



Your Privacy and Your Electronic Health Record

Questions and Answers about
E-health and the Electronic Health Record
in British Columbia
from www.healthinfoprivacybc.ca

This brochure and other information about health information privacy is available at www.healthinfoprivacybc.ca, a website created for the BC Freedom of Information and Privacy Association and funded by the Law Foundation of British Columbia to provide free, non-partisan information about personal health information privacy in British Columbia.

What is E-Health?

In B.C. today, the government is working on province-wide project called "E-Health". This is a plan to move from paper files to a wide range of computerized databases and communication tools so health care can be delivered over distances, and so that patient health information can be accessed more readily by authorized people, for legally authorized purposes.

The major aim of this project is to build a number of special databases to hold certain specific types of health information. Each of these special databases will be a "health information bank" or "HIB". There will be a HIB to diagnostic test results, another to store laboratory test results, and still another to store prescription information.

In addition, doctors in BC are also being encouraged to move to electronic systems, so that in the future, they will be more able to transmit and access patient personal health information through the system. It is intended that doctors will be connected to the larger e-health system, which will, in turn, also be connected to labs, pharmacies, hospitals, health authorities and the Ministry.

This E-Health system is currently under construction, and the first health information bank has been developed and launched. It is called the Provincial Laboratory Information System or "PLIS".

What is the Provincial Laboratory Information System?

PLIS is a computerized system intended to hold all diagnostic laboratory test results done in BC, and to provide simple and quick access by authorized health care providers to an individual's lab test results. It is also meant to enable the collection of laboratory information for the purpose of analyzing and managing chronic disease in BC.

What is the Electronic Health Record?

The information about an individual that is contained in the health information banks is collectively considered to be the individual's "electronic health record" or EHR.

It is intended that the individual's information will be available, as required, from the health information banks, to people in the health care system who are legally authorized to see the information.

The idea is that the health care provider, manager or other authorized person will be able to log onto the system to review that portion of your electronic health record which they need to see to give you care and treatment or for other authorized purposes.

What is the difference between an EHR and an EMR?

The EHR in BC is a *centralized, provincially-managed*, long-term record of an individual's health history, which draws the patient information from several different systems into the single EHR. It will include information about past treatments, prescriptions, diagnostic and laboratory tests. Specific information in the EHR will be available to health care providers and others with authorization and secure electronic access, no matter where they are in the BC.

An EMR – "electronic medical record" – generally refers to the electronic version of your medical record in your doctor's office. It is accessible locally in the doctor's clinic or medical practice and contains the same type of notes and comments, consult letters and test results that a traditional paper medical record would contain.

Who will have access to my personal health information in the EHR?

Access by others to your personal health information in the EHR will generally be based on the person's role. People providing you with

care and treatment may have access to some or all of your personal health information. Others with role-based access to the computerized systems operated by a health authority or the Ministry of Health may have access to some portion of your personal health information if necessary for them to do their job.

For example, people working in the pharmacy may have access to the PharmaNet system so they can see patient information as necessary to dispense medication; lab technicians may need to get access to laboratory or x-ray information; administrators may have access to computerized systems which hold other types of information for billing or administrative purposes. Sometimes personal information may be gathered for the Ministry of Health to determine how good or effective a program or service is.

In general, it is intended that electronic and procedural rules will be in effect to make sure individuals do not access your personal information without having first being properly authorized to do so.

How does the law protect my privacy?

There are laws that apply to health care providers in the private sector (such as your doctor in her office) and to health care providers in the public sector (such as hospitals, public clinics, laboratories and agencies). These laws require personal health information to be protected from unauthorized collection, access, use, and disclosure. The security applied to the records must be strong and must include electronic protection (such as passwords and encryption) and rules and procedures (such as approval processes before an employee is allowed onto a system or a part of a system).

The law says that only those individuals who are legally authorized to do so, and who have an authorized purpose for seeing or using the personal health information may access the information. The purpose for the access must also be authorized.

Authorized purposes include delivering health care to a patient, and to carry out a “stewardship purpose” which is a legal term that includes all types of health-system management activities, such as health systems planning, maintenance or improvement; developing, operating, monitoring or evaluating a program authorized under a health law; monitoring or evaluating a hospital or health authority; doing research into health issues; and other similar activities.

How will the laws be applied in the e-health system?

The rules for how access to personal information in the e-health system will be controlled have not completely been worked out. Most of the system has not yet been built.

However, the government promise is that the health provider will have access to the least amount of information necessary to provide you with care. Administrators and others who need information for a stewardship purpose will also have access rights, and the amount of information they will need will be defined as the systems are built.

Can I limit who can see my personal health information?

Individuals have a limited right to put a 'disclosure directive' on their health information to limit to whom the information may be disclosed. A 'disclosure directive' is an instruction by you about whether or not your information can be disclosed, or to whom, or for what purpose, that is attached to your EHR file in a particular health information bank.

Health care providers who work in emergency settings can override a disclosure directive if necessary to treat you in an emergency.

There are a few steps involved in putting a disclosure directive on the information in a health information bank. You must download the form from the Ministry of Health website or call Health Insurance BC at 604-683-7151 in the Lower Mainland or elsewhere in BC: 1-800-663-7100. If

you call, a representative on the helpline can answer any questions you may have.

Where can I find out more?

If you want more information about personal health information privacy, your rights and health providers' obligations in British Columbia, go to www.healthinfoprivacybc.ca

For information about privacy laws in BC and to find out about the Office of the Information and Privacy Commissioner for BC, go to www.oipc.bc.ca

For more information about British Columbia's e-health projects, go to <http://www.health.gov.bc.ca/ehealth/>

To find out about disclosure directives, go to the Ministry of Health's E-Health page at <http://www.health.gov.bc.ca/ehealth/> and click on “Disclosure Directives”. You can also call Health Insurance BC Contact Centre (HIBC) in the Lower Mainland: 604-683-7151; or elsewhere in BC: 1-800-663-7100

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