



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

News Release

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Commissioner Cavoukian Commends Government of Ontario for Clarifying Privacy Rights for Electronic Health Records

TORONTO, ON (May 29, 2013) – Ontario’s Information and Privacy Commissioner, Dr. Ann Cavoukian, today commended the Government of Ontario for introducing amendments to Ontario’s health privacy legislation, the *Personal Health Information Protection Act (PHIPA)*. The Commissioner has been advocating for a legislative framework to address the privacy and security issues associated with electronic health records, for some time. While *PHIPA* has served as a model for health privacy legislation across Canada and abroad since its introduction in 2004, it did not adequately address the rights of individuals and the duties of health care providers, in a shared electronic health record environment.

“I am very pleased that the Government of Ontario is introducing amendments to clarify how the privacy of Ontarians and the confidentiality of their personal health information will continue to be protected with the emergence of electronic health records,” said Commissioner Cavoukian. “These amendments are necessary to foster public trust and confidence, as the health sector transitions from paper-based records to electronic health records.”

The amendments to *PHIPA* will clarify the right of Ontarians to limit the collection, use and disclosure of their personal health information in the electronic record for health care purposes. This will be achieved through a variety of means including the application of consent directives to reflect the wishes of all patients. The amendments will also clarify the right of patients to access and request correction of their information and to find out who has accessed their health records. Patients will also be able to make additional inquiries and lodge complaints with their health care providers and the Commissioner’s office. The amendments will also assure patients that only their authorized health care providers and those acting on their behalf may directly access personal health information in their electronic health record, and will limit the purposes for which such information may be accessed. There will also be a requirement to log and monitor all accesses to electronic health records to prevent any unauthorized collection, use and disclosure of personal health information.

The modernization of *PHIPA* will facilitate the introduction of electronic health records throughout the province. Such records have the potential to greatly improve diagnosis and treatment; to enhance patient safety; and to facilitate the coordination and integration of services – resulting in a more efficient and effective health system.

“I will continue to work closely with the Government and the health care sector to ensure a smooth and seamless transition into the digital era, while strongly protecting the privacy of Ontarians and the confidentiality of their personal health information,” added Commissioner Cavoukian.



2 Bloor Street East
Suite 1400
Toronto, Ontario
Canada M4W 1A8

2, rue Bloor Est
Bureau 1400
Toronto (Ontario)
Canada M4W 1A8

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

About the IPC

The Information and Privacy Commissioner is appointed by, and reports to, the Ontario Legislative Assembly, and is independent of the government of the day. The Commissioner's mandate includes overseeing the access and privacy provisions of the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act, as well as the Personal Health Information Protection Act, which applies to both public and private sector health information custodians. The Commissioner's mandate also includes helping to educate the public about access and privacy issues.

Media contact:

Trell Huether

Media Relations Specialist

Desk: 416-326-3939

Cell: 416-873-9746

Toll-free: 800-387-0073

media@ipc.on.ca