

The Health Information Protection Regulations

being

Chapter H-0.021 Reg 1 (effective July 22, 2005) as amended
by Saskatchewan Regulations [20/2007](#) and [28/2010](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER H-0.021 REG 1
The Health Information Protection Act

Title

1 These regulations may be cited as *The Health Information Protection Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Health Information Protection Act*;
- (b) “**Health Quality Council**” means the Health Quality Council established pursuant to *The Health Quality Council Act*;
- (c) “**Cancer agency**” means the Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*.

30 Jne 2005 cH-0.021 Reg 1 s2; 5 Apr 2007 SR
20/2007 s3.

Trustees prescribed

3 For the purposes of subclause 2(t)(xv) of the Act, the following are prescribed as trustees:

- (a) the Health Quality Council;
- (b) **NYP**. 30 Jne 2005 cH-0.021 Reg 1 s3.

30 Jne 2005 cH-0.021 Reg 1 s3.

Designated archives

4(1) For the purposes of section 22 of the Act, the following are designated archives:

- (a) affiliates;
- (b) the Department of Health;
- (c) health professional bodies that regulate members of a health profession pursuant to an Act;
- (d) regional health authorities;
- (e) Saskatchewan Archives Board;
- (f) Saskatchewan Health Information Network;
- (g) University of Regina Archives;
- (h) University of Saskatchewan Archives.

(2) Nothing in this section requires a designated archive to accept personal health information from a trustee.

30 Jne 2005 cH-0.021 Reg 1 s4.

H-0.021 REG 1 HEALTH INFORMATION PROTECTION**Disclosure to Health Quality Council**

5 Pursuant to clause 27(4)(p) of the Act, the minister may, without the consent of the subject individual, disclose personal health information to the Health Quality Council for use by the council in carrying out any of the objects of the council set out in clauses 5(a) to (l) of *The Health Quality Council Act*, if:

- (a) before the personal health information is disclosed to the Health Quality Council, the minister ensures that reasonable steps have been taken:
 - (i) to remove any information that by itself may reasonably be expected to identify the subject individual; and
 - (ii) to replace the subject individual's health services number or any other number assigned to the individual as part of a system of unique identifying numbers with a unique encrypted identifier; and
- (b) the Health Quality Council has entered into a written agreement with the minister that:
 - (i) governs the personal health information to be disclosed;
 - (ii) governs the Health Quality Council's access to personal health information and use of personal health information;
 - (iii) requires the Health Quality Council to use the personal health information only for the objects set out in clauses 5(a) to (l) of *The Health Quality Council Act*;
 - (iv) prohibits the Health Quality Council from disclosing the personal health information without the approval of the minister;
 - (v) prohibits the Health Quality Council from attempting to re-identify the personal health information; and
 - (vi) requires the Health Quality Council to:
 - (A) take reasonable steps to ensure the security and confidentiality of the personal health information; and
 - (B) ensure that, in any publication or report made by the Health Quality Council, information is disclosed only in a manner that will prevent the direct or indirect identification of subject individuals.

Disclosure to police officers

5.1(1) For the purposes of clause 27(4)(p) of the Act, personal health information may be disclosed, without the consent of the subject individual, to a member of the Royal Canadian Mounted Police, or to a member of a police service within the meaning of *The Police Act, 1990*, in the following circumstances:

- (a) by the minister if:
 - (i) the personal health information is required to locate the subject individual for any of the following purposes:
 - (A) enforcing an outstanding warrant for arrest that has been issued by a court, person or body that has the lawful authority to issue that warrant;
 - (B) serving a subpoena with respect to the prosecution of an indictable offence;
 - (C) locating a person reported missing; and
 - (ii) the personal health information to be disclosed is limited to:
 - (A) registration information respecting the subject individual; or
 - (B) information respecting the location that the subject individual last received or was offered a health service;
- (b) by a trustee if:
 - (i) the personal health information is requested for any of the following purposes:
 - (A) enforcing the *Criminal Code* or the *Controlled Drugs and Substances Act (Canada)*;
 - (B) carrying out a lawful investigation pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act (Canada)*; and
 - (ii) the personal health information to be disclosed is limited to:
 - (A) registration information respecting the subject individual; or
 - (B) the nature and severity of an injury that:
 - (I) was suffered by the subject individual or another individual; and
 - (II) is connected with the enforcement or lawful investigation mentioned in subclause (i);

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- (c) by a trustee if:
 - (i) an individual received or was offered health services directly as a result of an incident that has been made the subject of a lawful investigation pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada);
 - (ii) the personal health information to be disclosed is limited to:
 - (A) the factual circumstances surrounding the incident mentioned in subclause (i); and
 - (B) the factual circumstances surrounding the provision of, or offer to provide, health services; and
 - (iii) in the opinion of the trustee, the factual circumstances mentioned in subclause (ii) do not include the health history of the subject individual prior to the incident mentioned in subclause (i).
- (2) For the purposes of clause 27(4)(p) of the Act, the minister or a trustee may disclose personal health information, without the consent of the subject individual, to the chief coroner or a coroner appointed pursuant to *The Coroners Act, 1999* with respect to the conduct of an investigation or inquest by the chief coroner or other coroner pursuant to that Act.

5 Apr 2007 SR 20/2007 s4.

Disclosure to Cancer agency

6 Pursuant to subsection 28(8) of the Act, registration information may be disclosed to the Cancer agency and by the Cancer agency for any of the purposes set out in subsections 28(1) to (3) of the Act as if the Cancer agency were a regional health authority or an affiliate.

5 Apr 2007 SR 20/2007 s5.

Disclosure to Department of Learning

7(1) Pursuant to subsection 28(8) of the Act, the minister may disclose registration information in accordance with subsection (2) to the Department of Learning for the purpose of enabling the Department of Learning to administer a database for the tracking of persons of compulsory school age.

- (2) In a disclosure pursuant to subsection (1), the minister:
 - (a) may disclose registration information with respect to persons of compulsory school age and the parents or guardians of those persons; and
 - (b) shall disclose only the types of registration information that are necessary for the purpose described in that subsection.

30 Jne 2005 cH-0.021 Reg 1 s7.

Use and disclosure for fundraising purposes**7.1(1)** In this section:

- (a) **“client”** means an individual who has received a health service, whether as an in-patient or an out-patient, at a hospital operated by a designated trustee;
- (b) **“client information”** means the name and address of a client;
- (c) **“client list”** means a client list prepared in accordance with subsection (4);
- (d) **“consent to fundraising statement”** means a brief statement to the effect that, unless a client opts out, client information may be used by the designated trustee for fundraising purposes or disclosed to a fundraising agency for fundraising purposes;
- (e) **“designated trustee”** means:
 - (i) a regional health authority;
 - (ii) an affiliate; or
 - (iii) the Athabasca Health Authority;
- (f) **“eligible client”** means a client who meets the criteria set out in subsection (5);
- (g) **“fundraising activity”** means a fundraising activity for a health-related charitable purpose;
- (h) **“fundraising agency”** means a registered charity as defined in the *Income Tax Act* (Canada) that:
 - (i) is incorporated in Saskatchewan for the sole purpose of carrying out fundraising activities for the benefit of a designated trustee; and
 - (ii) has entered into a fundraising agreement with a designated trustee;
- (i) **“fundraising agreement”** means an agreement between a designated trustee and a fundraising agency by which the fundraising agency is authorized to carry out fundraising activities on behalf of the designated trustee;
- (j) **“health-related charitable purpose”** means a charitable purpose related to a health services facility situated in Saskatchewan or to the provision in Saskatchewan of a health service or program;
- (k) **“hospital”** means a facility designated as a hospital pursuant to *The Facility Designation Regulations*, and includes a hospital operated by the Athabasca Health Authority;
- (l) **“opt out”** means to inform a designated trustee or a fundraising agency, in accordance with subsection (10), that a client does not consent to the use or disclosure of his or her client information by the designated trustee or the fundraising agency for the purposes of a fundraising activity;

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- (m) **“opting-out procedure”** means a procedure by which a client may inform a designated trustee or a fundraising agency, as the case may be, that the client wishes to opt out;
 - (n) **“personal care home”** means a personal care home as defined in *The Personal Care Homes Act*;
 - (o) **“preparation date”** means the date on which a client list is prepared;
 - (p) **“special-care home”** means a facility designated as a special-care home pursuant to *The Facility Designation Regulations*.
- (2) A designated trustee may, in accordance with this section:
- (a) use client information for fundraising purposes; or
 - (b) disclose client information to a fundraising agency for fundraising purposes.
- (3) Before using client information for fundraising purposes or disclosing client information to a fundraising agency, a designated trustee must:
- (a) prepare a consent to fundraising statement and post it, or otherwise make it available in a manner likely to come to the attention of clients, in places where health services are provided;
 - (b) develop an opting-out procedure;
 - (c) at the time of providing a health service to a client, provide the client with written information about the opting-out procedures of the designated trustee and any fundraising agencies that are authorized to carry out fundraising activities on behalf of the designated trustee; and
 - (d) prepare a client list in accordance with subsection (4).
- (4) A designated trustee may, from time to time, use the personal health information of eligible clients in the custody or control of the trustee for the purpose of preparing a client list that sets out:
- (a) the client information of clients who, as of the preparation date, are eligible clients; and
 - (b) the preparation date of the list.
- (5) A client is an eligible client if:
- (a) the client is 18 years of age or older at the date of discharge from a hospital or the date of receiving a health service;
 - (b) the client was not a resident of a personal care home or a special-care home immediately before being admitted to a hospital or at the time of receiving a health service;

- (c) in the case of a client who was an in-patient in a hospital, the client did not become a resident of a personal care home or a special-care home on discharge from the hospital;
- (d) as of the preparation date, a period of not less than 60 days has elapsed since the most recent date on which the client:
 - (i) was discharged from the hospital; or
 - (ii) received a health service at the hospital on an out-patient basis; and
- (e) the client:
 - (i) has not opted out pursuant to subsection (10); or
 - (ii) has revoked a decision to opt out pursuant to subsection (11).
- (6) Subject to subsections (7) to (14), a designated trustee may:
 - (a) use client information in a client list to carry out a fundraising activity; or
 - (b) provide a client list to a fundraising agency with which it has entered into a fundraising agreement that meets the requirements of subsection (8).
- (7) A designated trustee shall not reveal any personal health information other than client information:
 - (a) when contacting or attempting to contact a client for the purposes of a fundraising activity; or
 - (b) when disclosing client information to a fundraising agency.
- (8) A fundraising agreement must:
 - (a) require the fundraising agency:
 - (i) to provide to any client who receives a solicitation from the agency a simple procedure for opting out of future solicitations;
 - (ii) to notify the designated trustee promptly of any opting out by a client that is communicated to the fundraising agency;
 - (iii) to protect and secure the client information disclosed to it by the designated trustee by means that include, without limiting the generality of the foregoing:
 - (A) establishing policies and procedures to maintain administrative, technical and physical safeguards for the client information;
 - (B) appointing a person to be responsible for the client information;
 - (C) ensuring that the client information is accessible only to those of its employees who perform fundraising activities; and

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(D) providing for the continuation of all duties imposed by the fundraising agreement with respect to the protection of client information in the custody or control of the fundraising agency after the expiration or termination of the fundraising agreement until the fundraising agency transfers the custody and control of the client information back to the designated trustee or to a designated archive; and

(iv) to advise the designated trustee immediately on discovery if any client information has been compromised or any requirement of the agreement has been breached; and

(b) prohibit the fundraising agency from:

(i) soliciting a client who:

(A) is not listed in the current client list; or

(B) has opted out, unless the opting out has not been communicated to the fundraising agency; or

(ii) using or disclosing client information for any purpose other than the purposes of a fundraising activity on behalf of the designated trustee that is authorized by the agreement.

(9) Subject to subsections (10) to (14), a fundraising agency may, in accordance with the terms of a fundraising agreement with a designated trustee, use client information in a client list provided by the designated trustee for the purpose of carrying out a fundraising activity on behalf of the designated trustee.

(10) A client may, at any time, opt out of receiving fundraising solicitations:

(a) by following the opting-out procedure of the designated trustee or fundraising agency; or

(b) by any other means that communicates the client's intention to opt out to the designated trustee or fundraising agency.

(11) A client may, at any time, revoke his or her decision to opt out.

(12) If a client's intention to opt out is communicated to a designated trustee, the designated trustee shall:

(a) promptly advise each fundraising agency with which it has entered into a fundraising agreement that the client has opted out; and

(b) immediately remove the client's name from the current client list.

(13) If a client's intention to opt out is communicated to a fundraising agency, the fundraising agency shall:

(a) promptly advise the designated trustee with which it has entered into a fundraising agreement that the client has opted out; and

(b) immediately remove the client's name from the current client list.

(14) A fundraising agency shall not disclose client information to any person or agency:

- (a) except for the purposes of carrying out a fundraising activity authorized by a fundraising agreement; and
- (b) in accordance with the provisions of the fundraising agreement mentioned in clause (a) that are required by subclause (8)(a)(iii).

16 Apr 2010 SR 28/2010 s2.

Coming into force

8(1) Subject to subsection (2), these regulations come into force on the thirtieth day after the day on which they are filed with the Registrar of Regulations.

(2) If, on the thirtieth day after the day on which these regulations are filed with the Registrar of Regulations, section 2 of *The Hearing Aid Sales and Services Act* is not in force, clause 3(b) of these regulations comes into force on the day on which section 2 of *The Hearing Aid Sales and Services Act* comes into force.

30 Jne 2005 cH-0.021 Reg 1 s8.

