Human Resources Legislative Update

Ontario Passes Legislation to Reform Personal Health Information Privacy Laws

Date: May 20, 2016

On May 18, 2016, significant legislative reforms to the *Personal Health Information Protection Act, 2004* (PHIPA) and *Quality of Care Information Protection Act, 2004* (QCIPA) intended to enhance patient privacy and accountability and improve transparency in the healthcare sector received Royal Assent.

Bill 119, the *Health Information Protection Act, 2015* (Bill 119) was first introduced on September 16, 2015. In part, it amends PHIPA to:

- require health information custodians to report privacy breaches – as defined by supporting regulations – to the Information and Privacy Commissioner and the relevant regulatory colleges in certain circumstances
- eliminate the requirement that prosecutions under PHIPA must be commenced within six months of the occurrence of the alleged offence
- double the maximum fines for offences from $50,000 to $100,000 for individuals and from $250,000 to $500,000 for organizations.

Bill 119 further updates QCIPA to:

- allow certain healthcare practitioners to share information for the purpose of improving patient care
- affirm the rights of patients to access their healthcare information
- require a review of QCIPA every 5 years.

These reforms will come into force on a date to be proclaimed.

The Ontario government invited comments on proposed amendments to Regulation 965 "Hospital Management" made under the *Public Hospitals Act*, which were consistent with the Bill 119 amendments to QCIPA. Comments were due by November 2, 2015.