Offences and Penalties Chart: Canadian Health Privacy Legislation

Ontario: *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sch. A		
	Offence	**Penalty**
Administrative Monetary Penalties	After conducting a review resulting from a complaint (**s. 57**) or a self-initiated review (**s. 58**), the Commissioner may order "any person" to pay administrative monetary penalties, if the Commissioner is of the opinion that the person has contravened the Act or its Regulations (**s. 61(1)(h.1)**). The order may be issued for the purposes of: a) Encouraging compliance with this Act and its regulations; or b) Preventing a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of the Act. (**s. 61.1(1)**).	The AMP amount is uncapped under the legislation. The amount will be determined by the Commissioner in accordance with regulations made under the Act **(s. 61.1(2)(b)).** It should also reflect the purposes set out at s. 61.1 It should also reflect the purposes set out at s. 61.1(1) (s. **61.1(2)(a)**).
Prescribed Violations of the Act and Regulations	• Willfully collecting, using or disclosing personal health information in contravention of the Act or its regulations; • Making a request under the Act, under false pretenses, for access to or correction of a record of personal health information; • Willfully using or attempting to use information that has been de-identified to identify an individual, unless permitted by statute; [not yet in force]	**Individuals:** a fine of not more than $200,000 or to a term of imprisonment of not more than 1 year, or to both; or **Non-individuals**: a fine of not more than $1,000,000. **(s. 72(2))** **Directors/Officers/Employees:** If a corporation commits an offence, an individual who authorized the

Ontario: *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sch. A		
	Offence	**Penalty**
	• In connection with the collection, use or disclosure of personal health information or access to a record of personal health information, making an assertion, knowing that it is untrue, to the effect that the person, o Is a person who is entitled to consent to the collection, use or disclosure of personal health information about another individual; ▪ Is at least 16 years old or is the parent of the individual to whom the personal health information relates; o Is not prohibited by court order or separation agreement from having access to the individual to whom the personal health information relates or from giving or refusing consent on the individual's behalf; or o Is a person entitled to access to a record of personal health information under section 52 of the Act; • Disposing of a record of personal health information in the custody or under the control of the custodian with an intent to evade a request for access to the record that the custodian has received; • Willfully disposing of a record of personal health information in contravention of section 13 of the Act;	offence, or who had the authority to prevent the offence from being committed but knowingly refrained from doing so, is a party to and guilty of the offence and is liable, on conviction, to the penalty for the offence, whether or not the corporation has been prosecuted or convicted.

Ontario: *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sch. A		
	Offence	**Penalty**
	• Collecting, using, disclosing, requiring or production of another person's health number, (subject to certain exceptions); • In the case of a health institute, failing to follow practice and procedures for disclosing information, failing to de-identify information, or disclosing personal health information in any form, or information derived from that information; • Willfully obstructing the Commissioner or a person known to be acting under the authority of the Commissioner in the performance of his or her functions under this Act; • Willfully making a false statement to mislead or attempt to mislead the Commissioner or a person known to be acting under the authority of the Commissioner in the performance of his or her functions under this Act; • Willfully failing to comply with an order made by the Commissioner or a person known to be acting under the authority of the Commissioner under this Act; or • Contravening section 70 of the Act (non-retaliation) **(s. 72(1))**	

Ontario: *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sch. A		
	Offence	**Penalty**

	In the case of an investigation of an offence under the Act, s. 71.1 sets out the power to issue a production order, subject to certain requirements:
	• On application without notice by a provincial offences officer, a justice may issue a production order to a person, other than a person under investigation for an offence, requiring the person to,
	  ○ Produce documents or copies of documents, certified by affidavit to be true copies, or produce data; or
	  ○ prepare a document based on documents or data already in existence and produce it.
	• A production order must stipulate when, where and how the documents or data are to be produced, and to whom they are to be produced.
	• A justice may make a production order if satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,
	  ○ an offence under this Act has been or is being committed;
	  ○ the document or data will provide evidence respecting the offence or suspected offence; and
	  ○ the person who is subject to the order has possession or control of the document or data.
	• A production order may contain any conditions the justice considers advisable.	

Ontario: *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sch. A		
	Offence	**Penalty**
	• A copy of a document or data produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document or data would have if it had been proved in the ordinary way. • Copies of documents or data produced under this section are not required to be returned to the person who provided them. A person to whom a production order is directed shall comply with the order according to its terms.	

Alberta: *Health Information Act*, R.S.A. 2000, c. H-5		
	Offence	**Penalty**
Violations by a Custodian and/or affiliates of a Custodian	**In the case of a custodian:** • Failing to take in accordance with the regulations to maintain administrative, technical and physical safeguards that will protect against any reasonably anticipated threat or hazard to the security or integrity of health information or of loss of health information;	**Individual:** a fine of not more than $200,000, and **Any other person:** a fine of not more than $1,000 000. **(s. 107(6)).**

Alberta: *Health Information Act*, R.S.A. 2000, c. H-5		
	Offence	**Penalty**
	• Failing to, as soon as practicable, notify the custodian in accordance with the regulations of any loss of individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian. **(s. 60.1)** • Failing to, as soon as practicable, give notice in accordance with the regulations and as prescribed by the Act, of any loss of individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian if there is a risk of harm to an individual as a result of the loss or unauthorized access or disclosure. **(s. 60.1)** • If a custodian considers that giving notice to an individual who is the subject of individually identifying health information could reasonably be expected to result in a risk of harm to the individual's mental or physical health, and decides not to give notice, failing to immediately give notice to the Commissioner of the decision not to give notice to the individual, and the reasons for the decision, in accordance with the regulations. **(s. 60.1)** • Failing to comply with an order for notice to an individual made by the Commissioner under section **(s. 85.1(2)(b)).**	

Alberta: *Health Information Act*, R.S.A. 2000, c. H-5		
	Offence	**Penalty**
	In the case of an affiliate of a custodian: • Failing to, as soon as practicable, notify the custodian in accordance with the regulations of any loss of individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian. • Knowingly disclosing health information to which this Act applies pursuant to a subpoena, warrant or order issued or made by a court, person or body having no jurisdiction in Alberta to compel the production of information or pursuant to a rule of court that is not binding in Alberta. **(s. 107)**	
Prescribed Violations of the Act and Regulations	• Knowingly altering, falsifying or concealing any record, or directing another person to do so, with the intent to evade a request for access to the record; • Knowingly destroying any record that is subject to this Act, or directing another person to do so, with the intent to evade a request for access to the record;	**Individual:** a fine of not more than $200,000, and **Any other person:** a fine of not more than $1,000 000. **(s. 107(6)).**

Alberta: *Health Information Act*, R.S.A. 2000, c. H-5		
	Offence	**Penalty**
	• Knowingly collecting, using, disclosing or creating health information in contravention of this Act; • Knowingly gaining or attempting to gain access to health information in contravention of this Act; • Knowingly making a false statement to, or misleading or attempting to mislead, the Commissioner or another person performing the duties, powers or functions of the Commissioner or other person under this Act; • Knowingly obstructing the Commissioner or another person in the performance of the duties, powers or functions of the Commissioner or other person under this Act; • Knowingly failing to comply with an order made by the Commissioner under section 80 or by an adjudicator under section 101; or • Knowingly using individually identifying health information to market any service for a commercial purpose or to solicit money unless the individual who is the subject of the health information has specifically consented to its use for that purpose. In the case of a researcher, knowingly breaching the terms and conditions of an agreement entered into with a custodian pursuant to section 54.	

Alberta: *Health Information Act*, R.S.A. 2000, c. H-5		
	Offence	**Penalty**
	In the case of an information manager, knowingly breaching the terms and conditions of an agreement entered into with a custodian pursuant to section 66. In the case of a person to whom non identifying health information is disclosed and who intends to use the information to perform data matching, failing to comply with notice requirements. **(s. 32(2))** **(s. 107)**	
Illegally Using Health Information	Using prescribed health information in contravention of s. 56.4 of the Act. **(s. 107)**	A fine of not more than $100 000. **(s. 107)**

British Columbia: *E-Health (Personal Health Information Access and Protection of Privacy) Act*, S.B.C. 2008, c. 38		
	Offence	**Penalty**
		A fine of up to $200,000 **(s. 24)**

British Columbia: *E-Health (Personal Health Information Access and Protection of Privacy) Act*, S.B.C. 2008, c. 38		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	• Disclosing any personal health information or information related to service providers, that is contained in a health information bank or ministry database, for the purposes of market research **(s. 20)**; • Collecting or using personal health information in a health information bank in a manner other than in accordance with the designation order in respect of the health information bank **(s. 21(1))**; • Disclosing personal health information contained in a health information bank for any purposes or in a manner other than in accordance with the designation order, or as permitted by the Act **(s. 21(2))**; or • Dismissing, suspending, demoting, disciplining, harassing or otherwise disadvantaging/denying another person a benefit because this person has: o Refused to or stated an intention to refuse to contravene the Act; o Intended to or stated an intention to act in order to avoid contravening the Act; or, o Notified the minister, an administrator, minister or the commission that a person has contravened or will contravenes the Act or the terms of the designation order. **(s. 22)** **(s. 24)**	**Directors/Officers/Agents:** This penalty will apply to an officer, director or agent of the corporation who authorizes, permits or acquiesces in the commission of the offence also commits an offence, whether or not the corporation is prosecuted for the offence.

British Columbia: *E-Health (Personal Health Information Access and Protection of Privacy) Act*, S.B.C. 2008, c. 38		
	Offence	**Penalty**
	Defence: In a prosecution for an offence under this section, it is a defence for the person charged to prove that the person exercised due diligence to avoid the commission of the offence.	

Saskatchewan: *Health Information Protection Act*, S.S. 1999, c. H-0.021		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	• Knowingly contravening any provision of this Act or the regulations; • Without lawful justification or excuse, willfully obstructing, hindering or resisting the commissioner or any other person in the exercise of the powers, performance of the duties or the carrying out of the functions of the commissioner or other person pursuant to this Act; • Without lawful justification or excuse, refusing or willfully failing to comply with any lawful requirement of the commissioner or any other person pursuant to this Act; • Willfully making any false statement to, or misleading or attempt to mislead, the commissioner or any other person in the exercise of the	**Individual:** a fine of not more than $50,000, to imprisonment for not more than one year or to both **Corporation:** a fine of not more than $500,000. **Directors/Officers/Agents:** Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence, and is liable on summary conviction to a fine of not more than $50,000, to imprisonment for not more than one

Saskatchewan: *Health Information Protection Act*, S.S. 1999, c. H-0.021		
	Offence	**Penalty**
	powers, performance of the duties or carrying out of the functions of the commissioner or other person pursuant to this Act; • Willfully destroying any record that is governed by this Act with the intent to evade a request for access to the record; • Obtaining another person's personal health information by falsely representing that he or she is entitled to the information.; or In the case of a trustee or information management service provider, or former trustee or information management service provider: • Failing to keep secure the personal health information in its custody or control as required by this Act (unless that person can establish that he or she took all reasonable steps to prevent the contravention). **(s. 64)**	year or to both, whether or not the corporation has been prosecuted or convicted. **(s. 64)**
Violations by an Employee	In the case of an individual who is an employee of or in the service of a trustee:	A fine of not more than $50,000, imprisonment for not more than one year, or both, whether or not the trustee or information management service provider has been prosecuted or convicted.

Saskatchewan: *Health Information Protection Act*, S.S. 1999, c. H-0.021		
	Offence	**Penalty**
	• Knowingly disclosing or directing another person to disclose personal health information in circumstances that would constitute an offence by the trustee or information management service provider pursuant to this Act; • Willfully accessing or using or directing another person to access or use personal health information that is not reasonably required by that individual to carry out a purpose authorized pursuant to this Act; • Willfully accessing or using or directing another person to access or use personal health information for a purpose that is not authorized by subsection 18(1) of this Act **(s. 64)**	**(s. 64)**

Manitoba: *Personal Health Information Act*, C.C.S.M. c. P33.5		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	• Willfully making a false statement to, or misleading or attempting to mislead, the Ombudsman or another person in the performance of the duties and powers of the Ombudsman; • Willfully obstructing the Ombudsman, or any person acting for or under the direction of the Ombudsman, in any manner; • Willfully destroying or erasing personal health information with the intent to evade an individual's request to examine or copy the information; • Obtaining another person's personal health information by falsely representing that he or she is entitled to the information; • Requiring production of or collects or uses another person's PHIN contrary to section 26; or, • Knowingly falsifying another person's personal health information. In the case of a person who is an employee, officer or agent of a trustee, information manager or health research organization, who, without the	A fine of not more than $50,000. **Directors/Officers:** When a corporation is guilty of an offence, a director or officer of the corporation who authorized, permitted or acquiesced in the offence is also guilty of an offence and is liable on summary conviction to a fine of not more than $50,000. **(s. 64(1), (2))**

Manitoba: *Personal Health Information Act*, C.C.S.M. c. P33.5		
	Offence	**Penalty**
	authorization of the trustee, information manager or health research organization, willfully: • Discloses personal health information in circumstances where the trustee, information manager or health research organization would not be permitted to disclose the information under this Act; or, • Uses, gains access to or attempts to gain access to another person's personal health information In the case of a trustee, information manager or health research organization: • Collecting, using, selling or disclosing personal health information contrary to this Act; • Failing to protect personal health information in a secure manner as required by this Act; or, • Disclosing personal health information contrary to this Act with the intent to obtain a monetary or other material benefit or to confer such a benefit on a trustee or other person;	

Manitoba: *Personal Health Information Act*, C.C.S.M. c. P33.5		
	Offence	**Penalty**
	Defence: No trustee, information manager or health research organization shall be found to have contravened clause (3)(a) or (b) if the trustee, information manager or health research organization can establish that he or she took all reasonable steps to prevent the contravention. **(s. 63)**	

Québec: *An Act respecting the Sharing of Certain Health Information*, CQLR P-9.0001		
	Offence	**Penalty**
Violations of register requirements	Failing to release to the Régie information required for maintaining the register of providers, or failing to inform the Régie of any changes to the released information. **(s. 122)**	**Natural Person:** a fine of $1,000 to $10,000. **Legal Person:** a fine of $3,000 to $30,000. **Directors/Officers:** If an offence is committed by a director or officer of a legal person or partnership, the minimum and maximum fines that would apply in the case of a natural person are doubled. **(s. 122)**

Québec: *An Act respecting the Sharing of Certain Health Information*, CQLR P-9.0001		
	Offence	**Penalty**
		Note: The minimum and maximum fines prescribed in this Act are doubled for a subsequent offence. **(s. 128)**
Prescribed Violations of the Act and Regulations	• In the case of a person or partnership operating a community pharmacy, failing to, as soon as possible, release to the operations manager of a health information bank in the medication domain the health information listed in section 26 concerning any medication; **(s. 23)** • In the case of an institution or a person or partnership operating a medical biology laboratory, failing to, as soon as possible, release to the operations manager of a health information bank in the laboratory domain the health information listed in section 29 concerning any results of a medical biology analysis they produce for a person's file or that are produced, at their request, by the laboratory of Héma-Québec, the laboratory of Centre de toxicologie du Québec or the Laboratoire de santé publique du Québec; **(s. 28)**	**Natural Person:** a fine of $2,500 to $25,000 **Legal Person:** a fine of 7,500 to $75,000 **(s. 123)** **Directors/Officers: I**f an offence is committed by a director or officer of a legal person or partnership, the minimum and maximum fines that would apply in the case of a natural person are doubled. **(s. 126)** **Note:** The minimum and maximum fines prescribed in this Act are doubled for a subsequent offence.

Québec: *An Act respecting the Sharing of Certain Health Information*, CQLR P-9.0001		
	Offence	**Penalty**
	• In the case of an institution operating a centre in which a clinical department of medical imaging is set up, or a person or partnership operating a medical imaging laboratory or a medical diagnostic radiology laboratory, failing to, as soon as possible, release to the operations manager of a health information bank in the medical imaging domain the health information listed in section 33 concerning any medical imaging examination result they produce for a person's file; **(s. 31)** • In the case of an institution operating a hospital centre, failing to, as soon as possible release to the operations manager of a health information bank in the hospitalization domain the health information listed in section 44 concerning the hospitalization of any person who has been discharged from the institution or transferred to another institution or who dies while hospitalized; **(s. 43)** • In the case of an authorized provider with the legal authority to prescribe medications or fill a collective prescription for medication, failing to release any electronic prescription for medication written by that provider to the operations manager of the electronic prescription management system for medication; **(s. 59)**	**(s. 128)**

Québec: *An Act respecting the Sharing of Certain Health Information*, CQLR P-9.0001		
	Offence	**Penalty**
	• Refusing care to a person on the ground that the person refused to allow the release of his or her health information through the Québec Health Record; or **(s. 52)** • In the case of a pharmacist, pharmacy resident or pharmacy intern practising in a centre operated by an institution or in a community pharmacy or a person who provides the pharmacist with technical support services, to the extent that those persons are authorized providers, failing to retrieve electronic prescriptions for medication in the electronic prescription management system for medication. **(s. 60)** **(s. 123)**	
Record compliance requirements	• Failing to comply with confidentiality requirements regarding the information contained in a health information bank in a clinical domain, the register of refusals, the electronic prescription management system for medication, the register of users and the register of providers, and using this information in contravention of the Act. **(s. 99)** • In the case of an authorized provider, including information in the local record of a person receiving health services or social services the information the authorized person that is unnecessary the provision of those services. **(s. 100)**	**Natural Person:** a fine of $5,000 to $50,000 **Legal Person:** a fine of $15,000 to $150,000 (**s. 124)** **Directors/Officers: I**f an offence is committed by a director or officer of a legal person or partnership, the minimum and maximum fines that would apply in the case of a natural person are doubled. **(s. 126)**

Québec: *An Act respecting the Sharing of Certain Health Information*, CQLR P-9.0001		
	Offence	**Penalty**
	• In the case of an authorized provider, releasing information in a person's local record to a third party without the written consent of the person concerned. **(s. 100)** • In the case of a person or partnership who does verifications or acts as an expert, requesting, demanding or receiving an extract or copy of health information held in the health information banks in the clinical domains for the purposes of a verification or an expert report. **(s. 103)** • Requesting or demanding, for the purposes of a contract, among other reasons, that a person give them an extract or copy of his or her health information that is held in the health information banks in the clinical domains, except information included in the local record in accordance with section 100 of the Act. **(s. 103)** • **(s. 124)**	**Note:** The minimum and maximum fines prescribed in this Act are doubled for a subsequent offence. **(s. 128)**
Aiding in the Commitment of an Offence	Actively helping another person to commit an offence under this Act or, by encouragement, advice or consent or by an authorization or order, inducing another person to commit such an offence. • **(s. 124)**	That person will be guilty of the same offence and subject to the appropriate penalty. **(s. 125)**

Québec: ***An Act respecting the Sharing of Certain Health Information*, CQLR P-9.0001**		
	Offence	**Penalty**
		Directors/Officers: If an offence is committed by a director or officer of a legal person or partnership, the minimum and maximum fines that would apply in the case of a natural person are doubled. **(s. 126)** **Note:** The minimum and maximum fines prescribed in this Act are doubled for a subsequent offence. **(s. 128)**

New Brunswick: ***Personal Health Information Privacy and Access Act*, S.N.B. 2009, c. P-7.05**		
	Offence	**Penalty**
Prescribed Violations of the	• Collecting, using or disclosing personal health information in willful contravention of this Act;	A fine of not less than $240 and not more than $10,200. **Note:** When convicted for an offence for which, on a previous conviction of the same offence, the defendant

New Brunswick: *Personal Health Information Privacy and Access Act*, S.N.B. 2009, c. P-7.05		
	Offence	**Penalty**
Act and Regulations	• Attempting to gain or gaining access to personal health information in willful contravention of this Act; • Knowingly making a false or misleading statement to the Ombud or another person in the performance of the duties or the exercise of the powers of the Ombud or the other person under this Act or knowingly mislead or attempt to mislead the Ombud or the other person; • Obstructing the Ombud or another person in performing duties or exercising powers under this Act; • Destroying a record or erasing information in a record that is subject to this Act, or directing another person to do so, with the intent to evade a request to examine or copy the record; • Altering, falsifying, concealing or destroying any record or part of any record, or direct another person to do so, with an intent to evade a request to examine or copy the record; or, • Willfully failing to comply with an investigation of the Ombud. • In the case of a person who is an employee of a custodian or information manager, without the authorization of the custodian or information	has been sentenced to the maximum fine available for that offence, the person may be fined up to $15,000. *Provincial Offences Procedure Act*, SNB 1987, c P-22.1 **(ss. 56-57)**

New Brunswick: *Personal Health Information Privacy and Access Act*, S.N.B. 2009, c. P-7.05		
	Offence	**Penalty**
	manager, disclosing personal health information in willful contravention of this Act in circumstances where the custodian or information manager would not be permitted to disclose the information under this Act • In the case of a custodian or information manager: o Collecting, using, selling or disclosing personal health information contrary to this Act; (unless they can establish that he/she took all reasonable steps to prevent the contravention; o Failing to protect personal health information in a secure manner as required by this Act; (unless they can establish that he/she took all reasonable steps to prevent the contravention); o Disclosing personal health information contrary to this Act with the intent of obtaining a monetary or other material benefit or to confer a benefit on a custodian or other person; or, o Taking any adverse employment action against an employee because the employee has complied with a request or requirement to produce a record or provide information or evidence to the Ombud, or a person acting for or under the direction of the Ombud, under this Act. **(s. 76)**	

Nova Scotia: *Personal Health Information Act*, S.N.S. 2010, c. 41		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	• Willfully collecting, using or disclosing health information in contravention if the Act or regulations; • Willfully gaining or attempting to gain access to health information in contravention of the Act or regulations; • Willfully obtaining or attempting to obtain another individual's personal health information by falsely representing that the person is entitled to the information; • Failing to protect personal health information in a secure manner as required by the Act; • Making an assertion, knowing that it is untrue, that a person is entitled to consent on behalf of another individual, in connection with the collection, use or disclosure of personal health information or access to a record of personal health information; • Willfully disposing of a record of personal health information in contravention of the requirements for protection of personal health information required in the Act or regulations;	**Individual:** Maximum fine of not more than $10,000, maximum six months imprisonment, or both. **Corporation:** Maximum fine of $50,000. **Directors/Officers/Agents:** Where a corporation commits an offence, every officer, member, employee, or other authorized agent of the corporation who authorized the offence, or had the authority to prevent the offence but knowingly refrained from doing so, is a party and guilty of the offence. Liability is independent of whether or not the corporation has been prosecuted or convicted **(ss. 107-108)**

Nova Scotia: *Personal Health Information Act*, S.N.S. 2010, c. 41		
	Offence	**Penalty**
	• Requiring production of or collects or uses another person's health card number in contravention of the Act or regulations; • Willfully altering, falsifying, concealing, destroying or erasing any record, or directing another person to do so, with the intent to evade a request for access to the record; • Willfully obstructing, making a false statement to or misleading or attempting to mislead the Review Officer or another person in the performance of the duties of the Review Officer; • Willfully obstructing, making a false statement to or misleading or attempting to mislead another individual or organization in the performance of the duties, powers or functions of that individual or organization under the Act; • Using individually identifying health information to market any service for a commercial purpose or to solicit money unless the individual who is the subject of the health information has expressly consented;	

Nova Scotia: *Personal Health Information Act*, S.N.S. 2010, c. 41		
	Offence	**Penalty**
	• Disclosing personal health information contrary to the Act with the intent to obtain a material benefit or to confer such a benefit on another person; or, • Breaching the terms and conditions of an agreement entered into with a custodian under the Act. **(s. 106)**	

Newfoundland and Labrador: *Personal Health Information Act*, S.N.L. 2008, c. P-7.01		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	In the case of an individual: • Willfully obtaining or attempting to obtain another individual's personal health information by falsely representing that the person is entitled to the information;	**Individual:** Maximum fine of $10,000, maximum prison sentence of 6 months, or both. **Custodian information manager:** Maximum fine of $10,000, maximum prison sentence of 6 months, or both. **(s. 88)**

Newfoundland and Labrador: *Personal Health Information Act*, S.N.L. 2008, c. P-7.01		
	Offence	**Penalty**
	• Willfully making a false statement to, misleads or attempts to mislead, the commissioner or another person performing duties or exercising powers under the Act; • Willfully obstructing the commissioner or another person performing duties or exercising powers under the Act; or, • Willfully destroys or erases personal health information with the intent to evade a request for access to the information. **(s. 88(1))** In the case of an information custodian or information manager: • Collecting, using or disclosing personal health information contrary to the Act; • Failing to protect personal health information in a secure manner as required by the Act; or • Disclosing personal health information contrary to the Act with the intent to obtain a material benefit or to confer such a benefit on another person. **(s. 88(2))**	

Newfoundland and Labrador: *Personal Health Information Act*, S.N.L. 2008, c. P-7.01		
	Offence	**Penalty**
	Defence: An individual or custodian shall not be found guilty if they can establish reasonable steps were taken to prevent the contravention **(s. 88(3))**	

Prince Edward Island: *Health Information Act*, R.S.P.E.I. 1988, c. H-1.41		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	• Collecting, using or disclosing personal health information contrary to this Act (unless, in the case of a custodian or information manager, he/she can establish that they took all reasonable steps to prevent the contravention). • Selling or disclosing for consideration personal health information (subject to certain exception). • Failing to protect personal health information in a secure manner as required by this Act. • Disclosing personal health information contrary to this Act with the intent of obtaining a monetary or other material benefit or to confer a benefit on a custodian or other person;	**Individual:** Maximum fine of $15,000, maximum term of six months imprisonment, or both. **Corporation:** Maximum fine of $50,000. **(s. 79)**

Prince Edward Island: *Health Information Act*, R.S.P.E.I. 1988, c. H-1.41		
	Offence	**Penalty**
	• Taking any adverse employment action against an employee because the employee has complied with a request or requirement to provide personal health information or evidence to the Commissioner, or a person acting for or under the direction of the Commissioner, under this Act. In the case of an employee of a custodian or information manager: • Disclosing personal health information in contravention of this Act in circumstances where the custodian or information manager would not be permitted to disclose the information under this Act. **(s. 78)** In the case of an authorized custodian: • Failing or refusing to make prescribed personal health information in its custody or under its control accessible by means of the PEI EHR in accordance with this Part and the regulations; or,	

Prince Edward Island: *Health Information Act*, R.S.P.E.I. 1988, c. H-1.41		
	Offence	**Penalty**
	• Accessing prescribed personal health information by means of the PEI EHR for a purpose or in a manner not authorized by Act or the regulations, **(s. 70)** Otherwise contravening the Act, regulations or failing to comply with an order of the Commissioner. **(s. 79(1))**	
	•	

Northwest Territories: *Health Information Act*, S.N.W.T. 2014, c.2		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	No person may knowingly contravening or fail to comply with the Act or regulations. This includes: • Knowingly collecting, using or disclosing or personal health information in contravention of the Act or the regulations. **(s. 185)** • Willfully obstructing the Information and Privacy Commissioner or another person in the exercise of the powers or performance of the duties or functions of the IPC or other person under this Act. **(s. 186)**	**Corporation:** Maximum fine of $500,000, unless otherwise provided **Any other person:** Maximum fine of $500,000, unless otherwise provided. **(s. 192)** **Directors/Officers/Agents:** If a corporation commits an offence, any officer, director, agent or employee of

Northwest Territories: *Health Information Act*, S.N.W.T. 2014, c.2		
	Offence	**Penalty**
	• Willfully failing to comply with a lawful requirement of the IPC or other person under this Act. **(s. 186)** • Willfully making a false statement to, or mislead or attempt to mislead, the IPC or any other person in the exercise of the powers or performance of the duties or functions of the IPC or other person under this Act. **(s. 186)** • Altering, falsifying, or concealing a record, or direct another person to do so, with the intent of evading an access request, correction request or a request for disclosure of a record. **(s. 187)** • Destroying a record that is subject to this Act, or directing another person to do so, destroy a record that is subject to this Act, or direct another person to do so. **(s. 187)** • Obtaining or attempting to obtain access to another person's personal health information by falsely representing that he or she is entitled to the information. **(s. 188)**	the corporation who directed, authorized, assented to, acquiesced in, or participated in the commission of the offence is a party to and guilty of the offence, and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted for the offence or convicted. **(s. 193)**

Northwest Territories: *Health Information Act*, S.N.W.T. 2014, c.2		
	Offence	**Penalty**
	• Attempting to have a change or correction made to another person's personal health information by falsely representing that he or she is entitled to have the change or correction made. **(s. 188)** • Knowingly using personal health information to market a service for a commercial purpose, to solicit money, or for any other commercial purpose or anticipated profit unless the individual the information is about has provided express consent to its use for that purpose. **(s. 189)** **(s. 192)**	

Yukon: *Health Information Privacy and Management Act*, S.Y. 2013, c.16		
	Offence	**Penalty**
Prescribed Violations of the Act and Regulations	• In knowing contravention of the Act or the Regulations: o Collecting, using, disclosing or accessing personal health information; o Gaining access to personal health information; o Destroying or disposing of a record of personal health information; o Collecting or using another person's Yukon public health insurance plan number; or,	Maximum fine of $100,000 **(s. 122)** **Directors/Officers/Agents:** Where a corporation or other body corporate commits an offence under this Act, every officer, member, employee or other agent of the corporation or body corporate who authorized the

Yukon: *Health Information Privacy and Management Act*, S.Y. 2013, c.16		
	Offence	**Penalty**
	○ Requesting the production of another person's YHCIP card. In the case of a custodian, knowingly failing to comply with requirements to protect personal information **(Part 3, Division 3)** • In connection with the collection, use or disclosure of personal health information or access to a record asserts, knowing that it is untrue, that the person is entitled to consent on another's behalf; • Altering, falsifying, concealing, destroying, or erasing any record or directs another person to do so with the intent to evade a request for access; • Knowingly obstructing, making a false statement to or misleading another person in that person's performance of their duties under the Act; • Knowingly breaching an agreement entered into with a custodian or the Minister under the Act; • Knowingly failing fulfil notification requirements in the case of a security breach **(s. 30(1));**	offence, or who had the authority to prevent the offence from being committed but knowingly refrained from doing so, is a party to and guilty of the offence and liable for the penalty, whether or not the corporation has been prosecuted or convicted. **(s. 123)**

Yukon: *Health Information Privacy and Management Act*, S.Y. 2013, c.16		
	Offence	**Penalty**
	• Knowingly contravening any requirement in relation to the Yukon Health Information Network or Pilot Projects **(Part 7, Divisions 2,3)**; or, • Knowingly dismissing, suspending, demoting, disciplining, harassing or otherwise disadvantaging an individual because the individual, acting in good faith and on the basis of reasonable belief: o Has disclosed to the commissioner that any person has contravened or is about to contravene this Act or a regulation o Has done, or has stated an intention of doing, anything that is necessary in order to avoid any contravention of this Act or a regulation; or, o Has refused to do, or has stated an intention of refusing to do, anything that is in contravention of this Act or a regulation. **(s. 118)** **(s. 121(1))**	
Other contraventions of the Act	Knowingly contravening the Act or regulations in a manner other than as described above. **(s. 121(2))**	