1. What is Personal Health Information (PHI)?

Personal health information is any health information that identifies the specific individual, may be used or manipulated to identify the individual or connect them to other information that identifies them. This may relate to your:

- Medical history, including your family health history;
- Health services you have received;
- Payments for health care services provided to you;
- Information that relates to payments, or eligibility for health care or for coverage for health care;
- Information related to the donation of any body part or bodily substance, or derived from the testing or examination of any such body part or bodily substance;
- Health care provider’s identity.

This definition may also include general information about you, such as your name, address, gender and date of birth, since this information is usually collected during a health care service or in payment for a health care service and can be linked to your health information.

2. What is an Electronic Health Record (EHR)?

An Electronic Health Record is a secure, integrated collection of data about your interactions with the health system (similar to a bank statement that records your financial transactions) and provides a comprehensive digital view of your health history.

3. What is a Trustee/Custodian?

Generally speaking, we refer to a “Trustee/Custodian” to describe an individual or an organization (e.g., government institutions, regional health authorities, health care organizations and community clinics) who has custody and control of health record(s), and who has accountability for the protection of PHI.

Some provinces and territories use the term “Trustee” for this definition, while others use the term “Custodian.” In some provinces and territories, these words are used interchangeably, while in others, the term “Custodian” refers to an individual or an organization who holds the information, and the term “Trustee” refers to an individual or an organization who has control of the information and is responsible for managing it.
4. Why would I want to access my PHI?

There are a lot of reasons you might want to access your PHI, including:

- Learning more about your medical history and treatments
- Providing information to another health practitioner
- Getting information for life and health insurance purposes
- Preparing for a legal claim
- Filing a complaint against a health care provider

5. What rights do I have in relation to my PHI?

Health information privacy laws in Canada support the rights of individuals/patients:

- You have a right to understand the purposes for the collection, use and disclosure of your PHI.
- You have a right to request access to your own PHI. As a patient, you have a right to see the content of your health record at any time and for any reason.
- You have a right to request corrections to your PHI if you believe your information is incorrect or incomplete.
- Your PHI and privacy should be protected by the health care provider or organization that collects, uses and/or stores your information.

Please see this link for more information on health privacy legislation in your province or territory.

6. Does the right to access include the right to request removal of my data from the organization’s records?

The right to access includes the right to see or get a copy of your PHI. This does not allow for removal of information from the trustee or custodian's original records, as it helps ensure that health care providers have the information they need to provide you services in the future, support care decisions made in the past and satisfy the retention requirements (data must be retained for a certain time period) imposed by regulatory bodies.

7. How can I access my PHI?

In most cases, you can access your PHI by requesting a copy from the trustee or custodian (e.g., hospital, family physician) that created that data. In addition, residents in some provinces (e.g., British Columbia, Quebec, Saskatchewan) can access portions of their health data online through province-wide health databases. For more information about how to access your PHI, please see this link.

8. Can I get a copy of my PHI?

Provincial and territorial health information and privacy laws give you the right to request a copy of your PHI. See this link for information around health information privacy legislation across Canada.
9. Do I have to pay any fees for requesting a copy of my PHI?

Depending on the requested information, trustees or custodians may charge a fee for providing a copy of your health records. The fees are charged to cover administrative and printing costs and are determined based on provincial or territorial legislation.

10. Can I correct my PHI?

Provincial and territorial health information and privacy laws give you the right to request corrections to your PHI. See this link for information about health data privacy laws across Canada.

If you believe that your PHI is inaccurate or incomplete, you can connect with the trustee or custodian to make a correction request. See this link to learn more about how to request corrections to your PHI.

11. Will it cost me anything to request a correction?

No, requests to make a correction to your PHI are free, but you must be able to demonstrate that the information you wish to correct is inaccurate or incomplete.

12. How long will it take to get a copy of the information I requested?

The time required to get a copy of your PHI depends on a number of factors, including the timing of the request (i.e., if information is requested during or after the treatment), the type of records you requested (i.e., are they available in electronic or paper format) and the type of trustee/custodian who holds the records you wish to access (e.g., hospital, public health agency, private clinic).

In general, timelines can be as short as 24 hours for records about care you are receiving in a hospital at the time of the request, or as long as 30 days for records about a treatment or care received in the past.

References:

1. Government of Manitoba: Frequently asked questions about PHIA
2. Information and Privacy Commissioner Ontario: Personal Health Information Act, December 2004
5. Information and Privacy Commissioner Ontario: Frequently Asked Questions Personal Health Information, September 2015