



# The City of Brandon and the Personal Health Information Act



## What is the Personal Health Information Act and why was it created?

The *Personal Health Information Act (PHIA)* was proclaimed on 11 December 1997. The purpose of PHIA is to provide access to information and privacy rights concerning personal health information.

PHIA works in conjunction with Manitoba's other access and privacy legislation, *The Freedom of Information and Protection of Privacy Act*. The reason that personal health information is covered by its own act is that information relating to one's health is considered particularly sensitive and private.

## What is personal health information?

Under PHIA, personal health information is defined as follows:

- the individual's health, or health care history, including genetic information about the individual; or,
- the provision of health care to the individual, or payment for health care provided to the individual;

Personal health information is often collected and used when an individual receives and/or pays for medical treatment.

As is the case in *The Freedom of Information and Protection of Privacy Act*, personal health information is generally considered to be the property of the individual it describes.

## Who is responsible for protecting personal health information?

PHIA designates individuals that collect or maintain personal health information as trustees. Examples of trustees include health care professionals, health care facilities, public bodies and health services agencies.

Examples of trustees within the City of Brandon organization may include paramedics, some police officers and administrative responsible for managing retained by the City of Brandon containing personal health information.

## What personal health information does the City of Brandon deal with?

Some examples of personal health information that the City of Brandon deals with on a routine basis includes employee medical notes, ambulance care reports, some police reports, and workers compensation documents.

## **How do I access personal health information?**

Personal health information is not public information and the City of Brandon cannot release personal health information as freely as other City records.

Access to your own personal health information should be granted upon request. Usually, personal health information can only be accessed by a trustee or the individual the personal health information describes. However, exceptions may be made if a parent, guardian or person holding power-of-attorney requests access to records.

## **Can my personal health information be disclosed without my consent?**

As a general rule the City of Brandon will not release the personal health information of one of its citizens or employees without the citizen or employee's consent.

Personal health information will only be disclosed without your consent if withholding the information could prove a clear and present danger to your own health or that of the general public. For instance, during a medical emergency a first responder may need to know whether or not you are allergic to a certain drug. If you are incapacitated, a trustee such as your doctor or employer may be justified in disclosing your personal health information without your consent.

### **Questions or Concerns? Please Contact:**

#### **City of Brandon Access & Privacy Officer**

To obtain general information about FIPPA, how to access the City of Brandon's records and assistance with making FIPPA applications the public is encouraged to contact the City of Brandon's Access & Privacy Officer.

*Contact*      Attn: Access & Privacy Officer  
City of Brandon  
Brandon, Manitoba, R7A 6A2  
(204) 729-2269  
fippa@brandon.ca

**- or -**

#### **Manitoba Ombudsman's Office**

To obtain background information about the principles of access and privacy legislation, general information about FIPPA, case summaries of past complaints to the Ombudsman or to file a complaint contact the Manitoba Ombudsman.

*Website*      <http://www.ombudsman.mb.ca>  
*Contact*      Ombudsman Manitoba  
700-500 Portage Avenue  
Winnipeg, Manitoba, R3C 3X1  
1-800-665-0531