



Health and Social Services

**HEALTH AND SOCIAL SERVICES
CORPORATE POLICIES**

POLICY IM-005

TITLE: Collection of Personal Health Information

CATEGORY: Information Management

EFFECTIVE: August 31, 2016

1. Scope

1.1 Authority

Yukon's *Health Information Privacy and Management Act (HIPMA)* (s.52 - 54) governs the collection of personal health information and contains provisions relevant to direct and indirect collection of personal health information by the Department of Health and Social Services (HSS).

1.2 Application

This policy and associated documents apply to all HSS employees and agents.

1.3 Purpose

This policy outlines when HSS may collect personal health information in accordance with *HIPMA*.

1.4 Definitions

Collect (ion) means to gather, acquire, receive, or obtain by any means from any source, but does not include the transmission of information between a custodian and an agent of that custodian (*HIPMA*, s.2(1)).

Health information means identifying information of an individual, in a recorded or unrecorded form that relates to: the individual's health; provision of health care; payments for health care; donation of body parts, tissue or substances of an individual, or testing (*HIPMA*, s. 2(1)).

Indirect Collection means to collect information from a source other than the individual the information is about.

Personal health information (PHI) of an Individual means health information of an individual and prescribed registration information and provider registry information in respect of an individual (*HIPMA*, s. 2(1)).

Implied Consent means it is reasonable for staff to presume from the circumstances that the individual consents to the collection, use or disclosure of PHI.

Express Consent is consent that is explicit and direct. It may be given verbally or in writing. All express consent received verbally must be documented.

Knowledgeable means the individual understands (1) the purpose of the collection, use or disclosure, (2) that they may give, withhold or withdraw consent, and (3) without their consent, PHI can only be collected, used and disclosed in accordance with *HIPMA* and its regulations.

2. Policy Statement

2.1 General

HSS will limit the amount of PHI collected to the minimum amount reasonably necessary to achieve the purpose for the collection (*HIPMA*, s. 16).

PHI will not be collected if other information can be used to achieve the purpose. (*HIPMA*, s.15).

HSS must make every reasonable effort to ensure the PHI collected is accurate (*HIPMA*, s.52).

Consent must be (*HIPMA*, s.38):

- Knowledgeable;
- Related to the PHI, and
- Given voluntarily.

Consent must be given by the individual, unless the individual lacks capacity to give consent. Consent can be given by the individual's substitute decision maker (SDM). Refer to s. 46 of *HIPMA* for the hierarchy of who can act as an individual's SDM.

2.2 Collection

HSS may collect an individual's PHI if:

- The individual has consented, and the collection is reasonably necessary for a lawful purpose (*HIPMA*, s.53(a)).
- The collection is authorized by law (*HIPMA*, s. 53(b)).

2.3 Indirect Collection

In certain prescribed situations (*HIPMA*, s.54), HSS may collect an individual's PHI from another person only if:

- (1) The individual consents; or
- (2) The PHI is needed to provide health care and HSS believes that if the information is collected directly from the individual:
 - The purpose of the collection would be negatively affected (e.g. the individual may withhold information);
 - It would delay the collection of information and HSS' ability to provide the necessary care (e.g) individual is unconscious and needs emergency care);
 - It would result in information that is not accurate (e.g. individual cannot be relied upon to provide accurate information), or
 - It is not reasonably practical in the circumstances.
- (3) The PHI is needed for a purpose other than providing health care to the individual and:
 - Direct collection could cause serious harm to the individual's health or safety.
 - The collection is permitted or required by a Yukon or Canadian government treaty, agreement, or enactment;
 - The indirect collection is needed to contact a substitute decision maker of the patient. Information should be limited to the contact information.
 - The information is available to the public.

2.4 Yukon Health Care Insurance Plan Card Collection

HSS will only collect YHCIP number or require production of the YHCIP card for the following purposes (*HIPMA*, s.18 (4) and *HIPMA's General Regulations*):

- For the provision of publicly funded health care;
- For a purpose related to the Yukon Health Information Network;
- For the purpose of handling, assessing, or payment for insurance claims, or
- For a purpose related to the *Workers' Compensation Act*, the *Jury Act*, the *Coroners Act* or the *Occupational Health and Safety Act*.

2.5 Collection for Research

HSS may collect an individual's PHI from the individual or any other person for the purpose of research. Prior approval of the collection by an institutional research review committee is not required when HSS is collecting PHI for the purpose of conducting its own research (*HIPMA, s.66*)

VERSION: 1

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APPROVED BY: _____

Bruce McLennan, Deputy Minister

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KEYWORDS: Collection

RELATED REFERENCES: *Health Information Privacy and Management Act*

DATE TO BE REVIEWED: September 30, 2017

DATE AMENDED: