

Human Resources Legislative Update

Changes to Personal Health Information Privacy Legislation Introduced

Date: September 18, 2015

On September 16, 2015, the Ontario government introduced [Bill 119, Health Information Protection Act, 2015](#), which would amend the [Personal Health Information Protection Act, 2004](#) (“PHIPA”) and repeal and replace the [Quality of Care Information Protection Act, 2004](#) (“QCIPA”).

With respect to PHIPA amendments, if passed Bill 119 would, among other things:

- require health custodians to take steps reasonable in the circumstances to ensure that personal health information is not collected without authority;
- require health information custodians to report privacy breaches to the Information and Privacy Commissioner and the relevant regulatory colleges (e.g. College of a regulated health profession);
- add a new section relating to electronic health records;
- remove the requirement that prosecutions under PHIPA must be commenced within six months of the occurrence of the alleged offence; and
- increase the maximum fines for offences from \$50,000 to \$100,000 for individuals and from \$250,000 to \$500,000 for organizations.

With respect to the repeal and replacement of QCIPA, if passed Bill 119 would, among other things:

- allow certain health care practitioners to share information for the purpose of improving patient care;
- include a definition of “quality of care information” which would specifically exclude, among other things, certain patient-related information; and
- affirm the rights of patients to access their health care information as well as certain information about critical incidents which may relate to them.

On September 17, 2015, the Ontario government also [invited comments](#) on proposed amendments to [Regulation 965](#) “Hospital Management” made under the [Public Hospitals Act](#). The proposed amendments would be consistent with the Bill 119 amendments to QCIPA. Comments are due by November 2, 2015.