

**Q. What is Personal Health Information?**

A. Personal Health Information is information about an identifiable person that relates to the person's physical or mental health and health services provided to the person. It includes the person's healthcare plan number and test results, and can include information collected and used to determine program and service eligibility and registration, and billing and payment information.

**Q. What is health specific privacy legislation?**

A. Health specific privacy legislation deals with the collection, access, use, and disclosure of personal health information. It establishes for what purposes this information may be collected, who has access to this information, for what purposes this information may be used, and under what conditions this information may be disclosed. It addresses the need for consent by the individual to whom the information relates and who is responsible for the protection of the information. The legislation includes appeal and privacy complaint processes.

**Q. When will this legislation come into effect?**

A. The Department hopes to have the legislation passed by the Legislative Assembly sometime in 2011 or early 2012, with an effective date sometime in 2012.

**Q. What stage is the legislation at right now?**

A. The Department is in the very early stages of developing this legislation. It is currently working on a legislative proposal that will outline the key points to be included in the legislation. Once this is complete, the Department will start work on getting a bill drafted.

**Q. Do other provinces and territories have similar legislation?**

A. Currently, Alberta, Manitoba, Newfoundland and Labrador, Ontario, and Saskatchewan have similar legislation, and BC has privacy legislation specific to electronic health records.

**Q. Doesn't the Government already have privacy legislation?**

A. The NWT currently has the *Access to Information and Protection of Privacy Act* (ATIPP). ATIPP is not specific to health information but health information is currently covered by the Act. Health specific privacy legislation would prevail over ATIPP. The federal *Personal Information Protection and Electronic Documents Act* (PIPEDA) also applies in some respects in the NWT. It is hoped that this new health specific privacy legislation will be substantially similar to PIPEDA, removing the requirement for PIPEDA to apply to those covered by the new legislation.

**Q. Why do we need this legislation?**

A. As the health sector grows and adopts electronic health record systems, there is a greater need to ensure the protection of the personal health information

collected and used through the provision of healthcare. For many NWT residents, their personal health information is the information they consider most private and they trust those in the health sector to protect and respect that information.

Healthcare providers need to be able to use and easily access personal health information that is critical to providing safe and beneficial healthcare to patients. Many NWT healthcare providers find it challenging working under ATIPP, which was drafted as broad overarching privacy legislation without focus on the day-to-day information exchanges that occur in the healthcare sector.

**Q. How will this legislation affect me?**

A. The legislation will provide a clear set of rules for privacy protection within the health sector that will ensure the protection of your personal health information. It will also facilitate the efficient exchange of your charts, test results, prescription information, and other health information to improve the way you receive healthcare services.

**Q. Will this new legislation apply to electronic records?**

A. Yes, this legislation will apply to the collection, access, use, disclosure, and retention of all personal health information, whether in paper or electronic form.

**Q. Will this legislation apply to the entire health sector in the NWT or just some professionals and some services?**

A. This legislation will apply to all health services and health professionals working within the Department of Health and Social Services and the regional Health and Social Services Authorities, and pharmacists. Initially, this legislation will not apply to dentists, opticians, chiropractors, ambulance operators, privately employed wellness workers and professionals such as addictions treatment centre staff, massage therapists, and reflexologists, and medical supplies and equipment providers.

**Q. Would my personal health information ever NOT be covered by this legislation?**

A. This legislation only applies when personal health information is collected for healthcare purposes. So yes, there could be instances whereby your personal health information is not protected by this legislation if it was collected not for healthcare purposes. In those cases, it would be covered by other NWT legislation, such as ATIPP, the *Adoption Act*, or the *Child and Family Services Act*. At times your personal health information may also be covered by the *Public Health Act*.