

## ADMINISTRATION

### Policy & Procedure

Title	<b>CORRECTION OF PERSONAL HEALTH INFORMATION</b>	Date Effective	<b>February 18, 2013</b>
Document #	<b>AD-07-120</b>	Date Reviewed	<b>December 22, 2021</b>
Scope	<b>ALL EMPLOYEES</b>	Date Revised	<b>April 12, 2022</b>
Approved By	<b>EXECUTIVE LEADERSHIP COUNCIL</b>	Signature	<i>Original signed by <b>H. Bryant</b></i>
Managed By	<b>REGIONAL PRIVACY &amp; ACCESS OFFICER</b>		

#### 1.0 PURPOSE

- 1.1 The Northern Health Region (NHR) is a trustee of a client's personal health information, and must comply with *The Personal Health Information Act* (PHIA) in the process of correcting personal health information.
- 1.2 To ensure individuals are able to exercise their right to request a correction to their personal health information, including demographic information as set out under PHIA.
- 1.3 To establish a consistent and controlled process for individuals to request correction of their personal health information, and to accept or refuse those requests.

#### 2.0 DEFINITIONS

- 2.1 **Access:** the right of an individual, or a person permitted to exercise the rights of an individual to examine (view) and receive a copy of the individual's personal health information maintained by the trustee.
- 2.2 **Alternate Decision Maker (ADM):** a person who has the decision-making capacity and is willing to make decisions on behalf of a client who does not have the capacity to make a decision. An ADM may be legally authorized (i.e. health care proxy, committee, substitute decision maker or public trustee) or may be a person designated (i.e. family member) in the absence of a legally authorized individual. [AD-07-130 Alternate Decision Maker](#) and Section 2.17.
- 2.3 **Client:** An individual who accesses and/or receives healthcare related services from a Northern Health Region (NHR) facility or program. A client may be a patient in an acute care setting, a resident in a personal care home (PCH), or client in a community program or facility.
- 2.4 **Complaint:** a complaint made to a trustee by an individual and/or by the Provincial Ombudsman about collection, access, correction, use, disclosure, protection, and privacy of personal health information.
- 2.5 **Demographic Information:** an individual's name, address, telephone number, and email address.

- 2.6 **Disclosure:** revealing the personal health information outside the trustee, i.e. to other trustees, to family and friends of the individual, insurance companies or other similar businesses or to other persons legally entitled to have personal health information released to them. As an employee or agent of a trustee, when authorized to disclose, you are only permitted to disclose the minimum amount of information as required by the Act.
- 2.7 **Employee:** unless otherwise specified, refers to all employees, medical staff, students, volunteers, board members, contractors, contract workers, agency personnel, and other individuals performing work activities within or on behalf of the Northern Health Region (NHR).
- 2.8 **Health Care:** any care, service or procedure provided to diagnose, treat or maintain an individual's health; provided to prevent disease or injury or promote health care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
- 2.9 **Health Care Facility:** a hospital, personal care home, Psychiatric Facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which health care is provided and that is designated in the PHIA regulation.
- 2.10 **Health Care Professional:** an individual who is a member of a regulated health discipline and who participates within their scope and role may include physicians, physician assistants, elders, midwives, nurses, nurse practitioners, pharmacists and pharmacy technicians.
- 2.11 **Health Care Provider:** Any person who provides care or services to an individual, includes healthcare professionals, employees, students, volunteers and other persons acting or in conjunction with the NHR
- 2.12 **Individual:** a patient, client or elder receiving health care services within a trustee. For the purpose of access, correction, use and disclosure of personal health information includes persons permitted to exercise the rights of an individual.
- 2.13 **Information Manager:** a person or body (corporation, business or association) that processes, stores or destroys personal and/or personal health information or provides information management or information technology services for the Trustee.
- 2.14 **Maintain:** in relation to personal health information, to have custody or control of the information.
- 2.15 **Medical Director:** psychiatrist responsible for the provision and direction of psychiatric services for a designated Psychiatric Facility. The Medical Director may delegate any of the Medical Director's powers, duties or functions under *The Mental Health Act*.
- 2.16 **Personal Health Information (PHI):** recorded information about an identifiable Individual that relates to:
- the Individual's health, or health care history, including genetic information about the Individual;
  - the provision of health care to the individual; or
  - payment for health care provided to the individual;
- and includes;
- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an individual; and

- e. any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care;  
and for further clarity includes:
- f. personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the individual which have been disclosed to the trustee;  
and for the purpose of the [AD-07-10 Confidentiality](#):
- g. any personal health information exchanged verbally about an identifiable individual

**2.17 Personal Representative:**

- a. an Executor or Executrix named in a deceased individual's will; or
- b. a court appointed Administrator or Administratrix of an individual's estate.

**2.18 Person Associated with the Trustee:** includes all contracted persons, volunteers, students, researchers, the Region's medical staff, educators, member of the Board of Directors, Information Managers, employees, individuals under purchased salary or service agreements or contracts or agents of any of the above.

**2.19 Persons Permitted to Exercise the Rights of an Individual:**

- a. any person with written authorization from the individual to act on the individual's behalf;
- b. a proxy appointed by the individual under The Health Care Directives Act;
- c. a committee appointed for the individual under The Mental Health Act if the committee has the power to make health care decisions on the individual's behalf;
- d. a substitute decision maker for personal care appointed for the individual under The Vulnerable Persons Living with a Mental Disability Act if the exercise of the right relates to the powers and duties of the substitute decision maker;
- e. an attorney acting under a power of attorney granted by the individual, if the exercise of the right or power relates to the powers and duties conferred by the power of attorney;
- f. the parent or guardian of an individual who is a minor, if the minor does not have the capacity to make health care decisions;
- g. if the individual is deceased, their personal representative.

If it is reasonable to believe that no person listed above exists or is available, the adult person listed first below who is readily available and willing to act may exercise the rights of an Individual who lacks the capacity to do so:

- h. the individual's spouse, or common-law partner, with whom the individual is cohabiting;
- i. a son or daughter;
- j. a parent, if the individual is an adult;
- k. a brother or sister;
- l. a person with whom the individual is known to have a close personal relationship;
- m. a grandparent;
- n. a grandchild;
- o. an aunt or uncle; or
- p. a nephew or niece.

**Ranking:** The older or oldest of two (2) or more relatives described in any clause in this section is to be preferred to another of those relatives.

- 2.20 **PHIN:** personal health identification number assigned to an individual by the minister to uniquely identify the individual for health care purposes.
- 2.21 **Privacy Designate:** Refers to an employee within a program or facility who assists the manager, supervisor, Site Privacy Officer, or Regional Privacy & Access Officer.
- 2.22 **Privacy Officer:** an employee, designated by the NHR, whose responsibilities include dealing with requests from individuals who wish to examine and copy or to correct personal health information collected and maintained by the NHR, and facilitating the NHR's compliance with PHIA. The definition is intended to mean the Site Privacy Officer or designate.
- 2.23 **Psychiatric Facility:** a place designated in the regulation of The Mental Health Act as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.
- In the NHR the designated Psychiatric Facility or unit are Thompson General Hospital and St. Anthony's General Hospital.
- 2.24 **Record or Recorded Information:** a record of information in any form, and includes information that is written, photographed, recorded, or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.
- 2.25 **Trustee:** a health professional, health care facility, public body, or health services agency that collects or maintains personal health information. For clarity, Northern Health Region (NHR) as a public body is the trustee of the personal health information that is collected and maintained within health care facilities and sites owned and/or operated by Northern Health Region and include community health services. The other hospitals and personal care homes within the Region are trustees of the personal health information collected and maintained at each health care facility.
- 2.26 **Use:** involves revealing personal health information to someone within the Trustee's organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of personal health information. As an employee or agent of a Trustee, you should only be using the minimum amount of information to do your job.

### 3.0 POLICY STATEMENT(S)

- 3.1 The NHR maintains and adheres to standards to ensure the right of individuals to request a correction to their personal health information previously accessed by the individual.
- 3.2 NHR responds as promptly as possible, but no later than 30 days, after receiving the written request.
- 3.3 NHR does not charge a fee in connection with a request for a correction to personal health information.
- 3.4 Requests to correct personal health information recorded in a designated Psychiatric Facility pursuant to *The Mental Health Act* are processed in accordance with [AD-07-110 Access, Correction, Disclosure- Clinical Record Under the Mental Health Act.](#)

## 4.0 PROCEDURE / RESPONSIBILITIES

- 4.1 Any person associated with the NHR who receives a request from an individual for the correction of personal health information:
- a. refers the individual to the Site Privacy Officer, or privacy designate or provide them with the Site Privacy Officer's or privacy designates name, contact address, and phone number in writing where applicable; or
  - b. forwards the completed [Request to Correct Personal Health Information Form #: NHR\\_0102](#), or written request to the Site Privacy Officer or privacy designate; and
  - c. documents the action taken to facilitate an individual's request for correction in the individual's health record, where applicable.
- 4.2 The Site Privacy Officer or privacy designate:
- a. obtains the request in writing using the NHR [Request to Correct Personal Health Information Form #: NHR\\_0102](#), or in a covering letter that includes the written request;
  - b. responds as promptly as possible, but no later than 30 days after receiving the written request; and
  - c. consults with any of the following when considering the request for correction if there are any questions about the request:
    - health care professionals who are or have provided health care to the individual;
    - the person who documented the personal health information in the individual's health record; or
    - administrative or managerial employees responsible for the service or discipline in question.
- 4.2.1 Respond in one (1) of four (4) ways:
- add the corrected information to the record of the personal health information in such a manner that it is read with and form part of the record or be adequately cross-referenced to it;
  - inform the individual in writing if the information does not exist or cannot be found and advise them of their right to make a complaint to the Manitoba Ombudsman about the response;
  - inform the individual if NHR does not maintain the personal health information, and provide them with the name and address of the trustee who maintains it, if known;
  - inform the individual in writing using the NHR [Refusal to Correct Personal Health Information Letter Form #: NHR\\_0360](#), that the request is refused, in whole or in part, the reason for the refusal and advise the individual of their right to:
    - add a statement of disagreement to the record; and
    - make a complaint about the response to the Manitoba Ombudsman.
- 4.2.2 When a correction is made or a statement of disagreement is added, the Site Privacy Officer or privacy designate notifies any other Trustee or person to whom the personal health information has been disclosed within the past year.

4.2.3 The notice of correction or statement of disagreement is added to the record of personal health information maintained by NHR.

## 5.0 RELATED DOCUMENTS

- 5.1 [Refusal to Correct Personal Health Information Letter Form #: NHR\\_0360](#)
- 5.2 [Request to Correct Personal Health Information Form #: NHR\\_0102](#)
- 5.3 [Statement of Disagreement of Personal Health Information Form #: NHR\\_0545](#)
- 5.4 [AD-07-10 Confidentiality](#)
- 5.5 [AD-07-110 Access, Correction, Disclosure- Clinical Record Under the Mental Health Act.](#)
- 5.6 [AD-07-130 Alternate Decision Maker](#)

## 6.0 REFERENCES

- 6.1 Government of Manitoba. (2022). *The Personal Health Information Act*. C.C.S.M.c.P33.5  
Retrieve from: <https://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php>
- 6.2 Government of Manitoba (2022). *The Personal Health Information Regulation*.  
Retrieved from: <https://web2.gov.mb.ca/laws/regs/index.php?act=p33.5>
- 6.3 Northern Health Region. (2020). [AD-07-110 Access to, Disclosure of and Corrections to the Clinical Record under \*The Mental Health Act\*](#)
- 6.4 Manitoba Ombudsman Practice Note (2022). [Handling Request for Correction Under \*The Personal Health Information Act\* \(PHIA\)](#)
- 6.5 Southern Health - Sante Sud. (2021). ORG.1411.PL.104. Correction of Personal Health Information
- 6.6 Shared Health. (2022). 10.40.080. Correction of Personal Health Information

## 7.0 REVISION & REVIEW DATE(S)

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