



Yukon  
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## Key Features of HIPMA for Custodians and Yukoners

### **HIPMA applies to custodians.**

Custodians include most health care providers, operators of health facilities and hospitals, the Yukon Government Department of Health and Social Services, the Emergency Medical Services program in the Department of Community Services, the Kwanlin Dun First Nation Health Centre, the Many Rivers Counselling and Support Services Society, and the Child Development Centre.

Health care providers include chiropractors, dentists and related professionals, optometrists, pharmacists, physicians, physiotherapists, nurses, psychologists, occupational therapists, midwives, naturopaths, and speech pathologists.

### **HIPMA imposes obligations on custodians regarding personal health information that they must follow.**

Under HIPMA, custodians are responsible to collect, use, and disclose personal health information according to the rules contained in HIPMA. They must ensure that personal health information in their custody or control is protected by implementing adequate information security and management practices. They must also publish a statement about their information management practices.

### **HIPMA includes mandatory breach notification.**

Custodians are required to notify individuals if a breach of security creates a 'risk of significant harm' to an individual. They must also notify the Information and Privacy Commissioner (IPC) about the breach and provide the IPC with a report.

## **HIPMA contains prohibitions concerning the Yukon Public Care Health Insurance Plan (YHCIP) number and card.**

Your YHCIP number may only be collected, used, or disclosed:

- for health care related purposes including the provision of health care, for health research, or an investigation, for a purpose related to the Yukon Health Information Network, for a proceeding, and by the Canadian Institute for Health Information, or similar body if there is an agreement authorizing use of the number;
- by a person who is processing a payment for a life, health or disability insurance policy, or administering a matter under the *Workers' Compensation Act*, the *Jury Act*, the *Coroners Act* or the *Occupational Health and Safety Act* if the collection, use or disclosure is necessary;
- by an election officer who may only collect and use the number to verify your identity and to determine if you are a resident of Yukon; and
- by any person, except a public body, before 2018, for the purpose of determining if the individual is a resident of Yukon.

The production of a YHCIP card may be requested:

- by a custodian or their agent to provide you with health care;
- by the Department of Highways and Public Works Motor Vehicles program if the purpose of collection and use is for the purposes of organ donation;
- by an election officer in relation to their collection and use of the number; and
- by any person, except a public body, who may collect and use the number, for the purpose of determining if you are resident of Yukon if the collection and use is before 2018.

## **HIPMA establishes the framework to create the Yukon Health Information Network.**

Under HIPMA, the Minister of Health has authority to establish the Yukon Health Information Network (YHIN), including designating a system as a YHIN system and information that will be accessible through YHIN. The Minister is also responsible for creating eligibility requirements for custodians and their agents to access YHIN.

## **HIPMA establishes a number of rights for individuals.**

Right of access - Individuals have the right to access their own personal health information that is in the custody or control of a custodian. The custodian must respond to the request within a specified time period (30 or 90 days) and must provide reasons for refusing any information requested. Custodians may charge a fee for access.

The right of access includes the right of an individual to access a ‘record of user activity.’ A record of user activity is a record that identifies who has accessed your personal health information in the electronic information system used by a custodian to process and store your information. A custodian cannot charge a fee for this access.

Right of correction – Individuals have the right to request a custodian correct any errors or omissions in a record containing their personal health information. HIPMA defines a process that custodians must follow upon receiving a request for correction inclusive of timelines.

Right to control access to personal health information accessed through the YHIN –

Under the *Yukon Health Information Network Regulation*, if the Minister designates a YHIN system as a ‘specified system’ an individual can apply to a ‘designated office’ in the Department of Health and Social Services to have all or some of their personal health information masked. Information that is masked cannot be accessed by users of the YHIN. Masked information may be unmasked by a user if the user determines it is necessary to avoid endangering the individual’s health or safety, or with the individual’s consent.

Right to expect compliance – Individuals have the right to expect that custodians will comply with the HIPMA for any collection, use, and disclosure of their personal health information and the obligations regarding its security and management. An individual who ‘reasonably believes’ that a custodian is not complying with HIPMA, may make a complaint to the IPC within 60 days from the date of the alleged non-compliance, or longer if authorized by the IPC.

**HIPMA establishes IPC oversight.**

Under HIPMA, the IPC has a number of responsibilities and authorities. These are to:

- ✓ inform the public about HIPMA;
- ✓ provide comments on the implications to privacy and access to information, pilot projects conducted by the Minister of Health, and security breaches;
- ✓ advise custodians and promote best practices;
- ✓ investigate complaints about non-compliance with HIPMA and conduct formal hearings for any complaints not settled; and
- ✓ make recommendations with regards to HIPMA.

For more information about the role of the IPC or HIPMA, visit the Office of the IPC’s website at [www.ombudsman.yk.ca](http://www.ombudsman.yk.ca) or contact the Office as follows.

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This document was prepared to assist the public understand their rights, the obligations of custodians, and the role of the Information and Privacy Commissioner under the *Health Information Privacy and Management Act*. The document is for administrative purposes only and is not intended, nor is it a substitute for legal advice. For the exact wording and interpretation of the HIPMA, please read the Act in its entirety. This document is not binding on the Information and Privacy Commissioner.

As this document is used for administrative purposes it is subject to change without notice. Please refer to the Office of the Information and Privacy Commissioner's website at [www.ombudsman.yk.ca](http://www.ombudsman.yk.ca) for the current version.

