

**A Snapshot
Of Recent Developments that Affect
Health Information Privacy
In Alberta**

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**For the
E-Newsletter of the
National Privacy Law Section of the
Canadian Bar Association**

- 1. Public Sector (FOIP)** – The *Freedom of Information and Protection of Privacy Act*, RSA 2000, c. F-25 (FOIP), applies to personal information, including personal employee information in the custody or control of public bodies, for example, the Workers' Compensation Board.

FOIP came into force in 1995 (although one minor part was in force in 1994), making 2005 the 10th anniversary of FOIP in Alberta. The *Freedom of Information and Protection of Privacy Amendment Act*, SA 2003, c. 21, s. 16 came into force on May 1, 2004. Division 1.1 gives individuals the right to request a review by the Information and Privacy Commissioner (the Commissioner) of access decisions made by the Registrar of Motor Vehicle Services (FOIP ss. 74.1-74.91):
<http://www.qp.gov.ab.ca/documents/acts/F25.cfm>.

The *Freedom of Information and Protection of Privacy Amendment Regulation*, AR 235/2004 (FOIP Reg.) came into effect on Oct. 20, 2004, adding criteria for the designation of public bodies and revising the Schedule to reflect changes made in government ministries and their respective boards, committees and councils:
http://www.qp.gov.ab.ca/documents/regs/1995_200.cfm.

The Ministry of Innovation and Science includes the Department of Innovation and Science, the Alberta Science and Research Authority, the Alberta Research Council and iCORE. The Ministry of Innovation and Science announced the opening of a \$13-million Alberta Centre for Surface Engineering and Science (ACSES), an integrated research facility for microelectronics, medical implants, pharmaceuticals and nanotechnology at the University of Alberta (Feb. 1, 2005):
http://www.expressnews.ualberta.ca/expressnews/articles/news.cfm?p_ID=6355.

The Ministry of Innovation and Science announced a partnership with Microsoft Corporation for developing information technology and software at centres of excellence at NAIT and SAIT (Jan. 31, 2005), a new IBM Centre for Advanced Studies in technology innovation (Jan. 28, 2005), and a framework agreement with HP for research collaboration and development (Jan. 27, 2005):
http://www.innovation.gov.ab.ca/min/sec/new_rel/new_rel_2005_1.cfm.

The Corporate CIO is responsible for developing and implementing the Cross-Government ICT initiative with shared infrastructure (e.g., Department of Alberta Health and Wellness), specific ICT initiatives that include Alberta SuperNet and the Government of Alberta Enterprise Architecture (GAEA):
<http://www.innovation.gov.ab.ca/it/sec/ini/index.cfm>.

On Nov. 24, 2004, the Corporate CIO became part of the new Ministry of Alberta Restructuring and Government Efficiency.

FOIP allows personal information to be disclosed in accordance with enactments (s. 40(1)(f)). An example of a new area of disclosure pursuant to an enactment occurred in Alberta Children's Services, which opened previously sealed adoption records. The Post

Adoption Registry began processing Requests for Release of Information on Nov. 29, 2004 and releasing information the week of Jan. 17, 2005:

<http://www.child.gov.ab.ca/whatwedo/postadoptionregistry/page.cfm?pg=index>.

Parents and 18-year-old adoptee can obtain identifying information unless a veto is filed pursuant to *The Child, Youth & Family Enhancement Act*, SA 2004, c-12 (in force on Nov. 1, 2004):

http://www.qp.gov.ab.ca/documents/Acts/C12.cfm?frm_isbn=0779731875.

Ministry – The Access and Privacy Branch of Alberta Government Services (AGS) is responsible for FOIP, and published FOIP Bulletin No. 16 "Personal Information of Deceased Persons" (January 2005) and revised FOIP Bulletins No. 2 "Fee Waivers" (March 2005), No. 7 "Law Enforcement" (August 2004), No. 9 "Burden of Proof" (September 2004), No. 11 "Paramourty" (September 2004) and No. 12 "E-Mail: Access and Privacy Considerations" (June 2004):

http://www3.gov.ab.ca/foip/guidelines_practices/index.cfm.

The Branch published a "Human Resources Guide for Local Public Bodies" (September 2004) that includes sections on workplace health and safety and medical information:

http://www3.gov.ab.ca/foip/other_resources/publications_videos/human_resources_guide.cfm#Medical.

Look for an updated "FOIP Guidelines and Practices: 2002 Edition" expected later on in 2005 to include FOIP and PIPA:

http://www3.gov.ab.ca/foip/guidelines_practices/2002/index.cfm.

The Information Management Branch of Alberta Government Services is responsible for the management of government records and published various "Policies and Standards" that pertain to the privacy and security of electronic information and include guidelines on outsourcing contracts:

<http://www.im.gov.ab.ca/index.cfm?page=policies/index.html>;

as well as "Information Management Planning" (March 2005), "Information Security Classification" (February 2005), "EIM Request for Proposals (RFP)" (November and October 2004), "Accountability for Information Management: A Model" (November 2004), "Information Management Planning Guide" (November 2004), "Electronic Information Management (EIM)" (June 2004), and "Implementing Electronic Information Management (EIM)" (June 2004):

<http://www.im.gov.ab.ca/index.cfm?page=publications/index.html>.

OIPC – Twenty-two inquiries are scheduled to be heard under FOIP. OIPC issued Practice Note No. 10, "Public Bodies' Evidence and Arguments for Inquiries" (Dec. 6, 2004):

<http://www.oipc.ab.ca/publications/DetailsPage.cfm?id=1635>.

OIPC and AGS announced a joint review of public sector outsourcing (Dec. 15, 2004):

<http://www.oipc.ab.ca/news/DetailsPage.cfm?ID=1668>.

- 2. Private Sector – (PIPA)** - *The Personal Information Protection Act*, SA 2003, c. P-6.5 (PIPA) came into force on Jan..1, 2004, and applies to personal information,

including personal employee information in the custody or control of organizations, for example self-governing professions.

The federal Cabinet Exemption Order exempted organizations to which PIPA applies, other than a federal work or undertaking or business, as being substantially similar to PIPEDA (*Personal Information Protection and Electronic Documents Act*, SC 2000, c. 5). The Exemption Order applies to the collection, use and disclosure of personal information within Alberta (Oct 12/04):

<http://canadagazette.gc.ca/partII/2004/20041103/html/sor219-e.html>.

PIPEDA continues to apply to federal works, undertakings and businesses.

An Alberta News Release indicates that a bill expected to be introduced this spring, the "*Personal Information Protection Amendment Act*," will extend the commencement of the PIPA review date from July 1/05 to July 1/06:

<http://www.gov.ab.ca/acn/200502/17631747C62F1-6E11-41E5-9DE1DF140F83C764.html>.

Other anticipated amendments to PIPA that are described include Commissioner's powers to coordinate activities with commissioners in other jurisdictions, HIA Paramourncy over PIPA, and clarification of consent for disclosure of deceased individual's information.

The spring sitting of the Legislature began on March 1, 2005. Housekeeping amendments are expected to be made to PIPA and FOIP to reflect changes arising from the *Post-Secondary Learning Act*. References to the *Colleges Act* will then be read as references to section 1(m) of the *Post-Secondary Learning Act*:

<http://www.pipa.gov.ab.ca/index.cfm?page=legislation/amendments/index.html>.

Ministry – The Access and Privacy Branch of Alberta Government Services (AGS) is responsible for PIPA. The Branch provided "Information Sheet 5: Personal Employee Information" (Jan. 14, 2005), "Ten Steps to Implement PIPA" (updated January 2005), "Information Sheet 4: Personal Information Collected Before 2004" (Dec. 3, 2004), "Information Sheet 1: Non-Profit Organizations" (December 2004) and "Information Sheet 3: Personal Information" (July 27, 2004):

<http://www.pipa.gov.ab.ca/index.cfm?page=resources/index.html>.

OIPC – Six inquiries are currently scheduled to be heard under PIPA by the Information and Privacy Commissioner (OIPC). Five Investigation Reports (IRs) have been released. The three IRs that have been issued in 2005 (Feb. 8, 2005) relate to identity theft (P2005-IR-001, P2005-IR-002, P2005-IR-003):

<http://www.oipc.ab.ca/orders/investigation.cfm?year=YR2004&descriptor=2004&docflag=DOC003>.

OIPC published resources for PIPA, including "Protecting Personal Information from Fraud and Identity Theft: Offences and Remedies under the PIPA" (February 2005) and "PIPA Advisory 1 – Implementing Consent Requirements" (September 2004):

<http://www.oipc.ab.ca/pipa/publications.cfm>.

Some of the "Frequently Asked Questions" under PIPA address personal employee information:

<http://www.oipc.ab.ca/pipa/faqs.cfm>.

The Alberta and British Columbia OIPCs jointly developed "Tips for Individuals: Effective Resolution of Disputes about Personal Information:"

<http://www.oipc.ab.ca/pipa/detailspage.cfm?id=1208>.

OIPC and AGS jointly prepared "PIPA on a Page" and "A Guide for Businesses and Organizations" (February 2004):

<http://www.oipc.ab.ca/pipa/publications.cfm>.

The Alberta and British Columbia Privacy Commissioners, in consultation with the federal Privacy Commissioner (OPC), developed "Questions and Answers regarding the application of PIPEDA, Alberta and British Columbia's Personal Information Protection Acts (PIPAs)" (Dec. 31, 2004):

<http://www.oipc.ab.ca/publications/detailspage.cfm?id=1491>, and

http://www.privcom.gc.ca/fs-fi/02_05_d_26_e.asp.

- 3. Motor Vehicle Sector** – The *Access to Motor Vehicle Information Regulation*, AR 140/2003 (AMVIR), which came into force on May 1, 2004, addresses the right of access that individuals have to their own personal information held by the Registrar of Motor Vehicles.

The *Access to Motor Vehicle Information Regulation* (AMVIR) is located at:

http://www.qp.gov.ab.ca/documents/Regs/2003_140.cfm?frm_isbn=0779729633.

Ministry – Alberta Government Services (AGS) is responsible for Alberta Registries, which is composed of various registries, including the motor vehicle registry. The Motor Vehicle Registry posted "Frequently Asked Questions" including the Registrar's Decision Notifications and the "Access and Release of Motor Vehicle Information Policy" (Oct. 12, 2004):

<http://www3.gov.ab.ca/gs/services/mv/>.

OIPC – the Adjudicator in the Office of the Information and Privacy Commissioner has heard four inquiries under the AMVIR. The Commissioner can be asked to review access decisions made by the Registrar of Motor Vehicles under the *Access to Motor Vehicle Information Regulation*, AR 140/2003 (AMVIR):

<http://www.oipc.ab.ca/news/DetailsPage.cfm?ID=1386>.

- 4. Health Sector (HIA)** - The *Health Information Act*, RSA 2000, c. H-5 (HIA) came into force on April 25, 2001, and applies to health information in the custody or control of a custodian.

HIA allows health information to be collected, used, and disclosed in accordance with an enactment. The *Disclosure of Information Regulation*, AR 196/2004 (in force June 30, 2004), enacted under the *Health Professions Act*, RSA 2000, c. H-7, provides an example

of new collections, uses, and disclosures pursuant to an enactment. This regulation allows the Minister to use and disclose information obtained from the registrar of a health professional regulatory body about its members, for purposes of health planning and delivery:

http://www.qp.gov.ab.ca/documents/Regs/2004_196.cfm?frm_isbn=0779732006.

Another example of a statutorily allowed disclosure of health information exists in two new regulations enacted (in force Oct. 1, 2004) under the *Insurance Act*, RSA 2000, c. I-3. The *Minor Injury Regulation*, 123/2004 http://www.qp.gov.ab.ca/document_print.cfm requires individuals to authorize the release of any relevant health information and to be assessed by certified examiners to determine whether there is a minor injury. The Superintendent of Insurance must establish and maintain a public register of physicians who are certified examiners. The *Diagnostic and Treatment Protocols Regulation*, 122/2004: http://www.qp.gov.ab.ca/document_print.cfm prescribes the specific health information that must be collected and used to make the diagnosis of a sprain and details of treatment.

Government of Alberta – The *Final Report* for the three-year legislative review of the HIA was tabled on Oct. 18, 2004:

<http://www.hiareview.assembly.ab.ca/>.

The all-party Committee made 59 recommendations. The first recommendation was to appoint a committee early in 2005 to conduct a focused review of specified issues, including application of HIA to the private sector and to health services provider information, harmonization with the pan-Canadian framework, rules for the electronic health record, and powers of the Commissioner.

The all-party legislative review committee (Committee) recommended a number of new disclosures in HIA, such as the disclosure to police services for criminal activity, when a prescription reveals an attempt to commit an offence and when an individual is attempting to commit fraud on the health system. The Committee recommended separate stand-alone legislation for mandatory reporting of individuals with gunshot wounds, stabbings, and severe beatings.

The premier announced a new research network that involves the northwestern provinces and territories to study youth involved with fetal alcohol spectrum disorder (FASD) (March. 3, 2005): <http://www.gov.ab.ca/acn/200503/17664B3A50F64-8FAB-49AC-B1E04B2C4F41B4A9.html> and, in the Speech from the Throne, a new \$3-billion endowment fund for post-secondary education. (March. 2, 2005): <http://www.gov.ab.ca/acn/200503/1765834EA1BA9-22D0-456C-AF16EF9EAD63C2F5.html>.

The Premier confirmed the Alberta approach to health reform that is described as the "Third Way" and involves studying health systems across the globe (Jan.. 11, 2005): <http://www.gov.ab.ca/acn/200501/17473F684FA5F-3F96-485E-B6F33D1B0830A76F.html>.

The Premier is considering a report of the Conference Board of Canada that compares Alberta with OECD health systems (June 2004):

<http://www.gov.ab.ca/acn/200406/16741C8ADE4FC-2E95-4EB2-A8BA25AFFBA8390D.html>.

The Government of Alberta released "Alberta's 2004 Report on Comparable Health Indicators" (Dec. 9, 2004), which followed "The 2004 Public Survey about Health and the Health System in Alberta" (August 2004):

http://www.health.gov.ab.ca/public/how_healthy.html.

The Ministry of Innovation & Science released its 2003-2004 Annual Report on Sept. 30/04:

http://www.innovation.gov.ab.ca/min/sec/pub/pub_001_1.cfm.

New collaborative initiatives include the new Magnetic Resonance Imaging (MRI) Center at the University of Alberta, with government, industry, and the university working together (Oct. 14, 2004):

http://www.expressnews.ualberta.ca/expressnews/articles/news.cfm?p_ID=6136.

A joint health research initiative of the faculties of medicine and pharmacy at the University of Alberta is expected to improve patient care (June 22, 2004):

<http://www.gov.ab.ca/acn/200406/16679B14D3E63-01CB-4384-AA0D7FF70BA9D78E.html>.

The Government of Alberta, along with Axia and Bell Canada, announced the final stage of completing the roll-out plan and commissioning for the Alberta SuperNet (Feb. 22, 2005) <http://www.gov.ab.ca/acn/200502/176189D55D0E4-366F-4D8C-92CFEC9A8BC75236.html>.

An agreement between Alberta and Quebec is intended to expedite the development of pan-Canadian information technology (May 10, 2004):

<http://www.gov.ab.ca/acn/200405/16421.html>.

WHIC – The Western Health Information Collaborative (WHIC) received \$8 million in federal funding to implement common data standards and electronic messages to manage chronic diseases. Alberta Health and Wellness (AHW) was appointed as the lead jurisdiction for the four western provinces (Feb. 17, 2005):

<http://www.health.gov.ab.ca/resources/releases/index.html>.

Ministry – Following the fall election, the Hon. Iris Evans was appointed as the new Minister of Health and Wellness. Evans traveled to Europe to study international health delivery and electronic record systems (Feb. 14, 2005):

<http://www.gov.ab.ca/acn/200502/17596DC68C0DD-E646-4054-8AA93119D3A34D58.html>.

The Ministry of Alberta Health and Wellness (AHW) announced a new provincial breast screening program to reduce cancer mortality (Oct. 20, 2004):

<http://www.gov.ab.ca/acn/200410/17259A09DB959-9184-4EF9-9A5EE3C64A14C421.html> as well as a new registration process for provincial health care cards to reduce the risk of fraud (Oct. 5, 2004):

<http://www.gov.ab.ca/acn/200410/1717407A8FEF8-F682-4F91-82034623031F3856.html>.

Alberta SuperNet will continue to connect provincial government, health care facilities and rural physicians over the next year for real-time applications such as ultrasound, health records transfer, telehealth, and telepsychiatry (March 8, 2005):

<http://www.innovation.gov.ab.ca/it/fea/index.cfm>.

An adaptation of the Alberta telehealth scheduling system is being used to deliver psychiatric counseling, pediatrics, clinic discharge planning, case conferencing and family visitation in Nunavut (Aug. 30, 2004):

<http://www.gov.ab.ca/acn/200408/169784F088554-F273-40FC-A3D93E3E08DE2DD5.html>.

The minister approved Calgary Health Region's contract with the private Calgary Resource Centre to provide total hip and knee replacement surgical services, pursuant to the approval and public disclosure provisions prescribed in the *Health Care Protection Act*, RSA 2000, c. H-1, s. 8 (Nov. 9, 2004):

<http://www.health.gov.ab.ca/resources/publications/index.html>.

The AHW Annual Report describes innovative health reform, health information, and IT solutions (Sept. 30, 2004):

<http://www.gov.ab.ca/acn/200409/17131AFD9A06E-0305-425E-B0B21A9F551CC35D.html>.

Alberta has embraced patient safety initiatives, including the Canadian Patient Safety Institute, which is headquartered in Alberta (May 21, 2004):

<http://www.gov.ab.ca/acn/200405/16496.html>. The Canadian Patient Safety Institute was created as a result of the 2003 First Ministers' Accord:

<http://www.cpsi-icsp.ca/history.htm>. On Jan. 24, 2005 the CEO was appointed:

http://www.cpsi-icsp.ca/news_eng/Philip_Hassen_en.htm.

Alberta Wellnet – An overview of the provincial EHR is described at:

http://www.albertawellnet.org/default_ehr.asp, with a summary of projects:

<http://www.albertawellnet.org/content.asp?CatId=46&RootId=42&ContentType=Posting>
[s.](http://www.albertawellnet.org/content.asp?catid=75&rootid=42)

More information about the provincial EHR is provided at:

<http://www.albertawellnet.org/content.asp?catid=75&rootid=42>.

Physician Office System Program (POSP) developments are described at:

<http://www.albertawellnet.org/content.asp?contentid=52&rootid=42&catid=46>.

The Vendor Conformance Usability Requirements (VCUR) for conformance testing are also located on this site; look for a VCUR update in the near future.

The "Alberta EHR Interoperability Portal" provides updates such as the conformance testing required for EHRs communicating with the provincial HER, <http://www.albertawellnet.org/content.asp?catid=56&rootid=43>, as well as electronic health information updates from other jurisdictions: <http://www.albertawellnet.org/content.asp?CatId=43&RootId=43&ContentType=Posting>
[s](#).

HQCA – The Health Quality Council of Alberta (HQCA), an arm's-length organization funded by the Government of Alberta through AHW, published its second annual report "Health Report to Albertans 2004: Measuring Up" (January 2005):

<http://www.hqca.ca/index.html>, and "A Survey of Albertans" (November 2004):

http://www.hqca.ca/pages/publications_pages/surveys.html.

RHAs – HIA requires custodians including Regional Health Authorities (RHAs) to develop policies and procedures to safeguard health information. As an example, the Calgary Health Region recently issued and/or revised the following policies: "Contract Standards – Information, Related Physical Assets and IT Security" (Jan. 8, 2004), "Information Security and Privacy" (Jan. 8, 2004) and "Information Technology and Related Physical Asset Security" (Jan. 8, 2004):

http://www.calgaryhealthregion.ca/policydb/Regional?direct=getPolicies&fc_desc=Information+Security+and+Privacy&fc_id=47.

In an example of openness and transparency, the David Thompson Health Region published the report and recommendations (Dec. 3, 2005) of the Institute for Safe Medication Practices (ISMP). The independent investigation was conducted following a fatal medication incident when hydromorphone was mistakenly administered instead of morphine:

<http://www.dthr.ab.ca/news/mediareleases/>.

As an example of regional development in health information technology, the Capital Health Authority (CHA) is implementing an electronic health record known as "Net Care," which CHA says is "Canada's most advanced regional electronic health record" (Feb. 4, 2004):

http://www.capitalhealth.ca/NewsAndEvents/Features/Electronic_health_record+.htm.

CHA implemented the second phase of an automated system for processing laboratory samples that involves utilizing robotic arms (Jan. 25, 2005):

http://www.capitalhealth.ca/NewsAndEvents/NewsReleases/Second_phase_of_lab_automation+.htm.

CHA announced a patient self-service portal (Nov. 5, 2004):

http://www.capitalhealth.ca/NewsAndEvents/Features/Patient_Self_service_Portal.htm,

and a new office for health innovation (November 2004):

http://www.capitalhealth.ca/NewsAndEvents/Features/Office_for_Health_Innovation+.htm.

TELUS and CHA partnered to develop a remote home monitoring system to enable residents with dementia to stay longer in their own homes (Jan. 12, 2005):
http://www.capitalhealth.ca/NewsAndEvents/NewsReleases/technology_partnership_home_monitoring+++htm.

CHA is hosting clinical trials for wireless devices that monitor vital signs and transmit results (Feb. 4/05):
http://www.capitalhealth.ca/About+Us/Media+Desk/News+Releases/2004/February+2004/Doerksen_announces_funding_for_wireless_ehealth_initiative.htm.

CHA is preparing for the opening of the Alberta Heart Institute in 2005-2006:
<http://www.albertaheartinstitute.ca/default.htm>, and is home base for the new Western Canadian Children's Heart Network:
http://www.albertaheartinstitute.ca/news/feature_stories/Edmonton_home_base_for_Western_Canadian_Childrens_Heart_Network+.htm.

Health Professions: AMA – The Alberta Medical Association (AMA) publishes a monthly article entitled "Health Information Act: Questions and Answers" with updates on health technology and privacy in a newsletter entitled "MD Scope:"
<http://www.albertadoctors.org/bcm/ama/ama-website.nsf/AllDoc/9D40954296C995A787256DE3006180A4?OpenDocument>.

The AMA publishes a bi-monthly journal, entitled "Alberta Doctor's Digest" that often discusses health information issues: <http://www.albertadoctors.org/bcm/ama/ama-website.nsf/AllDoc/06171C14815080D287256DE300616D7B?OpenDocument>.

The AMA posts updated information about the Vendor Conformance and Usability Requirements (VCUR) for physicians changing to EMRs:
<http://www.albertadoctors.org/bcm/ama/ama-website.nsf/AllDoc/EBE157863E651B0D87256E1C0057D28A?OpenDocument>.

The AMA publishes templates to assist physicians who are developing policies, procedures and forms in compliance with health privacy legislation:
<http://www.albertadoctors.org/bcm/ama/ama-website.nsf/AllDoc/D1EEBE7D5B79C8EB87256E1D00533C5C?OpenDocument>.

The AMA's published resources include "HIA Guide to Policies and Procedures for Physician Offices," "HIA Guide to Privacy Impact Assessments for Physicians Offices," and "AMA's Guide to Fees under the HIA Regulations:"
<http://www.albertadoctors.org/bcm/ama/ama-website.nsf/AllDoc/D7AD712B7E7858CE87256E8C005F3CAE?OpenDocument>.

CPSA - The College of Physicians & Surgeons of Alberta (CPSA) has an Information Management Committee to provide guidance on IM and IT issues. CPSA publishes a monthly journal entitled "The Messenger" that contains a variety of articles pertaining to health information issues:
<http://www.cpsa.ab.ca/publicationsresources/messenger.asp>.

The CPSA published guidelines such as "Transition to Electronic Records (EMR)" (September 2004) and policies such as "Conflict of Interest" (February 2005):

<http://www.cpsa.ab.ca/publicationsresources/policies.asp>.

The CPSA Research Ethics Review Committee governs physician researchers:

http://www.cpsa.ab.ca/collegeprograms/research_ethics.asp.

The AMA and CPSA prepared a joint publication, "Health Information Act: Making It Work."

ACP – The Alberta College of Pharmacists (ACP) addresses a variety of health privacy and electronic health information issues in its bi-monthly newsletter entitled "ACP News:" http://www.altapharm.org/news_events/newsletter.aspx, as well as general information provided on their website:

http://www.altapharm.org/council_at_work/emerging_issues.aspx?id=4933.

The ACP developed a continuing education course for pharmacists entitled "Pharmacist's Guide to Applying the *Health Information Act*:"

<http://www.pharmalearn.ualberta.ca/conted/>.

RxA – The Pharmacists Association of Alberta (RxA) published the "*Health Information Act: Guide to Policies and Procedures*" (May 2004) and the "*Health Information Act: Guide to Privacy Impact Assessments*" (Nov. 17, 2004):

<http://www.altapharm.org/association/contact/contindex.cfm>.

RxA also published the "Pharmacist's Guide to Applying the *Health Information Act*" (September 2003): <http://www.altapharm.org/association/contact/contindex.cfm>.

CPTA - The College of Physical Therapists of Alberta (CPTA) published the "Guide to Privacy for Alberta's Physical Therapists" (October 2004):

http://www.cpta.ab.ca/member/practice%20advice_privacyguide.shtml.

The CPTA's newsletter, entitled "College Callings":

http://www.cpta.ab.ca/about/collegecallings_main.shtml, addresses health information issues and provided an update to the guide (February 2005, p. 3).

The CPSA, AMA, ACP and Alberta Association of Registered Nurses jointly developed 16 information-sharing principles as a guide for professional behavior. The AMA published the guidelines for physicians (January-February 2005 edition of *Alberta Doctor's Digest*, pp. 16-18) and for pharmacists by the ACP (January-February 2005, *ACP News*, pp. 4-5). Many of the health profession's publications that address health privacy are prepared in collaboration with OIPC.

Universities - The University of Alberta and the University of Calgary provide lecture series that address health privacy issues. For example, Dr. Lawrence O. Gostin, Professor of Law, Georgetown University and Professor of Public Health at Johns Hopkins University, is presenting at the Faculty of Law, University of Alberta at the annual Picard

Lecture in Health Law, "The Future of the Public's Health: Vision, Values and Strategies" on March 10, 2005:

<http://www.law.ualberta.ca/centres/hli/events.html>.

Madam Chief Justice Beverley McLachlin recently gave the annual 2005 Honourable Mr. Justice Michael O'Byrne AHRMR Lecture on Law, Medicine and Ethics on the topic of "Medicine and the Law: The Challenges of Mental Illness" in Edmonton (Feb. 18, 2005) as well as in Calgary (Feb. 17, 2005):

http://www.expressnews.ualberta.ca/ExpressNews/articles/printer.cfm?p_ID=6380

http://www.expressnews.ualberta.ca/expressnews/articles/news.cfm?p_ID=6384&s=0.

The Health Law Institute at the University of Alberta has many health research projects underway: <http://www.law.ualberta.ca/centres/hli/research.html>.

The Health Law Institute at the University of Alberta, together with the University of Victoria's School of Information Science and Faculty of Business, were successful in obtaining research funding from the Office of the Privacy Commissioner of Canada (OPC) to conduct a collaborative study on the application of PIPEDA to electronic health records (Jan. 27, 2005):

http://www.privcom.gc.ca/media/nr-c/2005/nr-c_050127_06_e.asp.

The Alberta Law Reform Institute at the University of Alberta issued a series of reports on the *Alberta Rules of Court* and asked for comments on the costs and sanction component by March 25, 2005. An earlier consultation on the *Alberta Rules of Court* for "Judicial Review" was circulated for comment by Oct. 31, 2004. In June 2004, the "Family Law Project: The Conclusion, Final Report No. 93" was completed, which addressed complex guardianship and custody issues that were subsequently enacted into the *Family Law Act*: <http://www.law.ualberta.ca/alri/>.

The Alberta Law Reform Institute is working collaboratively with the British Columbia Law Institute, Saskatchewan Law Reform Commission, and the Manitoba Law Reform Commission in a group known as the "Western Canada Law Reform Agencies," in recognition that it would be beneficial to harmonize the laws of the western provinces in the area of enduring power of attorney. The first publication of this group is "Enduring Powers of Attorney: Areas of Reform, Consultation Paper No. 1", which was issued in June 2004:

<http://www.law.ualberta.ca/alri/>.

Lecture series are organized by a number of medicolegal and bioethics organizations including:

- The health law and privacy law subsections (north and south) of the Alberta Branches of the Canadian Bar Association: <http://www.cba-alberta.org/DesktopDefault.aspx>
- The Health Law Institute: <http://www.law.ualberta.ca/centres/hli/events.html>,
- The John Dossetor Health Ethics Centre: <http://www.ualberta.ca/BIOETHICS/page2.html>,
- The Provincial Health Ethics Network: <http://www.phen.ab.ca/index.html>, and

- The Faculties of Law and Medicine (e.g., Grand Rounds) at the University of Alberta and the University of Calgary:
<http://www.ucalgary.ca/news/dec04/medtalk.html>.

OIPC – Nine inquiries, including continuations of inquiries, are currently scheduled to be heard under HIA by the Information and Privacy Commissioner (OIPC).

In conjunction with the three-year legislative review of HIA, the Commissioner submitted a Written Submission (Aug. 5, 2005), an Addendum to the Submission (Aug. 24, 2005) and an Oral Submission (Aug. 25, 2004). The Commissioner issued a news release in response to the Final Report (Oct. 21, 2004):

<http://www.oipc.ab.ca/publications/hia.cfm>.

HIA Orders addressed issues, including the correction of a professional opinion (Order H2004-004) and physicians granting interviews to the CMPA as defence counsel during medical malpractice litigation (Order H2004-005):

<http://www.oipc.ab.ca/orders/orders.cfm?year=YR2004&descriptor=2004&docflag=DOC002>.

The first joint federal/provincial investigation was conducted under PIPEDA and HIA, for misdirected faxes of health information. The Alberta findings are published in H2004-IR-001:

<http://www.oipc.ab.ca/orders/investigation.cfm?year=YR2004&descriptor=2004&docflag=DOC002>; and the federal findings are published under "incident summaries:"
http://www.privcom.gc.ca/incidents/index_e.asp.

HIA Investigation Reports have addressed the disclosure of a student's risk of suicide by the Alberta Mental Health Board to a school division (H2003-IR-001 & F2003-IR-003), the safeguards for destroying electronic health information on a computer hard drive after it crashed (H2003-IR-002), and the theft of computers from a medical clinic (H2003-IR-003):

<http://www.oipc.ab.ca/orders/investigation.cfm?year=YR2003&descriptor=2003&docflag=DOC002>.

Civil litigation was brought in Action No. PO 49010043 (Calgary), based on the same facts that gave rise to Investigation Report H2002-IR-002. In that situation, a woman alleged that a pharmacist disclosed her health information, in a printout of her medication profile, to her estranged husband without consent. This legal action has been settled out of court.

Privacy Impact Assessments (PIAs) are mandatory under HIA and voluntary under FOIP and PIPA. A summary of an amendment to the PIA on the netCare portal is located at:
<http://www.oipc.ab.ca/home/DetailsPage.cfm?ID=172>.

The PIA Registry now contains approximately 370 summaries of PIAs that have been accepted by the Alberta OIPC: <http://www.oipc.ab.ca/pia/RegistryList.cfm?listall=2>.

The PIA site contains overview, summaries, and annotated versions of PIA templates:

<http://www.oipc.ab.ca/home/DetailsPage.cfm?ID=1728>.

RERBs must send copies of research approvals to the Commissioner. The six designated Research Ethics Review Boards (RERBs, aka "Ethics Committees") are listed in the Research Registry at OIPC: <http://www.oipc.ab.ca/research/registry.cfm>.

Some RERBs post specific information on their website about research initiatives and scientific leaders, such as the Alberta Cancer Board:

http://www.cancerboard.ab.ca/research/research_research_new.html.

The "Questions and Answers" (Q & As) on the OIPC website address questions that have been raised about health information under HIA: <http://www.oipc.ab.ca/hia/faqs.cfm>.

The most recent HIA publication is "The *Health Information Act* – Use and Disclosure of Health Information for Research": <http://www.oipc.ab.ca/hia/detailspage.cfm?id=1336>.

The 2003-2004 Annual Report is posted on the website (March 3, 2005):

<http://www.oipc.ab.ca/publications/reports.cfm>.

General – A reminder: "February is Fraud Awareness Month." This is posted on the OIPC site along with a link to RCMP statistics and tips:

<http://www.oipc.ab.ca/home/DetailsPage.cfm?ID=1770>. The Government of Alberta announced the development of a national identity theft kit in partnership with law enforcement agencies, consumer groups and the private sector:

<http://www.gov.ab.ca/acn/200502/176440DF5151C-56A8-478C-B5CAC8C9CAAE9E0A.html>.