

PHIA Compliance Checklist

This checklist will help custodians under the Personal Health Information Act (PHIA) start their privacy analysis to determine whether they have fulfilled their high-level requirements under the act.

Custodians may also choose to seek professional advice regarding their compliance with the act.

Under PHIA, custodians are required to:

- prepare and make readily available a notice describing the purpose of the custodian’s collection, use and disclosure of personal health information [“notice of purposes”] (s. 15)
- have a written retention and destruction schedule for personal health information (s. 50)
- put in place “information practices” that:
 - meet the requirements of the *Act* and the regulations
 - are reasonable in the circumstances
 - ensure that personal health information in the custodian's custody or under its control is protected against:
 - theft or loss of the information; and
 - unauthorized access to or use, disclosure, copying or modification of the information (s. 62(1))

“Information practices” are defined in the act (s. 3(n)) as “the policies of the custodian for actions in relation to personal health information, including:

- (i) when, how, and the purposes for which the custodian routinely collects, uses, discloses, retains, de-identifies, destroys or disposes of personal health information; and
 - (ii) the administrative, technical, and physical safeguards and practices that the custodian maintains with respect to the information.”
- implement, maintain, and comply with a complaints policy for an individual to make a complaint under this act (s. 62(2))
 - have the ability to create and maintain a record of user activity for any electronic information system it uses to maintain personal health information (s. 63)
 - designate a contact person to perform the functions set out in the act (s. 67). [Note: If the custodian is a “natural person” (i.e. an individual health-care practitioner), the practitioner may act as the contact person]
 - prepare and make available a written statement about the custodian’s information practices, how to reach the contact person, how to request access and correction of the individual’s record, and how to make a complaint [“written privacy statement”] (s. 68).

For more information about custodian responsibilities under PHIA, contact:

This checklist doesn't represent an exhaustive list of custodians' responsibilities under PHIA. For further details, consult the act and any regulations, at www.gov.ns.ca/health/phia

Download PHIA Toolkit for Custodians

www.novascotia.ca/DHW/PHIA

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