

The *Personal Health Information Act* Risk management Toolkit

Privacy Checklist

This privacy checklist will help custodians of personal health information under the Newfoundland and Labrador *Personal Health Information Act (PHIA)* start their privacy analysis and to consider whether they have fulfilled their high-level requirements under the Act. **Please note that this checklist does not represent an exhaustive list of custodians' responsibilities under PHIA.** For further details, please consult the Act and any regulations made under the Act, which are available for review at <http://www.assembly.nl.ca/>.

Personal health information custodians are required to:

- Put in place information practices that comply with the Act and regulations (s. 13);
- Prepare and make available a written public statement about the custodian's information management practices that fulfill the requirements of the Act (s. 19);
- Prepare a notice to post or make available, describing the purposes of the custodian's collection, use and disclosure of personal health information. (s. 20);
- Before, collecting, using or disclosing personal health information, ensure that any requirements relating to consent have been met, where applicable (s. 23-50);
- Designate a contact person to perform the functions set out in the Act. This is unnecessary if the custodian is a "natural person" (an individual health care practitioner, for example), and is acting as the contact person. (s. 18);
- Ensure that employees and all other agents of the custodian are appropriately informed of their duties under the Act, and that they take an oath of confidentiality (s. 14);
- take reasonable steps to ensure personal health information in the custodian's custody or control is protected against theft, loss, and unauthorized use, disclosure, copying, modification and disposal (s. 15);
- before using or disclosing personal health information that is in its custody, take reasonable steps to ensure that the information is as accurate, complete and up-to-date as is necessary for the purpose for which the information is being used or disclosed (s. 16); and,
- Ensure that personal health information records in the custodian's custody or control are retained, transferred and disposed of in a secure manner and in accordance with the Act and regulations (s. 15).