Training Overview

- Covers the legal obligation to protect personal privacy by preventing the unauthorized collection, use, or disclosure of personal information

- Presents an overview of how HDP ensures privacy protections within the platform

- Covers the responsibilities that users must abide by when using HDP and safeguarding data

HSIAR
Innovation Through
Analytics

HDPBC
Health Data Platform

Privacy Overview
Course 1: Privacy Basics

BRITISH COLUMBIA
Ministry of Health

HDPBC
Health Data Platform

Course 1 Learning Objectives

- Understand the fundamental privacy principles

- Understand the definition of Privacy in the context of HDP

- Understand why it is important to protect Privacy

What is Privacy?

Privacy and Human Rights

➢ Around the world, privacy rights are recognized in national constitutions, legislation and case law.

➢ Privacy is understood as a foundational principle that allows other human rights to be protected.

➢ Canadian case law - "Respect for individual privacy is an essential component of what it means to be free."

➢ Types of Privacy: Physical, Spatial, Informational

Privacy is based on informational self-determination:

➢ An individual's personal information is their own

➢ To the extent possible, the individual controls how their personal information is collected, used, and disclosed

Ten Principles of Privacy Protection:

Sometimes called Fair Information Practices Are internationally recognized best practices re: protecting privacy

Privacy Protection and the Disclosure of Health Information: Legal Issues for People Living with HIV/AIDS in Canada.

Canadian HIV/AIDS Legal Network. 2004.

Beyond the HIPAA Privacy Rule: Enhancing Privacy, Improving Health Through Research.

Institute of Medicine (US) Committee on Health Research and the Privacy of Health Information. 2009.

Foundation of Privacy Laws

- In Canada, Privacy is a legal right protected under federal and provincial law.

- Canadian Charter of Rights and Freedoms includes privacy rights
  - Sections 7 - life, liberty and security of the person
  - Section 8 - unreasonable search or seizure

  The values underlying the privacy interest protected by section 8 are dignity, integrity and autonomy. The protection section 8 provides for **privacy** — personal, territorial and informational — is essential not only to human dignity, but also to the functioning of our democratic society. At the same time, section 8 permits reasonable searches and seizures in recognition that the state's legitimate interest in advancing its goals or enforcing its laws will sometimes require a degree of intrusion into the private sphere…. In general terms, determining the constitutional reasonableness of a search and seizure is "a function of both the importance of the state objective and the degree of impact on the individual's privacy interest."

Why is it important to protect Privacy?

All human rights are universal, indivisible, interdependent, and interrelated.

A breach of an individual's privacy rights can expose them to discrimination and undermine their rights to equality.

The unauthorized disclosure of personal information can result in serious repercussions for an individual:
- Threats to physical safety.
- Difficulty finding or keeping a job or housing.
- Loss of dignity, respect and social standing.

In health, there are additional ethical and legal responsibilities to protect personal privacy.
Not protecting the privacy of health information may result in:
- Compromised quality of care
- Lower quality data
- Harm to individuals and/or communities

Privacy of Health Information

"One of the most important dealings citizens have with their government is when they entrust their personal information to health care providers. Whether it involves cancer treatment records, records of a person's hospitalization, mental health treatment, or the results of an HIV test, British Columbians share, by necessity, far more sensitive personal information with the health care system than any other sector."

Elizabeth Denham
BC Information and Privacy Commissioner
September 30, 2015
Examination of B.C. Health Authority Privacy Breach Management

Examples of healthcare privacy breaches

- 2017 BC PharmaNet breach

- Birth Alerts Unconstitutional

- NS Health Record breach

- Alberta Privacy Commissioner on health privacy breaches

How is Privacy protected in British Columbia?

Main legislation:

1. **Freedom of Information and Protection of Privacy Act (FOIPPA)**
   - Public sector access and privacy legislation; applies to 'public bodies' in BC

2. **Personal Information Protection Act (PIPA)**
   - Private sector privacy legislation; applies to 'organizations' in BC

3. **Personal Information Protection and Electronic Documents Act (PIPEDA)**
   - Federal; applies to the collection, use, and disclosure of personal information in the course of commercial activity and across borders

4. **Access to Information Act & Privacy Act**
   - Federal equivalents of BC FOIPPA

Freedom of Information and Protection of Privacy Act

FOIPPA

Purpose:

- **Makes public bodies more accountable to the public**
  - ➤ By providing a right of access to one's own records
  - ➤ By specifying limited exceptions to the right of access
  - ➤ By providing for an independent review of decisions made under the Act

- **Protects Privacy**
  - ➤ By establishing a right to request correction
  - ➤ By preventing the unauthorized collection, use, or disclosure of personal information by public bodies

Coverage of FOIPPA

FOIPPA applies to all records in the custody or under the control of a public body.

Record

- Any information recorded or stored by any means whether in hard copy or in electronic format (books, documents, maps, drawings, photographs, etc.)

Custody

- Physical possession of record; responsible for providing access to, security for, and disposal or the record.

Control

- Authority to manage, restrict, or regulate use or disclosure of record
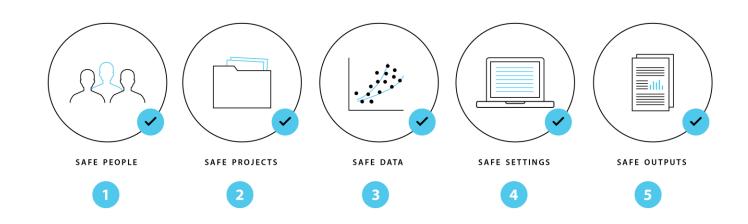
Public body

- Public sector in BC (Ministries, crown corporations, service providers etc.)

HDP Privacy Principles

SAFE PEOPLE (1)   SAFE PROJECTS (2)   SAFE DATA (3)   SAFE SETTINGS (4)   SAFE OUTPUTS (5)

HDP Access based on Five Safe Model

Data Usage: Safe Project, Safe People, Safe Data, Safe Setting, Safe Outputs

End Course 1