Privacy Challenges in the Brave New World of the EHR

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What is the EHR?

• An electronic health record (EHR) is an integrated health information system that provides authorized users a shared view of health information in a secure environment.

• iEHR refers to the supporting infrastructure that enables the interoperable electronic health record.
EHR or EMR?

• Electronic medical report will typically be the personal health information of a patient created by the primary provider or health care organization.

• Challenge is the rate of take-up by primary providers i.e. in most jurisdictions, physicians are still reliant on paper records.
Stand-alone health information laws

- Proliferation of laws designed to facilitate the iEHR and information sharing among trustees/custodians:
  - Manitoba (1997)
  - Alberta (2001)
  - Saskatchewan (2003)
  - Ontario (2004)
  - New Brunswick (2010)
Pan Canadian Health Information Privacy and Confidentiality Framework

• Endorsed by all provinces except Quebec and Saskatchewan
• Attempt to harmonize key features of PIPEDA with provincial, territorial stand-alone health information laws
Canada Health Infoway (CHI)

- FPT agency
- Not-for-profit organization that is charged with accelerating the use of EHRs in Canada
- Board comprised of Deputy Ministers of Health
- Privacy Forum (comprised of a rep. from each Ministry and each oversight office)
Accountability to the patient
Privacy risks associated with iEHR
Role-based use and disclosure
Secondary use and disclosure
Resources (1)

From Alberta:

1) PIA Requirements - 
   http://www.oipc.ab.ca/Content_Files/Files/PIAs/PIA_Requirements_2010.pdf

2) HIA Guide - 
   http://www.oipc.ab.ca/Content_Files/Files/Publications/HIA_Guide_August_2010.pdf

3) Netcare Investigation Report - 
   http://www.oipc.ab.ca/downloads/documentloader.ashx?id=2256

4) AHW Netcare website link -  http://www.albertanetcare.ca/


6) CPSA – Data Stewardship Framework -
   http://www.cpsa.ab.ca/Libraries/Res/CPSA_Data_Stewardship_Framework.sflb.ashx

7) CPSA – Secondary Use of Health Information -
Resources (2)

From Canada Health Infoway:


• **Conceptual Privacy Impact Assessment** ([http://www2.infoway-inforoute.ca/Documents/CHI_625_PIA_rj13.pdf](http://www2.infoway-inforoute.ca/Documents/CHI_625_PIA_rj13.pdf))

• **Infoway’s Privacy Mandate** ([http://www.canadahealthinfoway.ca/about-infoway/about/privacy-mandate](http://www.canadahealthinfoway.ca/about-infoway/about/privacy-mandate))
Resources (3)

From Ontario:

1. Toolkit for doctors making the transition from paper-based to electronic records --

2. Order No. 2 -- Ottawa Hospital breach --
   [http://www.ipc.on.ca/images/Findings/up-HO_002.pdf](http://www.ipc.on.ca/images/Findings/up-HO_002.pdf)
Resources (4)

From other jurisdictions and sources

• British Columbia:
  – OIPC Investigation Report F10-02
    (http://www.oipc.bc.ca/orders/investigation_reports/InvestigationReportF10-02.pdf)
• Saskatchewan:
  – OIPC Investigation Report H2010-001 (http://www.oipc.sk.ca/Reports/H-2010-001,%20March%2023%202010.pdf)
  – Glossary of Common Terms – HIPA
    (http://www.oipc.sk.ca/Resources/HIPA%20Glossary%20Blue%20Box.pdf)
  – OIPC Annual Report 2009-2010, pages 20-26
    (http://www.oipc.sk.ca/Annual%20Reports/Annual%20Report%202009-2010%20FINAL.pdf)
Resources (5)

From the Canadian Medical Association (CMA):

– *Principles for the Protection of Patients’ [PHI]*
  ([http://www.cma.ca/policybase](http://www.cma.ca/policybase))

– *Data Sharing Agreements: Principles for Electronic Medical Records/Electronic Health Records*

– *Physician Guidelines for Online Communication with Patients*

Questions??