



Status Report on the  
Implementation of the  
***Health Information Act***

Government of  
Northwest Territories

**OCTOBER 2015**  
— to —  
**OCTOBER 2016**



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# Acronyms

<b>DHSS</b>	Department of Health and Social Services
<b>HIA</b>	Health Information Act
<b>HSSAs</b>	Health and Social Service Authorities
<b>NWT</b>	Northwest Territories
<b>PIA</b>	Privacy Impact Assessment

# Executive Summary

The Department of Health and Social Services (DHSS) recognizes that the protection, security and privacy of the personal health information and the health of clients are integral in delivering best health best care, and a better future. Health privacy legislation in the Northwest Territories (NWT) respects client rights and cares about what happens to clients' personal information inside and outside of the health system, which reduces privacy issues and strengthens clients trust in the health system.

This Implementation Status Report:

- Provides the overview of activities for implementation of the NWT Health Information Act (HIA) the DHSS completed from October 2015 to October 2016;
- Responds to a request by the Standing Committee on Government Operations “to prepare a report on the status of the work DHSS has completed to implement the HIA, including the implementation of a public campaign and training for health sector employees”. ; and
- Clarifies concerns raised in the 2015-2016 Annual Report by the Information and Privacy Commissioner about the role of the DHSS and the HIA implementation.

The HIA implementation status presented in this Report is summarized in five sections:

- Implementation activities included drafting privacy policies; creation and distribution of the HIA Guide; designating the Aurora College Research Ethics Committee as the research ethics committee; and collaboration with the Department of Justice on the application for substantial similarity status to under the federal Personal Information Protection and Electronic Documents Act.
- Activities for compliance with the HIA included updating health and social services system forms and agreements; new templates for information sharing agreements, information management agreements and research agreements; new forms for clients to request access to or correct their personal health information; and creation of a privacy impact assessment (PIA) template.
- Since June 2015 45 comprehensive training sessions have been delivered to staff in the health and social services system. The Health and Social Services Authorities have been training their providers as well.
- To increase public awareness about the HIA, the Department distributed 1500 brochures on patient rights, 50 HIA posters and 950 notices about information collection, use and sharing under the HIA, and posted this information on the DHSS Health Privacy website. 22 general inquiries were responded to via the [hia@gov.nt.ca](mailto:hia@gov.nt.ca) email address.
- Ongoing responsibilities include responding to privacy and security inquiries from the public and staff; processing HIA access and correction requests; supporting Health and Social Services Authorities conducting privacy breach investigations; completing privacy reviews of PIAs, information management agreements, information-sharing agreements, and research agreements; and responding to the Information and Privacy Commissioner's annual report on the HIA.

# Status Report on the Implementation of the Health Information Act

OCTOBER 2015 – OCTOBER 2016

## Introduction and Background

The Northwest Territories Health Information Act (HIA) came into force on October 1, 2015. The spirit and intent of the HIA is to protect a client's personal health information, and to meet health service providers' information-sharing needs in order to provide the best possible care. The foundation of the HIA is built on privacy principles that control the amount and type of information that is collected, used and shared. The privacy principles are:

- Gather, use and share only the least amount of information necessary to complete a job;
- Gather, use and share identifiable information only when non-identifiable won't do;
- Know why this information is needed now to complete the job.

In implementing the HIA, DHSS became the territory-wide lead on health privacy. A Health Privacy Unit was established at DHSS, which is responsible for raising privacy awareness, implementing the HIA, ongoing privacy training for DHSS, Health and Social Services Authorities (HSSAs), private physicians and pharmacists, and ensuring the Health and Social Services system has a client-focused, balanced approach to information sharing.

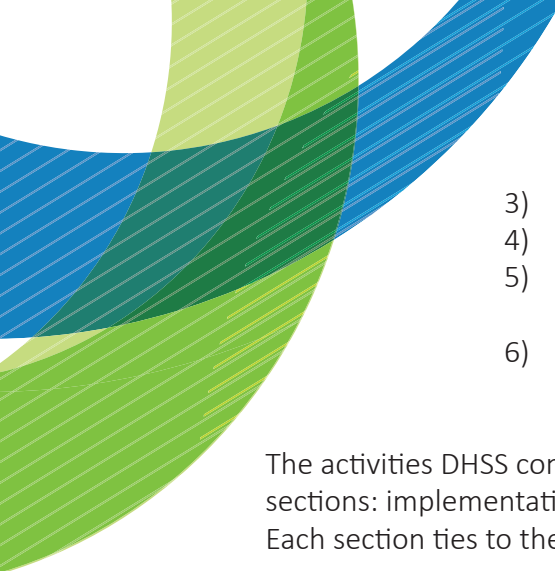
The Health Privacy Unit goals and objectives listed below are aligned and support the broader priorities of DHSS for an accountable system:

### GOALS

- 1) The health and social services system has a strong privacy framework;
- 2) The health and social services system has a strong privacy culture and privacy awareness;
- 3) The health and social services system is compliant with the privacy and records management framework;
- 4) Health Privacy Unit has strong relationships with key stakeholders to affect change management and strengthen privacy; and
- 5) The health and social services system privacy framework is consistent with best practices elsewhere in Canada.

### OBJECTIVES

- 1) Strengthen the privacy framework (to achieve Goal 1);
- 2) Develop and deliver privacy and records management supports (to achieve Goals 2,3,4);

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- 3) Carry out compliance activities (to achieve Goal 3);
  - 4) Proactively influence stakeholders (to achieve Goal 4);
  - 5) Listen to and help stakeholders in a way that helps promote privacy (to achieve Goal 4); and
  - 6) Provide knowledge translation of privacy best practices to stakeholders (to achieve Goal 5).

The activities DHSS completed from October 2015 – October 2016 period are summarized in five sections: implementation, compliance, training, public awareness and ongoing responsibilities. Each section ties to the goals and objectives of the Health Privacy Unit.

## Implementation

HIA implementation supports building a strong privacy framework across the health and social services system. It ensures improved health system planning through evidence-based funding and program delivery; and coordinated team-based services through easier information flow between providers. DHSS carried out the following implementation activities:

- Prepared a ministerial directive for privacy and security policies. The directive requires the DHSS and the HSSAs to apply and implement the privacy and security policies as they become available.
- Drafted privacy and security policies and guidelines, including:
  - > Privacy Breach Policy- provides direction on handling privacy breaches including notification, carrying out investigations, mitigating impacts, responding to, and reporting on potential and confirmed privacy breaches;
  - > Electronically Stored and Transferred Information Policy – provides a consistent approach, that ensures safe and secure storage and transfer of electronic information;
  - > De-Identification Policy – provides common understanding and direction when applying de-identification methods to comply with privacy safeguard requirements to ensure personal health information is protected;
  - > Privacy Impact Assessment (PIA) Policy – provides direction on when to complete a PIA, as well as use of the approved PIA template;
  - > Mandatory Training Policy – provides a framework to identify training obligations within DHSS and HSSAs and sets out mandatory minimum privacy training requirements.
- Drafted the HIA Guide and distributed it to health service providers territory-wide. The HIA Guide is the main operational resource of the HIA. It explains the rights of patients and the responsibilities of health service providers set out under the HIA. It is available on the DHSS website.
- Supported the HSSAs and private custodians (pharmacists and physicians outside of the health and social services system) on development and implementation of their privacy and security policies.
- Designated the Aurora College Research Ethics Committee as the Research Ethics Committee under the HIA. The Research Ethics Committee is required to approve all research requests involving personal health information.
- Collaborated with the Department of Justice and responded to updates on the application for ‘substantial similarity status’ under the federal Personal Information Protection and Electronic Documents Act (PIPEDA). If granted, it will allow private pharmacists and physicians, who must currently comply with both PIPEDA and HIA, to solely follow HIA and put them all under the same legislative framework.

## Compliance

Compliance with the HIA requires DHSS to take steps and ensure that processes, methods and tools currently in place and applied across the health and social services system are aligned with the privacy legislation. The Health Privacy Unit has the capacity to launch, implement and monitor the compliance activities. The DHSS carried out these compliance activities:

- Updated health and social services system forms and agreements to comply with HIA.
  - > Developed new templates for information sharing agreements, information management agreements and research agreements.
  - > Developed new forms to allow clients to request access to or correct their personal health information, and posted these to the public DHSS website.
  - > DHSS program-specific consent forms were revised.
  - > Drafted new Standard Operating Procedures for electronic health information systems, including a new User Agreement template.
  - > Drafted Privacy Risk Toolkit that contains tools and direction how to ensure compliance with the HIA in terms of administrative, physical and technical safeguards and their annual review.
  - > Created a privacy impact assessment (PIA) template to ensure DHSS and HSSAs complete mandatory PIAs for information systems and communications technologies.
  - > Completed review of five PIAs from October 2015 to October 2016.
  - > Developed a standardized process for DHSS' Information Services to process requests for data extracts of information contained in electronic information systems (e.g. a database).

Between October 2015 to October 2016 eight health information privacy breaches across the health and social services system were investigated, confirmed and resolved.

## Training

Training is a planned and structured effort to build knowledge about privacy and the HIA across the health and social services system. Privacy and HIA training assists DHSS employees and health service providers to meet the HIA requirements, protect client privacy and to serve the NWT public efficiently. Regular training is required to implement and sustain a strong culture of privacy. The DHSS carried out these training activities:

- Prior the HIA coming into force, from June 23, 2015 to October 1, 2015, DHSS conducted 35 territory-wide Privacy and HIA training sessions attended by 256 employees in the communities of Fort Simpson, Fort Smith, Hay River, Inuvik, Norman Wells and Yellowknife.
- Delivered 10 Privacy and HIA training sessions from November 17, 2015 to June 13, 2016 to increase awareness about collecting, using and sharing personal health information under the HIA, including specialized training on privacy and security to physicians, continuing care workers and rehabilitation and early childhood development workers. 82 employees attended the sessions in Hay River, Behchoko and Yellowknife.

The overall participation and number of sessions provided from June 2015 to June 2016 is outlined below:

NUMBER OF SESSIONS	
HIA Privacy Awareness Overview	17
HIA Access & Correction Part 1	9
HIA Access & Correction Part 2 (online)	2
Train the Trainer	8
Department-specific (YK)	9
<b>TOTAL June 2015 - June 2016</b>	<b>45</b>

NUMBER OF PARTICIPANTS BY SESSION TYPE	
HIA Privacy Awareness Overview and Department-specific (YK)	313
HIA Access & Correction Part 1	87
HIA Access & Correction Part 2 (online)	27
Train the Trainer	51
<b>TOTAL June 2015 - June 2016</b>	<b>496*</b>

(\*count is duplicative, i.e., the same individual may have attended multiple training sessions)

NUMBER OF ATTENDEES BY ORGANIZATION	
Beaufort Delta HSSA	44
Sahtu HSSA	10
Dehcho HSSA	19
Tlicho Community Services Agency	29
Yellowknife HSSA	29
STHA	19
Hay River HSSA	21
Fort Smith HSSA	15
DHSS	132
Private custodian (Long term care)	3
Private custodian (Corrections Health Services)	7
Private custodian (Pharmacy)	8
GNWT Department of Justice	2
<b>TOTAL June 2015 – June 2016</b>	<b>338</b>

- Provided materials and support to the 49 newly trained HIA Trainers to deliver ongoing internal training in their organizations across the health and social services system, including advice and assistance on delivery of Privacy and HIA training.
- DHSS developed a comprehensive plan to deliver HIA training on an annual basis across the health and social services system.



- Based on feedback from the training sessions, developed a plan to restructure the Privacy and HIA training modules to apply them based on the amount of personal information attendees deal with based on job duties in the health and social services system.
- The new Privacy and HIA Training modules will include:
  - > General Privacy and Confidentiality;
  - > E-Privacy for Users;
  - > E-Privacy for System Administrators;
  - > Respecting Client Privacy;
  - > Privacy Safeguards;
  - > HIA Overview;
  - > HIA Access and Correction Requests;
  - > Complex Consent;
  - > Incident Investigation and Privacy Breaches;
  - > HIA Designated Contact Person Responsibilities; and
  - > HIA Train the Trainer.

The Mandatory Privacy Training Policy will be put into place once the revised training modules are rolled out in future. The modules an employee will be required to attend will differ depending on the employee's roles and duties.

## Public Awareness

Promoting a culture of health privacy across the health and social services system is the focus of the DHSS Health Privacy Unit. The public awareness campaign focuses on engaging the public with communication about health privacy, client's rights under the HIA, and providing best care while respecting client privacy rights. DHSS also focuses on building a strong relationship with the NWT Information and Privacy Commissioner. The DHSS carried out these public awareness activities:

- Distributed public awareness materials developed by DHSS. A total of 1500 HIA brochures on patient rights, 50 HIA posters and 950 HIA notices about information collection, use and sharing under the Act were distributed in hard copy to every health centre, long-term care facility, hospital, HSSA corporate office, pharmacy, correctional centre, private medical centre and diamond mine Medical Doctor. These materials are posted on the DHSS Health Privacy website and can be made available in every official language.
- Responded to 22 general HIA inquiries received via the HIA email address ([hia@gov.nt.ca](mailto:hia@gov.nt.ca)) from the public and staff.
- Issued reminders to DHSS and HSSAs' staff on privacy and security best practices.
- Responded to the Information and Privacy Commissioner (IPC) recommendations on the HIA implementation.
- Regularly consulted with the IPC on legislative interpretations of the HIA.
- Briefed the HSSA Board members on the HIA and lessons learned from privacy breaches.
- Provided an orientation on the HIA to new Regional Wellness Council members in August 2016.



## Ongoing Responsibilities

The Health Privacy Unit continues to build a culture of privacy. Privacy and HIA awareness grew across the NWT during October 2015-October 2016 and continues with ongoing training and communications. The DHSS carries out these activities related to ongoing responsibilities:

- Responding to privacy and security inquiries from public, DHSS and HSSA staff.
- Processing HIA access and correction requests.
- Supporting HSSAs conducting privacy breach investigations.
- Providing guidance to the HSSAs and private physicians and pharmacists on processing HIA access and correction requests.
- Carrying out privacy reviews including PIAs, information management agreements, information-sharing agreements and research agreements.
- Responding to privacy breaches, and advising the HSSAs and private healthcare providers on how to respond to breaches.
- Auditing and monitoring of electronic personal health information use by DHSS/HSSAs.
- Responding to the IPC annual report on the HIA.

## Moving Forward

DHSS is committed to ongoing support of HIA implementation. The Health Privacy Unit will continue progressing on activities related to the administration and enforcement of the HIA for the DHSS, HSSAs, private physicians and pharmacists; promoting the protection of client's privacy; and strengthening culture of privacy across the NWT.

Development of revised training modules and revisions to the HIA Guide are underway. The DHSS is also currently developing additional public awareness materials to address:

- client rights to set conditions on how they want their information collected, used or shared;
- electronic health records and how client information is protected in these systems; and
- information sharing within team-based care.

