accesses the information; (b) the date and time that the information is accessed; and (c) a description of the information that is accessed.
- A custodian that discloses health information in the above circumstances need not inform the recipient in writing of the purpose of the disclosure in every circumstance.
- The Minister or the Department may request a custodian to disclose certain health information if (a) the health service is fully or partially paid for by the Department or is provided using financial, physical or human resources provided, administered or paid for by the Department; or (b) the information is prescribed in the regulations as information the Minister or the Department may request.

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- The Privacy Commissioner may disclose a response of the research ethics board sent to the Commissioner under the HIA if the ethics board is satisfied that the importance of the research outweighs the protection of privacy.
- No person shall knowingly disclose health information to which the HIA applies pursuant to a subpoena, warrant or order issued or made by a court, person or body having no jurisdiction in Alberta.

These are only a few of the amendments to the HIA that will occur when the *Health Information Amendment Act* becomes law. Although Bill 31 has already received Royal Assent, it will only come into force on Proclamation which remains in the discretion of the Minister of Health and Wellness.

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