

Disclaimer for Custodians: This is a sample policy only. It may not be suitable for your circumstances and should not be relied on as legal advice.

POLICY No.

TITLE: SAMPLE - Collection of Personal Health Information

EFFECTIVE:

1. SCOPE

1.1. Authority

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

1.2. Application

This policy and associated documents apply to all {Name of Custodian} employees and other agents.

1.3. Purpose

This policy outlines when {Name of Custodian} may collect personal health information in accordance with the *Health Information Privacy and Management Act*.

2. DEFINITIONS

Collect(ion) means to gather, acquire, receive or obtain by any means from any source. (s.2) (Does not include the transmission of information between a custodian and their agent.)

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

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 substance of an individual, or testing. (s.2)

Express Consent is not required to be in writing. However, if express consent is given verbally, the custodian who receives the consent must

record it.

Implied Consent is not stated verbally or in writing, but can be assumed by the individual's actions. For example, an individual who enters the ER for treatment is giving their implied consent for the ER doctor to access their medical records for the purpose of providing treatment.

Personal Health Information means health information of an individual and prescribed registration information and prescribed provider registry information in respect of the individual (s.2).

3. POLICY STATEMENT

{Name of Custodian} will only collect the minimum amount of personal health information (PHI) necessary to achieve the purpose of the collection (s.16). For example, a provider treating a sprained ankle would not collect information about appendectomy.

{Name of Custodian} will make every reasonable effort to ensure the personal health collected at the time is accurate (s.52).

3.1. Collection

{NAME OF CUSTODIAN} may collect an individual's PHI if:

- is reasonable necessary for a lawful purpose and the individual consents (s.53(a)); or
- the collection is authorized by law (s.53(b))

Express consent from the individual is required:

- for fundraising activities;
- for use in research or marketing when using identifiable information, or
- for use in the media, including radio, television, internet, and social media.

3.2. Indirect Collection

Generally, {Name of Custodian} will collect PHI from the individual the information is about however, indirect collection may occur if an exception applies.

Some exceptions include, but are not limited to:

- if the individual consents (para.54(a)).
- the PHI is required and it is believed that collecting the PHI directly from the individual would:

- would prejudice the purpose for collection (e.g. the individual may withhold important information) (para. 54(b));
- delay in collecting the information directly would impact care (e.g individual is unconscious and needs emergency care) (54(b));
- the information may not be accurate (e.g individual has dementia); or
- would not be reasonably practicable in the circumstances (e.g. individual is recovering from surgery and PHI is collected from spouse) (54(b)).

Questions regarding the collection (direct and indirect) of personal health information should be directed to {NAME OF CUSTODIAN} Privacy Contact.

SAMPLE