

# Health Cards & Health Numbers

*The Personal Health Information Protection Act*


## FREQUENTLY ASKED QUESTIONS



Information and Privacy  
Commissioner of Ontario

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





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## **Introduction**

The *Personal Health Information Protection Act, 2004 (PHIPA)* governs the manner in which personal health information may be collected, used and disclosed within the health sector.

## **Health Cards**

Eligible residents in the province of Ontario may apply to receive provincially funded health services covered by the Ontario Health Insurance Plan. A health card is issued by the government of Ontario to the insured person. The health card may be presented to receive an insured health service. There are two types of health cards currently in circulation: the photo health card and the red and white health card.

## **Health Number**

A unique 10-digit permanent identification number and a version code, together known as the health number, are assigned to eligible

residents. Some red and white health cards do not have a version code.

An individual's health number is considered to be *personal health information* under *PHIPA*.

Generally, health information custodians (custodians), such as health care practitioners, medical officers of health, Public Health Ontario and Canadian Blood Services, may collect, use or disclose a health number for purposes related to providing or assisting in providing health care, or as otherwise provided for in *PHIPA*.

For further information about the rules governing custodians, please see the document, *A Guide to the Personal Health Information Protection Act*, published by the Office of the Information and Privacy Commissioner of Ontario (IPC).

## Who may require individuals to produce their health cards?

*PHIPA* states that only a person or organization that provides a provincially funded health care resource, such as a health-related product or service, to the individual may require the individual to produce their health card.

## Who may collect, use or disclose health numbers and under what circumstances?

### 1. Custodians

Custodians and certain persons and organizations prescribed in the regulations *are permitted* to collect, use or disclose health numbers. For example, the staff at a doctor's office, hospital, walk-in-clinic or medical laboratory may collect, use or disclose health numbers for the purposes of providing provincially funded health care treatment or services.

#### *a. Identifying and linking records or verifying the identity of the individual*

*PHIPA* allows custodians to collect, use or disclose the individual's health number for the purposes of accurately identifying their records of personal health information, verifying their identity, and linking the person's records of personal health information. Note that the consent of the person is required for these activities unless they are done by a custodian that has collected a health number for purposes related to the provision of a provincially funded health resource.



### *b. In the context of the Electronic Health Record (EHR)*

When *PHIPA* allows a custodian to collect personal health information from the EHR, they may collect, use and disclose health numbers to identify the individual for that purpose. For instance, a custodian may collect personal health information from the EHR for the purpose of providing or assisting in the provision of health care to the individual to whom the information relates. Even if the individual makes a consent directive, it cannot apply to the health number. For further information about the EHR and consent directives, please see the IPC's *Digital Health under PHIPA: Selected Overview*.

### *c. Data minimization*

Custodians must not collect, use or disclose personal health information, such as the health number, if other information will serve the purpose of the collection, use or disclosure. Also, custodians must not collect, use or disclose more personal health information than is reasonably necessary, such as the health number, to meet the purpose of the collection, use or disclosure

## *2. Non-custodians*

A person or organization that is *not* a custodian or an agent of a custodian may only collect or use a health number for:

- purposes related to the provision of provincially funded health resources,
- the purpose for which the custodian disclosed the number,
- purposes related to the duties or powers of a governing body of health care practitioners who provide provincially funded health resources,
- health administration, health planning, health research or epidemiological studies by persons prescribed in the regulations including the Workplace Safety and Insurance Board, prescribed persons, such as the Children's Hospital of Eastern Ontario in respect of the Better Outcomes Registry and

Network, and prescribed entities such as the Canadian Institute for Health Information,

- the purpose of accurately identifying an individual's record of personal health information, verifying their identity or linking their record of personal health information, where the person or organization is prescribed in the regulations and has obtained the express consent of the individual, or
- purposes related to the EHR, where the person or organization is prescribed in the regulations.

A person or organization that is *neither* a custodian *nor* acting as an agent of a custodian must not disclose a health number, except as set out in the regulations or as required by law. For example, a person who is not a custodian may disclose a health number for purposes related to the provision of provincially funded health resources because this is set out in the regulations.

These restrictions on the collection, use and disclosure of health numbers do not apply to some persons and organizations including:

- a person who collects, uses or discloses health numbers for a proceeding (which refers to a matter that is before a court, tribunal or similar body) or
- a prescribed entity, such as the Canadian Institute for Health Information.

## **Who may ask individuals to provide their health cards or health numbers?**

It is important to note that there is a difference between asking individuals to *voluntarily* provide their health cards or health numbers and requiring individuals to produce their health cards.

There is nothing in *PHIPA* that prevents a person or organization, including municipal and provincial government agencies, employers, insurance companies, retailers, health

clubs and private individuals from asking individuals to provide their health cards or health numbers, as long as it is made clear that the provision of health cards and health numbers is voluntary and that their health number will only be collected and used for purposes related to the provision of provincially funded health resources or for other purposes authorized by *PHIPA*. For instance, an employer may ask an employee to voluntarily provide their health card or health number to expedite the provision of health care services in the event of an emergency. A school, daycare or camp may also request a child's health card or health number so that it is on record in the event of a medical emergency.

### Can health cards be used as proof of identity?

It is important to note that there is a difference between *accepting* health cards from individuals who *voluntarily* provide them for identification purposes, and *requiring* individuals to produce their health cards.

To receive an Ontario health card and Ontario health insurance coverage, each eligible resident must apply and substantiate basic personal information by providing documentation of their Canadian citizenship, immigration status, or residency within Ontario, as well as their identity. Many organizations in the province will accept the health card as a form of identification because of its perceived reliability and the fact that a majority of Ontario residents have one. For individuals who have neither a passport nor driver's license, it may be their only piece of photo identification. *PHIPA* does not prevent an individual from offering a health card for identification purposes; however, while health cards may be accepted for identification purposes, a person or organization that is not a custodian must not record or copy the health number. For example, on municipal election day, voters may identify themselves to an election officer by voluntarily providing a health card, as long as the official does not write the number down or otherwise collect the health number.



## What should be considered before asking individuals to provide a health card or health number?

As a general rule, individuals have a right to refuse to provide their health cards and health numbers – as well as those of their dependents. Disclosure must be voluntary.

It is an offence under *PHIPA* for any person or organization to require an individual to produce their health card unless the person or organization provides a provincially funded health resource to the individual. It is also an offence under *PHIPA* for any person or organization to willfully collect, use or disclose any personal health information – including health numbers – in a manner that contravenes *PHIPA*.

If you have any questions or concerns about the production of health cards or the collection, use or disclosure of health numbers, please contact the IPC at [info@ipc.on.ca](mailto:info@ipc.on.ca).

## Other health privacy materials available at [www.ipc.on.ca](http://www.ipc.on.ca) include:

*Frequently Asked Questions: Personal Health Information Protection Act*

*The Personal Health Information Protection Act and Your Privacy*

*A Guide to the Personal Health Information Protection Act Access and Correction Complaints*

*Collection, Use, Disclosure and Other Complaints*





## About the IPC

The role of the Information and Privacy Commissioner is set out in five statutes: the *Freedom of Information and Protection of Privacy Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act*, 2004, Part X of the *Child, Youth and Family Services Act, 2017*, and the *Anti-Racism Act*.



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