

TITLE

PRIVACY PROTECTION AND INFORMATION ACCESS**SCOPE**

Provincial

DOCUMENT #

1177

APPROVAL AUTHORITYCorporate Services and Human Resources Executive
Committee**INITIAL EFFECTIVE DATE**

July 18, 2018

SPONSOR

People, Legal & Privacy

REVISION EFFECTIVE DATE

Not applicable

PARENT DOCUMENT TITLE, TYPE AND NUMBER

Not applicable

SCHEDULED REVIEW DATE

July 18, 2021

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.

If you have any questions or comments regarding the information in this document, please contact the Policy & Forms Department at policy@ahs.ca. The Policy & Forms website is the official source of current approved policies, procedures, directives, standards, protocols and guidelines.

OBJECTIVES

- To empower **AHS People** to use their professional judgement while collecting, accessing, using and disclosing **health information, personal information, and AHS business information**.
- To facilitate AHS People's understanding of AHS policies and legislative requirements for the purposes of their roles and responsibilities, including providing quality health care to Albertans.
- To outline the expected behaviours of AHS People on how to handle personal information (which includes personally identifiable data about an individual such as name or address, and also photos or other digital recordings), health information (such as health care number and diagnostic information), and business information (such as briefing notes and policy documents).
- To support AHS' legal obligations, as a public body holding personal information and custodian of health information in order to:
 - establish timely access to health information, personal information and records that are in the care and control of AHS;
 - enable the public's right to access their own information;
 - ensure accuracy of AHS records, and to meet AHS' obligations of public accountability as outlined under the *Freedom of Information and Protection of Privacy Act* [FOIP] (Alberta), the *Health Information Act* [HIA] (Alberta) and all other applicable privacy legislation.

- To promote patients' trust that AHS protects their privacy and fosters open dialogue between patients and care providers.
- To reflect AHS' values focusing on increasing transparency to the public.
- To support all AHS strategies including the *Patient First Strategy*, *Our People Strategy*, the *Information Management/Information Technology Strategy*, and the *Clinical Health Research, Innovation, and Analytics Strategy*.

PRINCIPLES

Healthcare is delivered in a collaborative team focused environment which requires constant sharing of information. AHS recognizes the importance of collecting, using, retaining, and disclosing information to deliver the best possible care while also respecting the rights of the patients, AHS People, and the public. We all share accountability for the collection, use, disclosure, retention, and safeguarding of health information, personal information, and AHS business information.

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

APPLICABILITY

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

ELEMENTS

1. Privacy Behaviours

1.1 AHS People hold each other accountable and support each other to ensure that we all demonstrate the following behaviours:

a) Act on need

We collect, use and share only the personal and health information that we require to perform our job duties and responsibilities.

b) Consider purpose

We use and access personal and health information for purposes consistent with its collection or as authorized by law.

c) Safeguard Information

We take reasonable measures to safeguard all health and personal information to meet AHS policies, procedures, standards, protocols, and guidelines.

d) Control multimedia

We recognize that photographs, audio, and video recordings may include personal and health information and are mindful of how we use these media.

e) Manage AHS information

We appreciate and safeguard the value and confidentiality of AHS business information.

f) Speak up

We speak up about any perceived departure (accidental or intentional) from these behaviours with each other, to our leaders, and/or through other AHS mechanisms for reporting.

g) Advocate and learn

We ask questions of our leaders, seek resources, complete training and follow best practices.

h) Disclose mindfully

We exercise professional judgement when disclosing to others to ensure it is acceptable, whether authorized by law or with consent.

i) Provide access

We ensure that our health, personal, and AHS business information is available to the public in a timely manner; in accordance with proper processes to obtain access.

j) Enable sharing

We enable information sharing where appropriate, to contribute to healthcare excellence and patient outcomes.

1.2 We complete any mandatory training and sign the AHS *Confidentiality and User Agreement* when starting as an AHS representative and then at least once every three years.

1.3 Where our responsibilities include the development or implementation of programs or systems, the responsible program area must conduct a Privacy

Impact Assessment with the support of the Information & Privacy Team. That assessment must be maintained and updated throughout the life of the program or system.

- 1.4 Where our responsibilities include the use of health, personal, or AHS business information for authorized uses, such as research, education, analytics, or the management of our organization, we shall ensure reasonable measures are taken to safeguard the protection of the information and necessary approvals are in place.
- 1.5 Where our responsibilities include accessing or using AHS People's information, we only do so for the purposes it was collected, with consent, or as otherwise legally permitted. When we are not sure we first confirm that we are authorized to access or use it.

2. AHS' Commitments

- 2.1 AHS is committed to supporting AHS People with meeting expected behaviours while recognizing our need to provide health care services to the public. This guidance and support is available through the following means:
 - a) AHS provides information management and records management policies and procedures to ensure the security of the systems and records where personal and health information are stored and shared. Access to these systems is subject to robust security oversight and is logged for audit purposes.
 - b) AHS is committed to providing resources and communications pertaining to privacy and confidentiality for AHS People.
 - c) AHS provides mandatory privacy training and other training as required.
 - d) AHS has an Information & Privacy Team to provide support and guidance to the organization to help AHS meet our obligations around the protection of health, personal, and AHS business information.
 - e) AHS is responsive when its representatives speak up about possible departures from the privacy behaviours and takes action where appropriate.
 - f) AHS conducts any potential privacy breach investigations in a fair and reasonable manner and in accordance with departmental protocols.
 - g) AHS ensures that any health or personal information audits are conducted in a reasonable manner that support our need to meet legal obligations.

3. Access to AHS Information

- 3.1 AHS is committed and bound to meet its legal obligations under FOIP and the HIA to provide timely access to information held by AHS to AHS People and the public.
- 3.2 The public can request information held by AHS through established informal sources and channels such as Communications, Data Analytics, HealthLink, Environmental Public Health, the Health Information Management Department, or AHS Human Resources. AHS encourages the use of these informal processes.
- 3.3 The public can submit a formal request for information as directed on AHS' website. These formal requests are managed by AHS' Information & Privacy Team and the Health Information Management Department.
- 3.4 Formal requests can be to access health information under the HIA, and personal information and/or AHS business information under FOIP.
- 3.5 Formal requests for personal or health information require the explicit recorded consent of the individual who is the subject of the information, or the individual's **authorized representative**, unless disclosure without consent is authorized by law (see the *Disclosure of Health Information* guide for more information).
- 3.6 A reasonable fee may be associated with making an information request as outlined by FOIP and the HIA.
- 3.7 Individuals may also request amendments or corrections to their own health or personal information. In the case of a requested amendment or correction, AHS makes reasonable efforts to confirm the accuracy of the AHS records while reserving the right to restrict or decline to make amendments to AHS records.

4. Compliance

- 4.1 AHS People are required to comply with the privacy behaviours.
- 4.2 AHS is committed to timely and just processes and follows the *Progressive Discipline Procedure* and applicable collective agreements to address incidents of unsatisfactory conduct or performance.
- 4.3 Failure to comply 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, Residents, 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.

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).

Personal information means recorded information, not covered by the HIA, 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

- Alberta Health Services Governance Documents:
 - *Access to Information (Physical, Electronic, Remote) Policy* (#1105)
 - *Code of Conduct*
 - *Collection, Access, Use and Disclosure of Information Policy* (#1112)
 - *Contractor Requirements for Security and Privacy of Information and Information Technology Resources Policy* (#1107)
 - *Delegation of Authority & Responsibilities for Compliance with FOIP & the HIA Policy* (#1108)
 - *Individually Identifying Information* (#1174)
 - *Information Security & Privacy Safeguards Policy* (#1143)
 - *Information Technology Acceptable Use Policy* (#1109)
 - *Monitoring and Auditing of IT Resources Policy* (#1144)
 - *Privacy Impact Assessments Policy* (#1145)
 - *Progressive Discipline Procedure* (#1116-05)
 - *Research Information Management Policy* (#1146)
- Alberta Health Services Forms:
 - *Confidentiality and User Agreement Form* (#07922)
 - *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:
 - Safe Disclosure 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
Click here to enter a date	Optional: Choose an item
Click here to enter a date	Optional: Choose an item