



Health and Social Services Masking Policy

Policy Statement

A consistent approach to masking ensures that personal health information within electronic health information systems used by the Department of Health and Social Services and the Health and Social Services Authorities is maintained in a manner that complies with consent conditions.

Scope

This Policy applies to all electronic health information systems used by the Department of Health and Social Services and Health and Social Services Authorities with the technical capability of applying masking methods.

Definitions

The following terms apply to this Policy:

"Breaking the glass" means a process of temporarily unblocking masked personal health information.

"Consent condition" includes an express instruction and refers to a limit, set by an individual or substitute decision maker, on how the Department/HSSAs may collect, use or disclose personal health information about the individual.

"Electronic health information systems" means those systems designated under the *Health Information Act* with the technical capability of applying masking methods.

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

"Established institutional practice standards" means a practice which guides the Department/HSSA's behavior, i.e. Accreditation Canada Guidelines, Ministerial Directives, any policies, procedures, guidelines, and standards adopted/established by the Department/HSSAs.

"Established professional practice standards" means a practice that sets out the professional basis for practice and standards of practice, i.e. code of ethics that is recognized, adopted, or established by professional licensing bodies or Canadian professional associations.

"Express instructions" are specific directions provided by an individual or substitute decision maker about how the individual's personal health information may or may not be, collected, used or disclosed that must be clearly documented on the individual's record so that anyone who accesses the record will be aware of them.

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

"Masking" means a process of obscuring/concealing individual(s)' personal health information in order to prevent, limit, and/or control it from being exposed to individual(s) not authorized to view/access it.

"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.

"Substitute decision maker" means a person, recognized under the *Health Information Act* who is:

- (a) the individual's guardian or parent or person with lawful custody, if the individual is under 19 and is not a mature minor,

- (b) the individual's guardian, trustee, or legal representative,
- (c) a person who holds the individual's power of attorney or the person named in a personal directive,
- (d) anyone authorized in writing by the individual when the individual was mentally competent
- (e) a deceased individual's personal representative, estate executor, or spouse,
- (f) a deceased individual's relative or an adult who had a close personal relationship with the individual,
- (g) a deceased individual's substitute decision-maker identified by the *Human Tissue Donation Act*,
- (h) a prescribed person in prescribed circumstances

and who:

- a. makes decisions on behalf of an individual about their personal health information, **while**
- b. considering the individual's wishes and beliefs, **and**
- c. assessing the benefits against the risks before making a decision.

"Unmasking" means a process used to remove masking permanently.

Provisions

- 1) The Department/HSSA is responsible for developing masking procedures applicable to their electronic health information systems.
- 2) Masking and unmasking may only be performed by authorized employees identified by the Department/HSSA in accordance with approved masking procedures as amended from time to time by the Department/HSSA.
- 3) Masking and unmasking may only be requested by the individual the information is about, or by the individual's substitute decision maker.
- 4) Masking may not be applied to the following demographic information:
 - Date of birth;
 - Name; and,
 - Personal health care number.
- 5) Masking must not cause harm or result in threat to the individual's safety.
- 6) Masking cannot prohibit or restrict the recording of any information that is required by law or by established institutional or professional practice standards.
- 7) Masking cannot prohibit or restrict the recording of any information that is for the purposes of a program established under the *Pharmacy Act* to monitor prescriptions.
- 8) Masking must be repeatable and reversible so that masked information can be temporarily unblocked, unmasked, and masked again.

9) Masking must be documented

- A record of the individual's consent condition requiring masking must be kept.
- Any request by an individual to have unmasking performed must be received in writing and recorded.

10) Breaking the glass may be performed by any employee or healthcare provider and is permitted:

- in a medical and/or care emergency where an individual's safety is at risk;
- when there is a serious risk of harm to the individual, others and/or the public;
- when a disclosure of information is required by law

11) Breaking the glass must be

- documented along with the reasons and/or circumstances;
- audited to ensure compliance with the HIA and this policy;
- reported to authorized employees;
 - i. if the electronic health information system does not automatically re-mask this information, this employee must ensure that masking is reapplied as soon as possible
- reported to the individual whose information was temporarily unblocked, or to the individual's substitute decision maker.

Authority and References

Access to Information and Protection of Privacy Act

Health Information Act

Ministerial Directive 2016-02: Privacy Standards, Policies and Standards

Consent Conditions Policy

<original signed by>

Deputy Minister

May 3, 2017

Date