



Health and Social Services Contractor Compliance Policy

Policy Statement

Reasonable measures must be taken to ensure that personal and personal health information are protected when a contractor is used to provide a service on behalf of the Department of Health and Social Services (Department) or Health and Social Services Authorities (HSSAs).

Scope

This Policy applies to:

- 1) All employees working for the Department and HSSAs who hire contractors to do work that involves personal or personal health information.
- 2) Individuals who are under contract to provide services.

Definitions

The following terms apply to this Policy:

"Employee" for the purpose of this Policy means all individuals employed by the Department or HSSA including salaried, contracted or locum health practitioners and individuals whose positions are federally funded.

"Health and Social Services Authorities" refers to the Northwest Territories Health and Social Services Authority and Boards of Management under the *Hospital Insurance and Health and Social Services Administration Act*.

"Personal information" means information about an identifiable individual, including

- (a) the individual's name, home or business address or home or business telephone number,
- (b) the individual's race, colour, national or ethnic origin or religious or political beliefs or associations,
- (c) the individual's age, sex, sexual orientation, marital status or family status,
- (d) an identifying number, symbol or other particular assigned to the individual,
- (e) the individual's fingerprints, blood type or inheritable characteristics,

- (f) information about the individual's health and health care history, including information about a physical or mental disability,
- (g) information about the individual's educational, financial, criminal or employment history,
- (h) anyone else's opinions about the individual,
- (i) the individual's personal opinions, except where they are about someone else.

"Personal health information" means information in any form that identifies an individual, or in respect of which it is reasonably foreseeable in the circumstances that the information could be used, either alone or with other information, to identify an individual:

- (a) information about the health and health care history of an individual,
- (b) information respecting health services provided to an individual,
- (c) information about eligibility or registration of an individual for a health service or related product or benefit,
- (d) information about the payment for a health service for an individual,
- (e) information collected in the course of providing a health service to an individual or information that is collected incidentally to the provision of a health service to an individual, including the individual's name and contact information,
- (f) a personal health number, other identifying number, symbol, or other particular assigned to an individual in respect of health services or health information,
- (g) prescribed information about a health service provider that provides a health service to an individual,
- (h) information respecting the donation by an individual of a body part or bodily substance,
- (i) information prescribed as personal health information in the Health Information Regulations.

Provisions

- 1) The Department and HSSAs **must** take reasonable steps to ensure that its contractors comply with the *Health Information Act* (HIA) and its regulations and/or the *Access to Information Protection of Privacy Act* and its regulations, as applicable.
- 2) The following are reasonable steps that must be taken:
 - a. The Department/HSSAs may only allow its contractors to collect, use and disclose personal and/or personal health information if:
 - i. The Department/HSSAs may collect, use and disclose the personal and/or personal health information.
 - ii. Contractors will collect, use and disclose the information as part of their responsibilities outlined in the service contract and their actions are not contrary to the limits imposed by the Department/HSSA, HIA or another law.

- b. The Department/HSSAs should consider the following when developing a service contract:
 - i. Define unique, specific terms that are used throughout the contract.
 - ii. Include a clause that requires the contractor to abide by the HIA and/or ATIPP.
 - iii. Describe what personal and/or personal health information will be shared, why it is being shared, and how it will be shared.
 - iv. Identify how the shared information will be used and require the contractor to use the information for only those purposes.
 - v. Identify whether any information may be linked to or matched with other information.
 - vi. Place restrictions on disclosure as necessary.
 - vii. Include the timeframe that personal and/or personal health information will be kept and how it will be disposed of or returned.
 - viii. Set out the safeguards (administrative, physical and technical) needed to protect the information and what must occur if a privacy breach is suspected.
 - ix. Limit the contract term to ensure that information will only be shared for as long as necessary.
- c. Contractors **must**:
 - i. Have the Department's/HSSA's permission to collect, use and disclose personal and/ or personal health information on the Department's/HSSA's behalf.
 - ii. Use information only for the identified purpose, except if allowed and/or required by HIA or other law.
 - iii. Notify the Department/HSSA if the information they handle has been associated with breach activity as soon as reasonably possible.
 - iv. Collect, use and disclose the least possible personal and/or personal health information and only on a need-to-know basis.
 - v. Collect, use and disclose de-identified information unless identifiable information is necessary.
 - vi. Follow privacy and security safeguard measures developed by the Department/HSSA, and as well as set in their contract.
 - vii. Provide the Department/HSSA with their privacy and security policies, procedures and safeguard measures they follow prior to receiving personal and/or personal health information.
 - 1. If contractors do not have privacy and security policies, procedures and safeguard measures, or they do not align with the Department/HSSA policies and procedures, contractors must complete the appropriate level of mandatory training in accordance with the Mandatory Training Policy.

- viii. Be provided with a copy of all applicable Department/HSSA privacy standards, policies and procedures and guidelines.
- ix. Upon request, provide the Department/HSSA with a Privacy Impact Assessment(s) for any information system and/or communications technology for which contractor is primarily responsible that will be used to store, manage or transfer personal and/or personal health information as a part of the contracted services.
- x. Have privacy and security safeguard measures in place that are proportionate to privacy risks.

Authority and References

Access to Information and Protection of Privacy Act

Health Information Act

Ministerial Directive 2016-02: Privacy Standards, Policies and Standards Privacy Impact Assessment Policy

Mandatory Training Policy Privacy Breach Policy

Electronically Stored and Transferred Information Policy

<original signed by>

Deputy Minister

May 3, 2017

Date