

The Health Information Act
And the “Need to Know Principle” by Elaine Fitzgibbon

The *Health Information Act* (HIA) controls how health information is collected, used, and disclosed. It provides individuals with the right to request access to health records in the custody or under the control of custodians, and provides custodians with a framework within which they must conduct the collection, use, and disclosure of health information.

As a Medical Laboratory Technologist, you may work for a custodian who grants you access to health information systems to do your job. At the same time you may wonder why there are so many restrictions on how you use health information. If you work for a custodian, you are known as an “affiliate” under the HIA. Affiliates may only use health information in accordance with their duties to the custodian. This means you can only collect, use, or disclose health information when it is essential to do your job and as authorized by your employer.

In an electronic system, accessing or looking up health information is considered a use. For example you should not look up diagnostic results as a favor to relatives and friends.

Patients trust that custodians and their affiliates will keep their health information confidential. Relationships with health care providers are built on the assurance that the information will only be used by or disclosed to authorized persons or to others with the patient’s permission.

Monitoring of your accesses to electronic health records is routine and audits of Netcare and lab systems are carried out on a regular basis. Individuals who suspect their record is being viewed by an unauthorized person can request that Alberta Health carry out a Netcare audit. For example, a Calgary Medical Office assistant lost her job and was fined \$10,000 after she was discovered to have viewed the health record of her lover’s ill wife on several occasions (April 2007). In December 2011, a pharmacist was fined \$15,000 for posting prescription medication on Facebook. A physician who accessed Netcare inappropriately using his colleague’s Netcare login sessions led to an Office of the Information and Privacy Commissioner (OIPC) investigation of the complaint (H2011-IR-004). The physician’s actions were reported to the College of Physicians and Surgeons of Alberta (CPSA), and following their investigation the CPSA ordered the physician to take an ethics course, suspended her for 60 days, placed her on probation for six months, and fined her \$22,232.59 to cover the College’s investigation cost.

If you have questions about appropriate use of health information contact your organization’s privacy officer, or the OIPC.

Resources

- H2011-IR-004
- H2009-IR-003 & F2009-IR-001
- News Release on Masking issued May 15, 2008
- News Release December 6, 2011 regarding prosecution under HIA
- Netcare Know Your Rights section of website <http://www.oipc.ab.ca/pages/HIA/NetcareKnowYourRights.aspx>

References

- OIPC www.oipc.ab.ca
- Health Information a Personal Matter a Practical Guide to the Health Information Act
- Health Information Act (HIA) Guidelines and Practices Manual
- Health Information Act <http://www.oipc.ab.ca/pages/HIA/ReadAct.aspx>