



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
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OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for
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NEWS RELEASE

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Ontario and B.C. Privacy Commissioners issue joint message: personal health information *can* be disclosed in emergencies and other urgent circumstances

In light of recent events, such as the tragic suicide of Nadia Kajouji, a student at Carlton University, and the Virginia Tech massacre of 2007, the Information and Privacy Commissioner of Ontario, Dr. Ann Cavoukian, and the Information and Privacy Commissioner of British Columbia, David Loukidelis, are reaching out to educational institutions, students, parents, mental health counsellors and healthcare workers in both provinces: personal health information may, in fact, be disclosed in emergencies and other urgent circumstances. The two Commissioners want to ensure that people realize that privacy laws are not to blame because they do permit disclosure.

The Commissioners want to send the clear message that privacy laws do not prevent counsellors or healthcare providers from contacting a person's family if there are real concerns that they may seriously hurt themselves. "When there is a significant risk of serious bodily harm, such as suicide, privacy laws in Ontario clearly permit the disclosure of personal information without consent, regardless of age. In such situations, schools may contact parents or others if there are reasonable grounds to believe that it is necessary to do so," says Commissioner Cavoukian. Commissioner Loukidelis adds that, "If there are compelling circumstances affecting health or safety, or if an individual is ill, B.C.'s privacy laws allow disclosure to next of kin and others, including school officials and health care providers. Individual cases can be fuzzy, but if someone uses common sense and in good faith discloses information, my office is not going to come down on them. Privacy is important, but preserving life is more important."

In Ontario, the *Personal Health Information Protection Act* (PHIPA) allows health care providers, such as mental health counsellors, to disclose personal health information when necessary to eliminate or reduce a significant risk of serious bodily harm. This would include disclosure to a physician or parent if there are reasonable grounds to believe it is necessary to do so. In fact, *PHIPA* specifically allows for this kind of disclosure in emergency or urgent situations. Commissioner Cavoukian clarified this in a Fact Sheet she issued in 2005 entitled, *Disclosure of Information Permitted in Emergency or other Urgent Circumstances*, available at www.ipc.on.ca.

In British Columbia, Commissioner Loukidelis underscored, the public sector *Freedom of Information and Protection of Privacy Act* allows universities, schools, hospitals and other public institutions to disclose personal information where someone's health or safety is at risk. He also noted that the private sector *Personal Information Protection Act* contains similar authority to disclose personal information for health and safety reasons.

Both Commissioners are today announcing their joint project to issue a new publication aimed at clarifying the role that privacy laws play when workers are trying to decide whether they can disclose personal health



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information. Commissioner Cavoukian said of the joint project, “Our goal is to ensure that educational institutions understand the legislative framework in advance of problems occurring. We are looking forward to working further with the educational community – stay tuned.”

Commissioners Cavoukian and Loukidelis are urging those responsible for the health and safety of others to educate themselves about how the privacy laws covering them apply to their work and familiarize themselves with the provisions allowing them to disclose personal health information in emergency situations. Commissioner Loukidelis says, “I know that frontline decisions have to be made quickly and sometimes the facts may not be as clear as you’d like. But there’s no doubt that privacy laws support disclosures to protect health and safety.” Commissioner Cavoukian agrees that privacy laws are not at fault. “To infer that privacy laws were responsible for someone’s death is to completely misunderstand the role that privacy laws are designed to play. The tragedy here lies if you take a default position of non-disclosure and inaction.” says Commissioner Cavoukian. She also adds that, “However, Commissioner Loukidelis and I both recognize that the decision to notify someone’s family without their consent can be extremely difficult, requiring very sound judgment. We are also clear that notification cannot be done on a routine basis and that students need to feel reassured that their privacy will be protected when they seek counselling or other health care services.”

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