



# PERSONAL HEALTH INFORMATION ACT TOOLKIT FOR CUSTODIANS

## DEFINITIONS

Note: All definitions are reproduced directly from the *Personal Health Information Act* and regulations. Additional definitions from other sources are noted in red.

### **Agent**

*Agent*, in relation to a custodian, means a person who, with the authorization of the custodian, acts for or on behalf of the custodian in respect of personal health information for the purposes of the custodian, and not the agent's purposes, whether or not the agent has the authority to bind the custodian, is paid by the custodian or is being remunerated by the custodian, and includes, but is not limited to, an employee of a custodian or a volunteer who deals with personal health information, a custodian's insurer, a lawyer retained by the custodian's insurer or a liability protection provider.

### **Capacity**

*Capacity* means the ability to understand information that is relevant to the making of a decision related to the collection, use or disclosure of personal health information and the ability to appreciate the reasonably foreseeable consequences of a decision or lack of a decision.

### **Collect**

*Collect*, in relation to personal health information, means to gather, acquire, receive, gain access to or obtain the information by any means from any source.

### **Common Client Registry**

*Common Client Registry* means a Provincial database that is a master index for

- (i) all residents eligible to receive insured services, and

- (ii) all non-residents who have received insured services in the Province.

### **Common-law partner**

*Common-law partner* of an individual means another individual who has cohabited with the individual in a conjugal relationship for a period of at least one year;

### **Custodian**

*Custodian* means an individual or organization described below who has custody or control of personal health information as a result of or in connection with performing the person's or organization's powers or duties:

- i. a regulated health professional or a person who operates a group practice of regulated health professionals,
- ii. the Minister,
- iii. a district health authority under the *Health Authorities Act*,
- iv. the Izaak Walton Killam Health Centre,
- v. the Review Board under the *Involuntary Psychiatric Treatment Act*,
- vi. a pharmacy licensed under the *Pharmacy Act*,
- vii. a continuing-care facility licensed by the Minister under the *Homes for Special Care Act* or a continuing-care facility approved by the Minister,
- viii. Canadian Blood Services,
- ix. any other individual or organization or class of individual or class of organization as prescribed by regulation as a custodian.

### **De-identified information**

*De-identified information* is information that has had all identifiers removed that

- (i) identify the individual, or
- (ii) where it is reasonably foreseeable in the circumstances, could be utilized, either alone or with other information, to identify the individual

## **Disclose**

*Disclose*, in relation to personal health information in the custody or under the control of a custodian or a person, means to make the information available or to release it to another custodian or to another person, but does not include to use the information;

## **Domestic partnership**

*Domestic partnership* means a domestic partnership as defined in the *Vital Statistics Act*:

*Vital Statistics Act section 2(ha) Domestic partnership means a relationship between two persons who have filed a domestic-partner declaration in accordance with Part II [of the Vital Statistics Act].*

## **Health-card number**

*Health-card number* means a unique identification number assigned by the Minister to individuals insured under the *Health Services and Insurance Act*.

## **Health care**

*Health care* means an observation, examination, assessment, care, service or procedure in relation to an individual that is carried out, provided or undertaken for one or more of the following health-related purposes:

- (i) the diagnosis, treatment or maintenance of an individual's physical or mental condition,
- (ii) the prevention of disease or injury,
- (iii) the promotion and protection of health,
- (iv) palliative care,
- (v) the compounding, dispensing or selling of a drug, health-care aid, device, product, equipment or other item to an individual or for the use of an individual, under a prescription, or
- (vi) a program or service designated as a health-care service in the regulations;

## **Identifying information**

*Identifying information* means information that identifies an individual or, where it is reasonably foreseeable in the circumstances, could be utilized, either alone or with other information, to identify an individual.

## **Individual**

*Individual*, in relation to personal health information, means the individual, whether living or deceased, with respect to whom the information was or is being collected or created.

## **Information practices**

*Information practices*, in relation to a custodian or a prescribed entity, means the policies of the custodian or a prescribed entity for actions in relation to personal health information, including

- (i) when, how and the purposes for which the custodian routinely collects, uses, discloses, retains, de-identifies, destroys or disposes of personal health information, and
- (ii) the administrative, technical and physical safeguards and practices that the custodian maintains with respect to the information.

## **Insured services**

*Insured services* means insured hospital services and insured professional services as defined in the *Health Services and Insurance Act*.

## **Minister**

*Minister* means the Minister of Health and Wellness.

## **Person**

*Person* includes a partnership, association or other entity;

## **Personal health information**

*Personal health information* means identifying information about an individual, whether living or deceased, and in both recorded and unrecorded forms, if the information

- (i) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family,
- (ii) relates to the application, assessment, eligibility and provision of health care to the individual, including the identification of a person as a provider of health care to the individual,
- (iii) relates to payments or eligibility for health care in respect of the individual,
- (iv) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,

- (v) is the individual's registration information, including the individual's health-card number, or
- (vi) identifies an individual's substitute decision-maker.

### **Planning and management of the health system**

*Planning and management of the health system* means the analysis of information with respect to

- (i) the management, evaluation or monitoring of,
- (ii) the allocation of resources to, or
- (iii) planning for all or part of,

the health system, including the delivery of services.

### **Prescribed**

*Prescribed* means prescribed by the regulations.

### **Proceeding**

*Proceeding* means a proceeding held before, in or under the rules of a court, a tribunal, a commission, a justice of the peace, a regulated health-profession body, an arbitrator or a mediator.

### **Record**

*Record* means a record of information in any form or in any medium, whether in written, printed, photographic or electronic form or otherwise, but does not include a computer program or other mechanism that can produce a record.

### **Regulated health professional**

*Regulated health professional* means a health professional who is licensed or registered to provide health care under an Act of the Province specific to his or her profession and who provides health care or who is a member of a class of persons prescribed as regulated health professionals.

### **Regulated health profession body**

*Regulated health profession body* means a body with statutory authority for the discipline of a regulated health professional.

### **Resident**

*Resident* means a resident as defined in the *Health Services and Insurance Act*:

*Health Services and Insurance Act – Hospital Insurance regulations* [N.S. Reg. 11/58 (December 1, 1958) as amended up to and including O.I.C. 90-659 (May 31, 1990), N.S. Reg. 148/90]

### Interpretation

**1(m) "resident"** means a person who is legally entitled to remain in Canada and who makes his home and is ordinarily present in Nova Scotia, but does not include a tourist, a transient, or a visitor to Nova Scotia; for the purposes of the Act and these regulations a person who is a resident of Nova Scotia and who moves from Nova Scotia to acquire residence in another part of Canada, herein called the "new province", shall be deemed to continue to be a resident of Nova Scotia during normal travelling time and any waiting period, not exceeding three months, which may be necessary in order to qualify for benefits under the hospital insurance legislation of the new province if the new province is a participating province, as defined in subsection (2) of Regulation 7, or shall be deemed to continue to be a resident of Nova Scotia for a period of three months from the date of his departure from Nova Scotia if the new province is not a participating province,

### Insured services outside Nova Scotia

**7(2)** Where in-patient services were provided in a hospital in a province that provides insured services under an agreement with the Government of Canada under the Hospital Insurance and Diagnostic Services Act (Canada), in these regulation[s] called a "participating province", the amount payable under these regulation[s] shall not exceed an amount calculated on the basis of the per diem rate payable to the hospital by the authority administering the plan for providing insured services in that province.

### Review Officer

*Review Officer* means the Privacy Review Officer under the *Privacy Review Officer Act*.

### Spouse

*Spouse*, with respect to any person, means a spouse, registered domestic partner or common-law partner who is cohabiting with that person in a conjugal relationship.

### Use

*Use*, in relation to personal health information in the custody or under the control of a custodian or a person, means to handle or deal with the information, but does not include to disclose the information.