



Information and Privacy
Commissioner/Ontario

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

PHIPA Archive Registration 2006-01

Re: Queen's University Archives

September 29, 2006

The Queen's University Archives (QUA) requested that the Information and Privacy Commissioner/Ontario (the Commissioner) register QUA's intention to act as a recipient of information under s. 14 of O. Reg. 329/04 under the *Personal Health Information Protection Act, 2004 (PHIPA)*. Subsection 42(3) of *PHIPA* states that a health information custodian may transfer records of personal health information about an individual, in the prescribed circumstances, to a prescribed person whose functions include the collection and preservation of records of historical or archival importance, if the disclosure is made for the purpose of that function.

QUA made representations to the Commissioner's office in support of its request in the form of an application, dated August 23, 2005. The Commissioner's office held further discussions with QUA to clarify aspects of the application. On January 26, 2006, QUA provided confirmation that suggestions made by the Commissioner will be adopted.

Pursuant to s. 14(1)(d) of O. Reg. 329/04 under *PHIPA*, this letter will serve to acknowledge the registration by QUA with the Commissioner of its intention to act as a recipient of information under that section. Further, this acknowledges receipt, by the Commissioner, of the public written statement referred to in that section as well as other information about QUA's practices and procedures.

This registration is subject to the following terms and conditions:

TERMS AND CONDITIONS

1. The QUA will be responsible for the following in all situations when it accepts transfers of information:
 - a. determining whether the information is personal health information or contains personal health information;
 - b. determining whether transfer is disclosure under clause 42(3)(b) of *PHIPA* or simply a transfer for storage;
 - c. confirming that the personal health information is being transferred by a health information custodian or an agent of a health information custodian;
 - d. determining whether the personal health information is of historical or archival importance; and,
 - e. ensuring that acceptance of the transfer is made for the purposes of collecting and preserving the personal health information.

2. The QUA will be responsible for ensuring that the personal health information in its custody or control is protected against theft, loss and unauthorized use or disclosure. The QUA must also ensure that the personal health information is protected against unauthorized copying, modification or disposal. Also, measures must continue to exist to allow an individual to have reasonable access to the individual's own personal health information held by the QUA.
3. The QUA will ensure that publicly available written statements continue to provide a general description of the QUA's information practices, describe how an individual may obtain access to a record of personal health information about the individual that is in the custody or control of the QUA, describe the mandate, and organizational links and affiliations of the QUA, and, how to make a complaint to the QUA and to the Commissioner under *PHIPA*.
4. Should the QUA cease to exercise the functions of collecting and preserving records of historical or archival importance, or cease to comply with the conditions set out above, the Archives must immediately transfer the records, including any health number contained in the records, to another person who is authorized to receive transfers of records under clauses 42(3)(a) or (b) of *PHIPA* subject to the agreement of the person who is to receive the information.
5. Meeting the requirements set out above means that the QUA, when receiving a transfer of records of personal health information under subsections 14(2) or 14(3) of O. Reg. 329/04 under *PHIPA* or under clause 42(3)(b) of *PHIPA* may:
 - a. collect any health number contained in the records incidentally to receiving the transfer of the records;
 - b. use personal health information contained in the records, including any health number contained in the records, as if it were a health information custodian for the purposes of clause 37(1)(j) and subsection 37(3) of *PHIPA*; and
 - c. disclose personal health information contained in the records, including any health number contained in the records, as if it were a health information custodian for the purposes of sections 44, 45 and 47 of *PHIPA*.
6. To the extent that QUA received a transfer of a record of personal health information, prior to November 1, 2004, to which s. 14(4) of O. Reg. 329/04 under *PHIPA* would have applied had the information been received on or after Nov. 1, 2004, the QUA may disclose and use that personal health information for research as if it were a health information custodian under *PHIPA*.
7. This Registration will be effective as of the date indicated below.

This Registration in no way limits the Commissioner's powers under *PHIPA* to revise the terms and conditions of this Registration or to revoke this Registration at any time. The Commissioner will provide the QUA with a minimum of 30 days notice of any such revision or revocation.

The applicant will advise the Commissioner of any changes in the scope of the QUA's activities in relation to this Registration and to its practices as described in the applicant's aforementioned representations, within 30 days of any such change.



Ann Cavoukian, Ph.D.
Commissioner



Date