



April 13, 2011

To: All Physicians and Staff

Re: Legal Obligations Regarding Protection of Personal Health Information

I am taking the time to write directly to you, to express the government's concern regarding situations involving the abandonment of patient files in several locations within the province, most recently Regina and Saskatoon.

While the vast majority of trustees take their duty to protect the confidentiality of patient files very seriously, some trustees may be unfamiliar with their legal obligations under *The Health Information Protection Act* (HIPA). Under this law, you are required to ensure that personal health information is protected. At this time, I would like to draw your attention to a few key areas within HIPA that are of particular relevance in this situation:

- **HIPA Part III Duty to protect:**
 - Protection of personal health information by ensuring records are stored in a secure environment and retained for the necessary retention period.
 - Disposal of records in a manner that ensures the ongoing protection of the personal health information until full destruction has taken place.
- **HIPA Part IV Limits on Collection Use and Disclosure of Personal Health Information by Trustees:**
 - Ensuring that only people that have a 'need to know' have access to files.
 - Disclosure of information only when supported through legislation.
- **HIPA Part V Access of Individuals to Personal Health Information**
 - Providing patients with access to their personal health information.

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I encourage you to make certain that you appreciate the full extent of your obligations by reviewing the legislation in its entirety. You can access a copy at the Queen's Printer website (<http://www.qp.gov.sk.ca/documents/english/Statutes/Statutes/H0-021.pdf>), or by contacting the Ministry of Health.

Please understand that a failure to comply with the requirements of HIPA can be an offence and on conviction, can result in fines of up to \$500,000 and/or one year in prison.

If you have not already done so, I urge you to immediately implement the recommendations proposed by the Office of the Information and Privacy Commissioner (OIPC) in his "Advisory for Saskatchewan Health Trustees for Record Disposition". These recommendations are consistent with your legal obligations under HIPA and appear below for your reference:

1. Ensure that someone in the organization is formally designated as the Privacy Officer with specific responsibility for HIPA compliance, particularly the safe retention and disposition of personal health information.
2. Ensure that the trustee organization has written policies and procedures as prescribed by section 16 of HIPA including physical, administrative and technical measures reasonable for the protection of personal health information.
3. Ensure that every person in the trustee organization understands the difference between the historic culture of confidentiality and the new requirements of HIPA including the continuing responsibility for patient files pursuant to section 22 of HIPA.
4. Ensure that the trustee organization is in compliance with the transparency obligations in sections 9 and 10 of HIPA.
5. Ensure that there is a proper record retention and disposition schedule and that it is followed.

6. Ensure that all personal health information is properly and safely stored at all times.
7. Ensure that when disposing of personal health information all materials are shredded or otherwise completely destroyed.
8. Ensure that if the storage or destruction of patient files is outsourced or if an information management service provider is involved that there is a proper agreement that complies with sections 16, 17 and 18 of HIPA.

In addition, training or support resources are readily available through your regulatory body, the College of Physicians and Surgeons of Saskatchewan, the Saskatchewan Medical Association, and the Ministry of Health. The Ministry of Health may be reached by calling (306) 787-2137. These materials are excellent, and will ensure that you have the information necessary to meet your obligations as a trustee.

I am confident that you will share a common concern for the protection of individual privacy within your organization, and as such, will take measures to ensure that your employees are also well aware of their responsibilities.

Yours truly,



Honorable Don McMorris
Minister of Health