SECONDARY USES OF HEALTH DATA FOR RESEARCH PURPOSES

Under provincial health privacy statutes, health information "custodians" or "trustees" may use or disclose personal health information ("PHI") for research purposes subject to certain requirements. The chart below outlines a high-level summary of requirements under provincial privacy statutes across Canada as applicable to PHI.

In addition to requirements set forth under provincial privacy statutes (as illustrated in the chart below), researchers must also be aware of the requirements of the research ethics board ("REB") approving their research and the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* ("**Tri-Council Policy**") when conducting research.

See also the Research Ethics Board Statutory Chart on AccessPrivacy.

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BRITISH COLUMBIA • E-Health (Personal Health Information Access and Protection of Privacy) Act, SBC 2008, c 38		
Section 1 "administrator" means (a) in the case of a health information bank in the custody or under the control of the ministry of the minister, or a ministry database, the chief data steward, and (b) in the case of a health information bank in the custody or under the control of a health care body other than the ministry of the minister, a person authorized to administer the health information bank under section 3 *[establishment or designation of health information banks]*; "data stewardship committee" means the data stewardship committee established	**Collection and use of personal health information** 4 A designation order may authorize the collection and use of personal health information only for one or more of the following purposes: […] (h) to conduct or facilitate research into health issues;	**Disclosure of personal health information** 5 A designation order may authorize the disclosure of personal health information only for one or more of the following purposes: […] (c) if disclosure is inside or outside Canada, a purpose set out in section 4 (h) or (i). **Disclosure for health research purposes** 14(1) A person may request protected information for a health research purpose only by submitting to the data stewardship committee (a) a request in the form and in the manner required by the data stewardship committee, and

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under section 12 *[appointment of data stewardship committee]*; "health care body" means (a) the ministry of the minister, (b) a health care body as defined in the *Freedom of Information and Protection of Privacy Act*, (c) the Provincial Health Services Authority, and (d) a society that reports to the Provincial Health Services Authority; "health information bank" means a health information bank established or designated under section 3; "health research purpose" means the purpose described in section 4 (h) [*collection and use of personal health information*]. "protected information" means (a) personal health information, or (b) information related to a health service provider		(b) information required by the data stewardship committee for the purposes of evaluating the request. (2) The data stewardship committee may approve the request if both of the following apply: (a) in the case of a request to disclose personal health information, all of the requirements set out in subsection (2.1) are met; (b) in the case of a request to disclose protected information outside Canada, there is express consent, in writing, to the disclosure from each person who is the subject of the protected information. (2.1) The requirements for the purposes of subsection (2) (a) are as follows: (a) the request is for a health research purpose that cannot reasonably be accomplished unless personal health information is disclosed; (b) if the protected information is contained in a health information bank, the disclosure is authorized under the terms of the applicable designation order; (c) the disclosure is on condition that it not be used for the purpose of contacting a person to participate in the health research, unless the commissioner approves (i) the health research purpose, (ii) the use of disclosed personal health information for the purpose of contacting a person to participate in the health research, and

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that is contained in a health information bank or ministry database;		(iii) the manner in which contact is to be made, including the information to be made available to persons contacted; (d) any data linkage is not harmful to the individuals who are the subjects of the personal health information, and the benefits to be derived from the record linkage are clearly in the public interest; (e) the data stewardship committee has imposed conditions relating to (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and (iii) the prohibition of any subsequent use or disclosure of personal health information without the express authorization of the data stewardship committee. (3) If the data stewardship committee approves the request, the administrator may, subject to any conditions set by the data stewardship committee on approving the request, disclose the information to the person who made the request. (4) An administrator must not disclose information under subsection (3) except under an information-sharing agreement. **Information-sharing agreements required for disclosure** 19(1) Personal health information contained in a health information bank may be disclosed only if

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		(a) disclosure is authorized by the terms of the designation order that relates to the health information bank, (b) the administrator of the health information bank enters into an information-sharing agreement under this section, and (c) if personal health information is to be disclosed on a bulk or regular basis, it is disclosed only to one or more of the following persons: (i) an agency or ministry of the government of British Columbia, of another province or of Canada, including a Crown corporation; (ii) a health care body; (iii) an Indigenous governing entity, an educational body or a social services body, as those terms are defined in the *Freedom of Information and Protection of Privacy Act*; (iv) a public body in another jurisdiction of Canada that is equivalent to one described in subparagraphs (ii) and (iii); (v) a health service provider; (vi) a body responsible for the regulation of health professionals; (vii) an association of health professionals; (viii) a prescribed body that is public in nature. (2) An information-sharing agreement must identify all of the following:

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		(a) the persons, by name, title, position or class, who may collect, use or disclose information under the agreement; (b) the circumstances in which information may be disclosed under the agreement; (c) the limits, if any, on (i) the disclosure of information by the administrator under the agreement, and (ii) the use or disclosure of the information obtained under the agreement by persons identified under paragraph (a); (d) the conditions, if any, on the disclosure of information under the agreement, including conditions respecting (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time, (iii) the prohibition of any subsequent use or disclosure of personal health information without express authorization, and (iv) the monitoring of compliance with the agreement; (e) the term of the agreement and the circumstances in which the agreement may be renewed, suspended or terminated.

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		(3) An information-sharing agreement must include a requirement that (a) protected information disclosed under the agreement will not be used or disclosed for the purpose of market research, and (b) if disclosure is for a health research purpose, the person to whom information is disclosed must comply with (i) the data stewardship committee's policies and procedures established under section 13 (2) *[data stewardship committee]*, and (ii) any conditions imposed under section 14 (2.1) (e) *[disclosure for health research purposes]*.

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BRITISH COLUMBIA • Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165		
Schedule 1 "local public body" means (a) a local government body, (b) a health care body, (b.1) a social services body, (c) an educational body, or (d) a governing body of a profession or occupation, if the governing body is designated in, or added by regulation to, Schedule 3; "public body" means (a) a ministry of the government of British Columbia, including, for certainty, the Office of the Premier, (b) an agency, board, commission, corporation, office or other body designated in, or added by regulation to, Schedule 2, or (c) a local public body but does not include	**Use of personal information** 32 A public body may use personal information in its custody or under its control only (a) for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose, (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or (c) for a purpose for which the information may be disclosed to the public body under section 33.	**Disclosure harmful to personal privacy** 22(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if […] (d) the disclosure is for a research or statistical purpose and is in accordance with section 33(3)(h). **Disclosure of personal information** 33(3) A public body may disclose personal information in any of the following circumstances: […] (h) for a research purpose, including statistical research, if (i) the research purpose cannot be accomplished unless the information is disclosed in individually identifiable form, or the research purpose has been approved by the commissioner, (ii) the information is disclosed on condition that it not be used for the purpose of contacting a person to participate in the research unless (A) the research is in relation to health issues, and (B) the commissioner has approved the research purpose, the use of the information for the purpose of contacting a person to participate in the research and the manner in which contact is to be made,

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(d) the office of a person who is a member or officer of the Legislative Assembly, or (e) the Court of Appeal, Supreme Court or Provincial Court;		including the information to be made available to the person contacted, (iii) any data-linking is not harmful to the individual the information is about and the benefits to be derived from the data-linking are clearly in the public interest, (iv) the head of the public body has approved conditions relating to the following: (A) security and confidentiality; (B) the removal or destruction of individual identifiers at the earliest reasonable time; (C) the prohibition of subsequent use or disclosure of the information in individually identifiable form without the express authorization of the public body, and (v) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and the public body's policies and procedures relating to the confidentiality of personal information.

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ALBERTA • Health Information Act, R.S.A. 2000, c. H-5 • Designation Regulation (Health Information Act), Alta. Reg. 69/2001 ("**Designation Reg**")		
Section 1(1) (a) "affiliate", in relation to a custodian, means (i) an individual employed by the custodian, (ii) a person who performs a service for the custodian as an appointee, volunteer or student or under a contract or agency relationship with the custodian, (iii) a health services provider who is exercising the right to admit and treat patients at a hospital as defined in the *Hospitals Act*, (iv) an information manager as defined in section 66(1), and (v) a person who is designated under the regulations to be an affiliate, but does not include (vi) an agent as defined in the *Health Insurance Premiums Act*, or (vii) a health information repository other than a health information repository that is designated in the regulations as an affiliate;	**Use of individually identifying health information** 27(1) A custodian may use individually identifying health information in its custody or under its control for the following purposes: […] (d) conducting research or performing data matching or other services to facilitate another person's research (i) if the custodian or researcher has submitted a proposed research protocol to a research ethics board in accordance with section 49, (ii) if the research ethics board is satisfied as to the matters referred to in section 50(1)(b), (iii) if the custodian or researcher has complied with or undertaken to comply with the conditions, if any, suggested by the research ethics board, and (iv) where the research ethics board recommends that consents should be obtained from the individuals who are the subjects of the health information to be used in the research, if those consents have been obtained;	**Proposed research protocol** 49 A person who intends to conduct research using health information in the custody or under the control of a custodian or health information repository must submit a proposed research protocol to a research ethics board for review by that board containing (a) the information specified by the regulations, and (b) any other information required by the research ethics board. [Sections 50 and 51 describe the role of the research ethics board and the bar to conducting research.] **Application for disclosure of health information or to perform data matching** 52 If the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians or health information repositories (a) the researcher's research protocol referred to in section 49, (b) the response of the research ethics board to the researcher's research protocol, and (c) a written application for one or more of the following: (i) disclosure of the health information to be used in the research;

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(g) "data matching" means the creation of individually identifying health information by combining individually identifying or non-identifying health information or other information from 2 or more electronic databases, without the consent of the individuals who are the subjects of the information; (k.1) "health information repository" means an agency, corporation or other entity designated by the Minister to act as a health information repository in accordance with Part 6.1. (v) "research" means academic, applied or scientific research that necessitates the use of individually identifying health information. (v.1) "research ethics board" means a body designated by the regulations as a research ethics board;	**Use of health information by affiliate** 28 An affiliate of a custodian must not use health information in any manner that is not in accordance with the affiliate's duties to the custodian.	(ii) performance of data matching; (iii) performance of any other service to facilitate the research. **Conditions and consents** 53(1) A custodian who has received the documents referred to in section 52 may, but is not required to, disclose the health information or perform data matching or other services to facilitate the research. (2) If the custodian decides to disclose the health information or perform data matching or other services to facilitate the research, (a) the custodian (i) must impose on the researcher the conditions suggested by the research ethics board, and (ii) may impose other conditions on the researcher, and (b) if the research ethics board recommended that consents referred to in section 50(1)(a) be obtained, the researcher must obtain the consents before the disclosure of the health information or performance of data matching or other services. (3) A health information repository that has received the documents referred to in section 52 may disclose the health information or perform data matching or other services to facilitate the research only in accordance with the regulations. **Agreement between custodian and researcher**

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ALBERTA • Health Information Act, R.S.A. 2000, c. H-5 • Designation Regulation (Health Information Act), Alta. Reg. 69/2001 ("**Designation Reg**")		
		54(1) If the custodian decides to disclose health information to a researcher or perform data matching or other services to facilitate the research, the researcher must enter into an agreement with the custodian in which the researcher agrees (a) to comply with (i) this Act and the regulations made under this Act, (ii) any conditions imposed by the custodian relating to the use, protection, disclosure, return or disposal of the health information, and (iii) any requirement imposed by the custodian to provide safeguards against the identification, direct or indirect, of an individual who is the subject of the health information, (b) to use the health information only for the purpose of conducting the research in accordance with the research protocol, (c) not to publish the health information in a form that could reasonably enable the identity of an individual who is the subject of the information to be readily ascertained, (d) not to make any attempt to contact an individual who is the subject of the health information to obtain additional health information unless the individual has provided the custodian with the consent referred to in section 55, (e) to allow the custodian to access or inspect the researcher's premises to confirm that the researcher is complying with the enactments, conditions and requirements referred to in clause (a), and

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		(f) to pay the costs referred to in subsection (3). (2) When an agreement referred to in subsection (1) has been entered into, the custodian may disclose to the researcher the health information requested under section 52 or perform data matching or other services to facilitate the research (a) with the consent of the individuals who are the subjects of the information, where the research ethics board recommends that consents should be obtained, or (b) without the consent of the individuals who are the subjects of the information, where the research ethics board does not recommend that consents be obtained. (3.1) A researcher that enters into an agreement under this section must (a) comply with the terms and conditions of the agreement and the conditions set out in the research ethics board's response to the research protocol, and (b) collect, use and disclose health information only in accordance with the agreement and the research protocol. **Data matching for research** 72 If data matching is performed for the purpose of conducting research, sections 48 to 56 must be complied with before the data matching is performed.

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ALBERTA • Health Information Act, R.S.A. 2000, c. H-5 • Designation Regulation (Health Information Act), Alta. Reg. 69/2001 ("**Designation Reg**")		
		Research ethics boards [Designation Reg] 2 The following committees and boards are designated as research ethics boards for the purposes of Part 5, Division 3 of the Act: (a) to (c) repealed AR 219/2013 s2; (c.1) Health Research Ethics Board of Alberta; (d) University of Alberta - Health Research Ethics Board; (e) University of Calgary - Conjoint Health Research Ethics Board; (f) repealed AR 219/2013 s2.

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SASKATCHEWAN • Health Information Protection Act, S.S. 1999, c. H-0.021		
	Use and disclosure for research 29(1) A trustee or a designated archive may use or disclose personal health information for research purposes with the express consent of the subject individual if: (a) in the opinion of the trustee or designated archive, the research project is not contrary to the public interest; (b) the research project has been approved by a research ethics committee approved by the minister; and (c) the person who is to receive the personal health information enters into an agreement with the trustee or designated archive that contains provisions: (i) providing that the person who is to receive the information must not disclose the information; (ii) providing that the person who is to receive the information will ensure that the information will be used only for the purpose set out in the agreement; (iii) providing that the person who is to receive the information will take reasonable steps to ensure the security and confidentiality of the information; and (iv) specifying when the person who is to receive the information must do all or any of the following: (A) return to the trustee or designated archive any original records or copies of records containing personal health information; (B) destroy any copies of records containing personal health information received from the trustee or designated archive or any copies made by the researcher of records containing personal health information received from the trustee or designated archive. (2) Where it is not reasonably practicable for the consent of the subject individual to be obtained, a trustee or designated archive may use or disclose personal health information for research purposes if:	

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SASKATCHEWAN • Health Information Protection Act, S.S. 1999, c. H-0.021		
	(a) the research purposes cannot reasonably be accomplished using de-identified personal health information or other information; (b) reasonable steps are taken to protect the privacy of the subject individual by removing all personal health information that is not required for the purposes of the research; (c) in the opinion of the research ethics committee, the potential benefits of the research project clearly outweigh the potential risk to the privacy of the subject individual; and (d) all of the requirements set out in clauses (1)(a) to (c) are met.	

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MANITOBA • Personal Health Information Act, C.C.S.M. c. P33.5 • Personal Health Information Regulation, Man. Reg. 245/97 ("**PHIA Reg**")		
	Restrictions on use of information 21(1) A trustee may use personal health information only for the purpose for which it was collected or received, and shall not use it for any other purpose, unless […] (d) the trustee is a public body or a health care facility and the personal health information is used [...] (ii) for research and planning that relates to the provision of health care or payment for health care by the trustee;	**Disclosure without individual's consent** 22(2) A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is […] (f) in accordance with subsection 22(2.2) (disclosure to another government), section 23 (disclosure to patient's family), section 23.1 (disclosure to religious organization), section 23.2 (disclosure for fundraising), section 24 or 24.1 **(disclosure for health research**) or section 25 (disclosure to an information manager); (g) for the purpose of […] (ii) for research and planning that relates to the provision of health care or payment for health care by the trustee; […] (h) to a computerized health information network established by a body specified in subsection (2.1), in which personal health information is recorded for the purpose of […]

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		(iii) facilitating research and planning that relates to the provision of health care or payment for health care; **Disclosure for health research** 24 (1) A trustee may disclose personal health information to a person conducting health research if the research has been approved under this section. **Who may give an approval** 24(2) An approval may be given by the committee established under section 59. *[24(3) outlines the conditions for approval].* **Agreement required** 24(4) An approval under this section is conditional on the person proposing the research project entering into an agreement with the trustee, in accordance with the regulations, in which the person agrees (a) not to publish the personal health information requested in a form that could reasonably be expected to identify the individuals concerned; (b) to use the personal health information requested solely for the purposes of the approved research project; and

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MANITOBA • Personal Health Information Act, C.C.S.M. c. P33.5 • Personal Health Information Regulation, Man. Reg. 245/97 ("**PHIA Reg**")		
		(c) to ensure that the research project complies with the safeguards and procedures described in clause (3)(d). **Limitation for projects requiring direct contact with individuals** 24(5) If a research project will require direct contact with individuals, a trustee shall not disclose personal health information about those individuals under this section without first obtaining their consent. However, the trustee need not obtain their consent if the information consists only of the individuals' names and addresses. *[See ss. 8.2 and 8.3 of the PHIA Reg, which outlines the information that must be provided to the health privacy research committee and other details regarding the operations and composition of the health privacy research committee.]* **Research agreements [PHIA Reg]** 8.4 An agreement between a trustee and a researcher under subsection 24(4) of the Act must be in writing and must adequately identify the research project for which approval is given.

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ONTARIO • Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sch. A • General, O. Reg. 329/04 ("**PHIPA Reg**")		
Section 2 "agent", in relation to a health information custodian, means a person that, with the authorization of the custodian, acts for or on behalf of the custodian in respect of personal health information for the purposes of the custodian, and not the agent's own purposes, whether or not the agent has the authority to bind the custodian, whether or not the agent is employed by the custodian and whether or not the agent is being remunerated; "research" means a systematic investigation designed to develop or establish principles, facts or generalizable knowledge, or any combination of them, and includes the development, testing and evaluation of research. "Researcher" means a person who conducts research. "Research ethics board" means a board of persons that is established for the purpose of approving research plans under section 44 and that meets the prescribed requirements.	**Permitted use** 37(1) A health information custodian may use personal health information about an individual, […] (j) for research conducted by the custodian, subject to subsection (3), unless another clause of this subsection applies. **Research** 37(3) Under clause (1) (j), a health information custodian may use personal health information about an individual only if the custodian prepares a research plan and has a research ethics board approve it and for that purpose subsections 44 (2) to (4) and clauses 44 (6) (a) to (f) apply to the use as if it were a disclosure. **Agents and information** 17(1) A health information custodian is responsible for personal health information in the custody or control of the health information custodian and may permit the custodian's agents to collect, use, disclose, retain or dispose	**Disclosure for research** 44(1) A health information custodian may disclose personal health information about an individual to a researcher if the researcher, (a) submits to the custodian, (i) an application in writing, (ii) a research plan that meets the requirements of subsection (2), and (iii) a copy of the decision of a research ethics board that approves the research plan; and (b) enters into the agreement required by subsection (5). [*Sections 44(2) to 44(4) cover the required contents of the research plan, the considerations of the research ethics board, and the decision of the research ethics board.*] **Agreement respecting disclosure** 44(5) Before a health information custodian discloses personal health information to a researcher under subsection (1), the researcher shall enter into an agreement with the custodian in which the researcher agrees to comply with the conditions and restrictions, if any, that the custodian imposes relating to the use, security, disclosure, return or disposal of the information.

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ONTARIO • Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sch. A • General, O. Reg. 329/04 ("**PHIPA Reg**")		
	of personal health information on the custodian's behalf only if, (a) the custodian is permitted or required to collect, use, disclose, retain or dispose of the information, as the case may be; (b) the collection, use, disclosure, retention or disposal of the information, as the case may be, is necessary in the course of the agent's duties and is not contrary to this Act or another law; and (c) the prescribed requirements, if any, are met. **Restriction, collection, use, etc. by agents** 17(2) Subject to any exception that may be prescribed, an agent of a health information custodian may collect, use, disclose, retain or dispose of personal health information only if, (a) the collection, use, disclosure, retention or disposal of the information, as the case may be, (i) is permitted by the custodian in accordance with subsection (1),	**Compliance by researcher** 44(6) A researcher who receives personal health information about an individual from a health information custodian under subsection (1) shall, (a) comply with the conditions, if any, specified by the research ethics board in respect of the research plan; (b) use the information only for the purposes set out in the research plan as approved by the research ethics board; (c) not publish the information in a form that could reasonably enable a person to ascertain the identity of the individual; (d) despite subsection 49 (1), not disclose the information except as required by law and subject to the exceptions and additional requirements, if any, that are prescribed; (e) not make contact or attempt to make contact with the individual, directly or indirectly, unless the custodian first obtains the individual's consent to being contacted; (f) notify the custodian immediately in writing if the researcher becomes aware of any breach of this subsection or the agreement described in subsection (5); and (g) comply with the agreement described in subsection (5).

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ONTARIO • Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sch. A • General, O. Reg. 329/04 ("**PHIPA Reg**")		
	(ii) is necessary for the purpose of carrying out his or her duties as agent of the custodian, (iii) is not contrary to this Act or another law, and (iv) complies with any conditions or restrictions that the custodian has imposed under subsection (1.1); and (b) the prescribed requirements, if any, are met.	**Restrictions on recipients** 49(1) Except as permitted or required by law and subject to the exceptions and additional requirements, if any, that are prescribed, a person who is not a health information custodian and to whom a health information custodian discloses personal health information, shall not use or disclose the information for any purpose other than, (a) the purpose for which the custodian was authorized to disclose the information under this Act; or (b) the purpose of carrying out a statutory or legal duty. […] **Employee or agent information** 49(3) Except as permitted or required by law and subject to the exceptions and additional requirements, if any, that are prescribed, if a health information custodian discloses information to another health information custodian and the information is identifying information of the type described in subsection 4 (4) in the custody or under the control of the receiving custodian, the receiving custodian shall not, (a) use or disclose the information for any purpose other than, (i) the purpose for which the disclosing custodian was authorized to disclose the information under this Act, or

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		(ii) the purpose of carrying out a statutory or legal duty; or (b) use or disclose more of the information than is reasonably necessary to meet the purpose of the use or disclosure, as the case may be. **Disclosure by researcher [PHIPA Reg]** 17. Despite clause 44 (6)(d) of the Act, a researcher may disclose the information to an entity prescribed under subsection 45 (1) of the Act, to a person prescribed for the purposes of clause 39 (1) (c) of the Act for use in a registry compiled or maintained by that person, or to another researcher if, (a) the disclosure is part of a research plan approved under section 44 of the Act; or (b) the disclosure is necessary for the purpose of verifying or validating the information or the research.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
QUEBEC • An Act respecting Health Services and Social Services, c. S-4.2		
19.2 […] For the purposes of this Act, a researcher is attached to a public body in the cases described in paragraph 2 of section 2.2 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011).		19.1. Consent to a request for access to a user's record for study, teaching or research purposes must be in writing; in addition, it must be free and enlightened and given for specific purposes. Otherwise, it is without effect. The consent is valid only for the time required for the attainment of the purposes for which it was granted or, in the case of a research project approved by an ethics committee, for the period determined, where that is the case, by the ethics committee. 19.2 The director of professional services of an institution or, if there is no such director, the executive director may authorize a professional or a researcher attached to a public body to examine the record of a user or obtain communication of all or part of such a record for study, teaching or research purposes. Before granting such authorization, the director must, however, ascertain that it is consistent with sections 67.2.1 to 67.2.3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). If the director is of the opinion that the project of the professional or of the researcher attached to a public body is not in compliance with generally accepted standards of ethics or scientific integrity, the director must refuse to grant the authorization. The authorization must be granted for a limited period and may be subject to conditions. It may be revoked at any time if the director has reason to believe that the authorized professional or the authorized researcher attached to a public body is violating the confidentiality of the information obtained or is not complying with the conditions

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QUEBEC • An Act respecting Health Services and Social Services, c. S-4.2		
		imposed or with generally accepted standards of ethics and scientific integrity.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
QUEBEC • Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).		
	65.1. Unless the person concerned gives his consent, personal information may not be used within a public body except for the purposes for which it was collected. Such consent must be given expressly when it concerns sensitive personal information. A public body may, however, use personal information for another purpose without the consent of the person concerned, but only […] (4) if its use is necessary for study or research purposes or for the production of statistics, and the information is de-identified.	67.2.1. A public body may release personal information without the consent of the persons concerned to a person or body wishing to use the information for study or research purposes or for the production of statistics. The information may be released if a privacy impact assessment concludes that (1) the objective of the study or research or of the production of statistics can be achieved only if the information is released in a form allowing the persons concerned to be identified; (2) it is unreasonable to require the person or body to obtain the consent of the persons concerned; (3) the objective of the study or research or of the production of statistics outweighs, with regard to the public interest, the impact of releasing and using the information on the privacy of the persons concerned; (4) the personal information is used in such a manner as to ensure confidentiality; and (5) only the necessary information is released. 67.2.2. A person or body wishing to use personal information for study or research purposes or for the production of statistics must (1) request it in writing; (2) enclose a detailed presentation of the research activities with the request;

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QUEBEC • Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).		
		(3) state the grounds supporting fulfillment of the criteria set out in subparagraphs 1 to 5 of the second paragraph of section 67.2.1; (4) mention all the persons and bodies to whom or which the person or body is making a similar request for the purposes of the same study or research or production of statistics; (5) if applicable, describe the different technologies that will be used to process the information; and (6) if applicable, submit the documented decision of a research ethics committee relating to the study or research or the production of statistics. 67.2.3. A public body that releases personal information in accordance with section 67.2.1 must first enter into an agreement with the person or body to whom or which the information is to be sent that stipulates, among other things, that the information (1) may be made accessible only to persons who need to know it to exercise their functions and who have signed a confidentiality agreement; (2) may not be used for purposes other than those specified in the detailed presentation of the research activities; (3) may not be matched with any other information file that has not been provided for in the detailed presentation of the research activities; and

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QUEBEC • Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).		
		(4) may not be released, published or otherwise distributed in a form allowing the persons concerned to be identified. The agreement must also (1) specify the information that must be provided to the persons concerned if personal information concerning them is used to contact them to participate in the study or research; (2) provide for measures for ensuring the protection of the personal information; (3) determine a preservation period for the personal information; (4) set out the obligation to notify the public body of the destruction of the personal information; and (5) provide that the public body and the Commission must be informed without delay (a) of non-compliance with any condition set out in the agreement; (b) of any failure to comply with the protection measures provided for in the agreement; and (c) of any event that could breach the confidentiality of the information. The agreement must be sent to the Commission and comes into force 30 days after it is received by the Commission.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
QUEBEC • Bill 3: An Act respecting health and social services information and amending various legislative provisions (Note: This Act is not yet in force)		
Section 3 […] "research project" means a process aimed at developing knowledge, in particular for innovation purposes, by means of structured study or systematic investigation. Section 8 […] For the purposes of this Act, a researcher is attached to a body referred to in Schedule I, to a public institution or to a private institution under agreement that operates a hospital centre if the researcher practices his or her profession in a centre operated by such an institution or if he or she conducts research on behalf of such an institution or body under a contract of employment or a contract for services.	**Use of information within a body** 62. Information held by a body may be used, within the body, by any person who belongs to a category of persons identified in the information governance policy adopted by the body under section 105 where the information is necessary for the purposes for which it was collected. The information may also be used by such a person for other purposes if (1) it is used for purposes consistent with the purposes for which it was collected; (2) it is clearly used for the benefit of the person concerned; or (3) its use is necessary for the application of an Act in Québec, whether or not the use is expressly provided for by law. In order for a purpose to be consistent within the meaning of subparagraph 1 of the second paragraph, it must have a relevant and direct connection with the purposes for which the information was collected. 63. Information held by a body may be used, within the body, by a service provider or a researcher for the purposes for which they may have access to it under Chapter IV, provided they	Division II RESEARCHER *§1.—Researcher attached to a body referred to in Schedule I, to a public institution or to a private institution under agreement that operates a hospital centre* 44. A researcher attached to a body referred to in Schedule I, to a public institution or to a private institution under agreement that operates a hospital centre may be informed of the existence of and have access to information held by a body and necessary for carrying out a research project, unless the person concerned has refused access to the information under subparagraph 3 of the first paragraph of section 8, if so authorized by the person exercising the highest authority within the body to which the researcher is attached. To that end, the researcher must submit a written request for authorization to the person exercising the highest authority and enclose the following documents: (1) a detailed presentation of the activities related to the research project setting out, in particular, (a) the objectives pursued; (b) all the information necessary for achieving those objectives; and (c) the intended pairing of such information; (2) a report containing a privacy impact assessment; and

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QUEBEC • Bill 3: An Act respecting health and social services information and amending various legislative provisions (Note: This Act is not yet in force)		
	belong to a category of persons identified in the body's information governance policy.	(3) the documented decision of a research ethics committee formed or designated by the Minister under article 21 of the Civil Code with regard to the research project. *[Sections 45 and 46 outline requirements for the privacy impact assessment and necessary consultation that must occur.]* 47. The person exercising the highest authority within the body to which the researcher is attached may authorize the researcher to be informed of the existence of and to have access to the information, if the person considers that the following criteria are met: (1) it is unreasonable to require obtaining the consent of the person concerned; (2) the objective of the research project outweighs, with regard to the public interest, the impact of using or communicating the information on the privacy of the person concerned; (3) the security measures that will be in place for the carrying out of the research project are suitable for ensuring the protection of the information and comply with the information governance rules referred to in section 90 and the special rules defined by the network information officer under section 97; and (4) where the research project involves the communication of information outside Québec, the privacy impact assessment referred to in subparagraph 2 of the second paragraph of section 44 establishes that the information would receive adequate protection, in particular in light of generally recognized principles regarding the protection of personal information.

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QUEBEC • Bill 3: An Act respecting health and social services information and amending various legislative provisions (Note: This Act is not yet in force)		
		An unfavourable decision must give reasons and be notified in writing to the researcher who submitted the request. 48. The authorization is made official by a written agreement between the researcher and the body to which the researcher is attached. The agreement must stipulate, among other things, that information covered by the authorization (1) may be used only by persons who need to examine it to exercise their functions and who have signed a confidentiality agreement; (2) may not be used for purposes other than those specified in the detailed presentation of the activities related to the research project; (3) may not be paired with any information other than information mentioned in the detailed presentation of the activities related to the research project; and (4) may not be communicated, published or otherwise distributed in a form allowing the person concerned to be identified. The agreement must also (1) specify the information that must be communicated to the persons concerned if information concerning them is used for the purpose of soliciting their participation in the research project; (2) specify that the information may be used or communicated only in a form not allowing the person concerned to be identified directly, where it is possible to carry out the research project by using or receiving the information in such a form;

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QUEBEC • Bill 3: An Act respecting health and social services information and amending various legislative provisions (Note: This Act is not yet in force)		
		(3) specify the security measures that will be in place for the carrying out of the project; (4) determine a preservation period for all the information; (5) set out the obligation to inform the person exercising the highest authority within the body to which the researcher is attached of the destruction of the information; and (6) set out the obligation to inform without delay the person exercising the highest authority within the body to which the researcher is attached and the Commission d'accès à l'information (a) of non-compliance with any condition set out in the agreement; (b) of any failure to comply with the security measures provided for in the agreement; and (c) of any event that could breach the confidentiality of information. Where the research project involves the communication of information outside Québec, the agreement must take into account, in particular, the results of the privacy impact assessment referred to in subparagraph 2 of the second paragraph of section 44 and, if applicable, the terms agreed on to mitigate the risks identified in the assessment. A copy of the agreement must be sent to each body consulted under section 46 and to the Commission d'accès à l'information. *§2.—Other researcher*

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QUEBEC • Bill 3: An Act respecting health and social services information and amending various legislative provisions (Note: This Act is not yet in force)		
		55. If so authorized by the research access centre, a researcher other than a researcher subject to subdivision 1 may be informed of the existence of and have access to information held by a body and necessary for the carrying out of a research project, unless the person concerned has refused access to the information under subparagraph 3 or 4 of the first paragraph of section 8. Despite the first paragraph, if the information desired is designated information within the meaning of the Act respecting the Institut de la statistique du Québec and the researcher is attached to a public body within the meaning of that Act, the researcher must instead address a request to the Institut de la statistique du Québec to obtain communication of the information in accordance with that Act. 57. In order to obtain authorization from the access centre, a researcher referred to in section 55 must submit a written request for authorization to the access centre and enclose the documents required under the second paragraph of section 44. The provisions of sections 45 to 54 apply in such a case, with the necessary modifications, and the agreement referred to in section 48 is entered into, if applicable, with the access centre. [*Sections 56 to 61 outline the designation and role of the research access centre.*] 70. A body holding information to which a researcher referred to in section 44 may have access in accordance with an authorization obtained under subdivision 1 of Division II of Chapter IV must communicate the information to the researcher. 71. A body holding information to which a researcher referred to in section 55 may have access in accordance with an authorization

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QUEBEC • Bill 3: An Act respecting health and social services information and amending various legislative provisions (Note: This Act is not yet in force)		
		obtained under subdivision 2 of Division II of Chapter IV must communicate the information to the research access centre. The access centre communicates to the researcher the information files or analyses it has produced using the information obtained under the first paragraph. The information is communicated by a means determined by the access centre that is suitable for ensuring the protection of the information.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
NEW BRUNSWICK • Personal Health Information Privacy and Access Act, S.N.B. 2009, c. P-7,05		
Section 1 "Research" means a systematic investigation designed to develop or establish principles, facts or general knowledge, or any combination of them, and includes the development, testing and evaluation of research. "Research data centre" means a public body that compiles and links personal information or personal health information for the purposes of research, analysis or evidence-based decision-making. *Note that research data centres and researchers conducting a research project approved in accordance with this statute are deemed to be custodians.	**Permitted uses** 34(1) A custodian may use personal health information in its custody or under its control for one or more of the following purposes: […] (m) for a research project approved by a research review body under section 43; (m.1) for a research project approved in accordance with an agreement referred to in paragraph 43.1(a); (m.2) if the custodian is the Minister or a researcher, to perform data matching for the purpose of a research project approved by a research review body under section 43; (m.3) if the custodian is the Minister or a research data centre, to perform data matching for the purpose of a research project approved in accordance with an agreement referred to in paragraph 43.1(a);	**Disclosure for health care programs or other programs** 38(1) A custodian may disclose personal health information relating to an individual without the consent of the individual if the disclosure is […] (g.2) to the Minister and the Minister uses the personal health information to perform data matching for the purpose of a research project approved (i) by a research review body under section 43, or (ii) in accordance with an agreement referred to in paragraph 43.1(a), (g.3) to a researcher for the purpose of a research project approved by a research review body under section 43, (h) to a research data centre for the purpose of a research project approved in accordance with an agreement referred to in paragraph 43.1(a), (h.01) if the custodian is a research data centre, to a researcher for the purpose of a research project approved in accordance with an agreement referred to in paragraph 43.1(a), **Disclosure for research purposes**

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NEW BRUNSWICK • Personal Health Information Privacy and Access Act, S.N.B. 2009, c. P-7,05		
		43 (1) A custodian may disclose personal health information to a person conducting a research project only if the project has been approved under this section. (2) An approval may be given by a research review body that meets the requirements prescribed by regulation. (3) An approval may be given under this section only if the research review body has determined that (a) the research is of sufficient importance to outweigh the intrusion into privacy that would result from the disclosure of the personal health information, (b) the research purpose cannot reasonably be accomplished unless the personal health information is provided in a form that identifies or may identify individuals, (c) the individuals to whom the information relates have consented to its use and disclosure or it is unreasonable or impractical for the person proposing the research to obtain consent from the individuals to whom the information relates, and (d) the research project contains (i) reasonable safeguards to protect the privacy and security of the personal health information, and (ii) procedures to destroy the information or de-identify the information at the earliest opportunity, consistent with the purposes of the project.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
NEW BRUNSWICK • Personal Health Information Privacy and Access Act, S.N.B. 2009, c. P-7,05		
		(4) An approval under this section is conditional on the person proposing the research project entering into an agreement with the custodian, in accordance with the regulations, (a) not to publish the personal health information requested in a form that could reasonably be expected to identify the individuals to whom the information relates, (b) to use the personal health information requested solely for the purposes of the approved research project, and (c) to ensure that the research project complies with the safeguards and procedures described in paragraph (3)(d). (5) If a research project will require direct contact with individuals, a custodian shall not disclose personal health information relating to those individuals under this section without first obtaining their consent, but the custodian need not obtain their consent if the information consists only of the individuals' names and addresses. **Disclosure to a research data centre** 43.1 A custodian may disclose personal health information to a research data centre if the research data centre has entered into (a) a written agreement with the Province with respect to its establishment as a research data centre and the approval of research projects, and

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NEW BRUNSWICK • Personal Health Information Privacy and Access Act, S.N.B. 2009, c. P-7,05		
		(b) a written agreement with the custodian with respect to the sharing of personal health information that meets the requirements of section 50.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
NOVA SCOTIA • Personal Health Information Act, S.N.S. 2010, c. 41		
Section 52 In Sections 53 to 60, […] (c) "research" means a systematic investigation designed to develop or establish principles, facts or generalizable knowledge, or any combination of them, and includes the development, testing and evaluation of research; (d) "research ethics board" means a research ethics board established and operating in conformity with the Tri-Council Policy Statement;	**Consent not required for custodian use of information** 35(1) A custodian may use personal health information about an individual without the individual's consent […] (h) for research conducted by the custodian, in accordance with Sections 52 to 60; **Steps required prior to using information** 55 A custodian may use personal health information for research if, before commencing the research, the custodian (a) prepares a research plan that meets the requirements in Section 59; (b) *repealed 2012, c. 31, s. 6.* (c) receives the approval of a research ethics board; and (d) meets any conditions imposed by the research ethics board.	**Obligations of researcher** 56 A custodian may disclose personal health information about an individual to a researcher if the researcher (a) submits to the custodian (i) an application in writing, (ii) a research plan that meets the requirements of Section 59, and (iii) a copy of the submission to and decision of a research ethics board that approves the research plan; and (b) enters into the agreement required by Section 60. **Disclosure without individual consent** 57 A custodian may disclose personal health information about an individual to a researcher without the consent of the subject individual if (a) the researcher has met the requirements in Section 56; (b) a research ethics board has determined that the consent of the subject individuals is not required; (c) the custodian is satisfied that (i) the research cannot be conducted without using the personal health information,

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NOVA SCOTIA • Personal Health Information Act, S.N.S. 2010, c. 41		
		(ii) the personal health information is limited to that necessary to accomplish the purpose of the research, (iii) the personal health information is in the most de-identified form possible for the conduct of the research, (iv) the personal health information will be used in a manner that ensures its confidentiality, and (v) it is impracticable to obtain consent; and (d) the custodian informs the Review Officer. *[Sections 58 and 59 set out (i) that a custodian may prescribe the forms to be completed by researchers and (ii) the requirements of the research plan which must be submitted to the research ethics board.]* **Custodian-researcher agreement** 60 (1) Where a custodian discloses personal health information to a researcher, the researcher shall enter into an agreement with the custodian to adhere to the requirements in subsection (2). (2) An agreement referred to in subsection (1) must include a commitment by the researcher (a) to comply with any terms and conditions imposed by a research ethics board; (b) to comply with any terms and conditions imposed by the custodian;

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NOVA SCOTIA • Personal Health Information Act, S.N.S. 2010, c. 41		
		(c) to use the information only for the purposes outlined in the research plan as approved by a research ethics board; (d) not to publish the information in a form where it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual; (e) to allow the custodian to access or inspect the researcher's premises to confirm that the researcher is complying with the terms and conditions of this Act and of the agreement between the custodian and the researcher; (f) to notify the custodian immediately and in writing if the personal health information is stolen, lost or subject to unauthorized access, use, disclosure, copying or modification; (g) to notify the custodian immediately and in writing of any known or suspected breach of the agreement between the custodian and the researcher; and (h) not to attempt to identify or contact the individuals unless the custodian or researcher has obtained prior consent by the individuals.

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
NEWFOUNDLAND AND LABRADOR • Personal Health Information Act, S.N.L. 2008, c. P-7.01		
Section 2(1) (v) "research" means a systematic investigation designed to develop or establish principles or facts or to generate knowledge, or any combination of principles, facts and knowledge, and includes the development, testing and evaluation of research; (w) "research ethics board" means the research ethics board appointed by the Health Research Ethics Authority for Newfoundland and Labrador under the *Health Research Ethics Authority Act* ; (x) "research ethics body" means a research ethics body approved by the Health Research Ethics Authority for Newfoundland and Labrador under the *Health Research Ethics Authority Act* ; (y) "researcher" means a person who conducts research;	**Permitted uses** 34. A custodian may use personal health information in its custody or under its control for one or more of the following purposes: […] (j) for an approved research project in accordance with section 44;	**Disclosure for research purposes** 44. A custodian may disclose personal health information without the consent of the individual who is the subject of the information for research purposes but only where the research project has been approved by a research ethics board or research ethics body under the *Health Research Ethics Authority Act* .

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
PRINCE EDWARD ISLAND • Health Information Act, R.S.P.E.I. 1988, c. H-1.41 • Health Information Regulations, P.E.I. Reg EC359/17 ("**PEI Regs**")		
Section 1 (y) "research" means a systematic investigation designed to develop or establish principles, facts or general knowledge, or any combination of them, and includes the development, testing and evaluation of research; (aa) "research ethics board" means a research ethics board designated in the regulations; (bb) "researcher" means a person whose research plan has been submitted to a research ethics board pursuant to section 30; *** 2(2) For the purpose of clause 1(aa) of the Act, the Prince Edward Island Research Ethics Board is designated as a research ethics board [PEI Regs]. * Note that researchers conducting a research project approved in accordance with this statute are deemed to be custodians.	**Authorized purposes** 22 (5) A custodian may use personal health information in its custody or under its control for one or more of the following purposes: […] (m) for a research project approved by a research ethics board under section 30; (n) for the purpose of conducting research or performing other services to facilitate another person's research (i) if the custodian or researcher has submitted a research plan to a research ethics board in accordance with section 30, (ii) if the research ethics board has approved the research plan, (iii) if the custodian or researcher has complied with or undertaken to comply with any conditions imposed by the research ethics board, and (iv) where the research ethics board recommends that consents should be obtained from the individuals whose personal health	**Submission of research plan** 30 (1) A person who proposes to use personal health information for research purposes shall submit a research plan respecting the proposed research to a research ethics board for approval. **Content of research plan** (2) A research plan for the purposes of subsection (1) shall be in writing and shall set out (a) the affiliation of each person involved in the research; (b) the nature and objectives of the research and the public or scientific benefit of the research that the researcher anticipates; and (c) all other prescribed matters related to the research. *[Sections 30(3) to (9) describe the research plan approval process].* **Researcher may apply** 31 If the research ethics board has approved a research plan submitted to it under section 30, the researcher may forward to one or more custodians (a) the researcher's proposed research plan referred to in subsection 30(2);

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PRINCE EDWARD ISLAND • Health Information Act, R.S.P.E.I. 1988, c. H-1.41 • Health Information Regulations, P.E.I. Reg EC359/17 ("**PEI Regs**")		
	information is to be used, if those consents have been obtained; **Data matching** 26 (1) A custodian may perform data matching using personal health information that is in its custody or under its control. ***Idem*** (2) If data matching is performed for the purpose of conducting research, the custodian that proposes to perform the data matching shall comply with sections 30 to 32 before the data matching is performed.	(b) the response of the research ethics board to the researcher's proposed research plan; and (c) a written application for one or more of the following: (i) disclosure of the personal health information to be used in the research, (ii) if consents are required, a request that the custodian obtain the required consents, (iii) performance of data-matching, or (iv) performance of any other service to facilitate the research. **Disclosure permitted** 32 (1) A custodian who has received the documents referred to in section 31 may, but is not required to, disclose the requested personal health information or perform data matching or other services to facilitate the research. **Conditions on disclosure** (2) If a custodian decides to disclose the requested personal health information or perform data matching or other services to facilitate the research, (a) the custodian

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PRINCE EDWARD ISLAND • Health Information Act, R.S.P.E.I. 1988, c. H-1.41 • Health Information Regulations, P.E.I. Reg EC359/17 ("**PEI Regs**")		
		(i) shall impose on the researcher the conditions suggested by the research ethics board, and (ii) may impose other conditions on the researcher, relating to the use, protection, disclosure, return or disposal of the personal health information or providing safeguards against the identification, direct or indirect, of the individuals who are the subjects of the personal health information, as the custodian considers necessary or advisable; and (b) if the research ethics board recommended that consents referred to in clause 30(3)(a) be obtained, the custodian shall obtain the consents before the disclosure of the personal health information or performance of data matching or other services. **Conditions** (3) If a custodian decides to disclose personal health information to a researcher or perform data matching or other services to facilitate the research, the researcher shall (a) comply with (i) this Act and the regulations made under this Act, (ii) any conditions imposed by the custodian relating to the use, protection, disclosure, return or disposal of the health information, and (iii) any requirements imposed by the custodian to provide safeguards against the identification, direct or indirect, of an individual who is the subject of the personal health information;

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
PRINCE EDWARD ISLAND • Health Information Act, R.S.P.E.I. 1988, c. H-1.41 • Health Information Regulations, P.E.I. Reg EC359/17 ("**PEI Regs**")		
		(b) use the personal health information only for the purpose of conducting the proposed research; (c) not publish the personal health information in a form that could reasonably enable the identity of an individual who is the subject of the personal health information to be readily ascertained; (d) not make any attempt to contact an individual who is the subject of the personal health information to obtain additional personal health information unless the individual has provided the custodian with the consent referred to in subsection (6); (e) allow the custodian to access or inspect the researcher's premises to confirm that the researcher is complying with the Act and regulations and the conditions and requirements referred to in clause (a); and (f) pay the costs referred to in subsection (5). **Disclosure to researcher** (4) A custodian may disclose to the researcher the personal health information requested under section 31 or perform data matching or other services to facilitate the research (a) with the consent of the individuals who are the subjects of the personal health information, where the research ethics board recommends that consents should be obtained; or (b) without the consent of the individuals who are the subjects of the personal health information, where the research ethics board does not recommend that consents be obtained.

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PRINCE EDWARD ISLAND • Health Information Act, R.S.P.E.I. 1988, c. H-1.41 • Health Information Regulations, P.E.I. Reg EC359/17 ("**PEI Regs**")		
		[Sections 32(5) and 32(6) outline costs to the researcher and how to obtain further consents if needed.] *[See Section 5 of the PEI Regs, which outlines content requirements for a research plan.]*

KEY DEFINITIONS	CONDITION ON THE USE OF PHI	CONDITIONS FOR THE DISCLOSURE OF PHI
NORTHWEST TERRITORIES • Health Information Act, S.N.W.T. 2014, c.2		
Section 1(1) "extra-territorial research ethics committee" means a body, recognized by or established pursuant to the legislation of a jurisdiction other than the Northwest Territories, that (a) reviews and approves proposals for research that would include the collection or use of personal health information, and (b) takes into consideration, during its review of research proposals, the protection of the privacy interests of individuals whose personal health information would be collected or used in the context of proposed research; "research" (a) means a scientific study or systematic investigation, conducted to (i) discover new facts or information, or new applications of existing facts or information, or (ii) test or evaluate the results of existing research, and (b) does not mean a use of information for a purpose referred to in paragraphs 35(a) to (e) or (g) to (j), or section 37.	35 A health information custodian may use personal health information about an individual, […] (f) for research purposes, subject to this Part;	[Section 69 sets out the role of the research ethics committee.] 72(1) A researcher may apply to a research ethics research committee for approval of a research proposal. (2) An application made under subsection (1) must include (a) a research proposal that complies with the prescribed requirements; and (b) any other information required by the research ethics committee. *[Sections 73, 74 and 75 set out the factors for assessing a research proposal and assessing whether express consent is required from individuals, notice to be provided to the researcher, and a researcher's limitations on requesting disclosure of information.]* 76(1) Subject to sections 79 and 80, a health information custodian may disclose personal health information to a researcher in accordance with section 77 or 78. (2) For greater certainty, a health information custodian is not required to disclose personal health information to a researcher whose research proposal has been approved by a research ethics committee under paragraph 69(a), or by an extra-territorial research ethics committee. 77 A health information custodian may disclose personal health information to a researcher whose research proposal has been approved by a research ethics committee, if

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"research ethics committee" means a research ethics committee designated by the Minister under section 68 or a research ethics committee established by the regulations; "researcher" means a person or organization, including a health information custodian, that collects or uses, or wishes to collect or to use, personal health information for research purposes;		(a) in its decision, the committee determined that the researcher may collect personal health information from a source other than the individual the information is about; (b) the researcher submits to the custodian (i) an application in writing, in a form satisfactory to the custodian, that requests the disclosure of the personal health information to be used in the research, (ii) a licence to carry out the research issued to the researcher under the Scientists Act, if one is required under that Act for the research, (iii) the research proposal and a copy of the committee's decision approving the proposal that includes the determination referred to in paragraph (a) and the following information: (A) whether express consent to the disclosure must be obtained from the individuals whose personal health information would be disclosed to the researcher, (B) any conditions set by the committee, (C) any recommendations made for consideration by a custodian that would be disclosing personal health information to the researcher, and (iv) any other information required by the custodian; and (c) the researcher enters into an agreement with the custodian in accordance with section 80.

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		78 A health information custodian may disclose personal health information to a researcher whose research proposal has been approved by an extra-territorial research ethics committee, if (a) the research relates to a multi-jurisdictional research project involving (i) personal health information about individuals from a number of jurisdictions, and (ii) the collection of personal health information from a number of jurisdictions; (b) the researcher submits to the custodian (i) an application in writing, in a form satisfactory to the custodian, that requests the disclosure of the personal health information to be used in the research, (ii) a licence to carry out the research issued to the researcher under the Scientists Act, if one is required under that Act for the research, (iii) the research proposal, and a copy of a decision of the extra-territorial research ethics committee approving the proposal, and (iv) any other information required by the custodian; (c) the disclosure is not contrary to this or another Act; (d) the researcher enters into an agreement with the custodian in accordance with section 80; and

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		(e) any prescribed requirements are met. 80 (1) A health information custodian may not disclose personal health information to a researcher under section 77 or 78 unless the custodian and researcher enter into an agreement in which the researcher agrees to comply with (a) this Act and the regulations, including the requirements referred to in paragraphs 81(a) to (d); (b) any specified standards, policies and procedures of the custodian in respect of the confidentiality of personal health information; (c) any terms and conditions of the agreement that bind the researcher in respect of the (i) use and disclosure of the information, (ii) protection of the confidentiality of the information and the privacy of the individuals the information is about, (iii) security and confidentiality of records that contain the information, and (iv) modification, return or destruction or other disposal of records that contain the information; and (d) any terms and conditions of the agreement binding the researcher that safeguard against the direct or indirect identification of an individual the information is about, including terms and conditions for the removal or destruction of personal identifiers.

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NORTHWEST TERRITORIES • Health Information Act, S.N.W.T. 2014, c.2		
		81 A researcher who collects personal health information about one or more individuals from a health information custodian for the purposes of conducting research shall (a) comply with conditions set by the research ethics committee under paragraph 69(d), or conditions set by an extra-territorial research ethics committee that are not in conflict with this Act; (b) not publish the information in a form that could reasonably be expected to identify the individuals the information is about; (c) not contact or attempt to make contact with an individual the information is about unless the custodian obtains express consent from the individual for the researcher to contact the individual to request further details, as referred to in subsection 82(2); (d) use the information only for the purposes set out in the applicable research proposal as approved by the research ethics committee or extra-territorial research ethics committee; and (e) comply with the provisions of the agreement referred to in paragraphs 80(1)(b), (c) and (d).

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YUKON • Health Information Privacy and Management Act, S.Y. 2013, c.16 • Health Information General Regulation, Y.O.I.C. 2016/159 ("**Yukon Reg**")		
Section 2(1) "research" means a systematic investigation (other than a designated investigation) of personal health information designed to develop or establish principles, facts or general knowledge, and includes the development, testing and evaluation of research. Section 65 In this Division, "institutional research review committee" means a committee (a) that a university, a hospital affiliated with a university or a prescribed person establishes (i) to review the efficacy and scientific and ethical value of a research proposal involving human subjects or involving the review of records containing personal health information, and (ii) to ensure that the person proposing the research has adequate safeguards in place to protect the confidentiality of personal health information; and	**Use for research** 67 A custodian may, without the individual's consent, use for the purpose of research an individual's personal health information that is in its custody or control.	**Disclosure for research** 68 (1) A custodian may, without an individual's consent but subject to subsections (2) and (3), disclose the individual's personal health information to a person (referred to in this section and section 69 as the "**researcher**") for the purpose of the researcher's research if (a) an institutional research review committee has approved the research; and (b) the custodian and the researcher have made an agreement under section 69. (2) A custodian that is a public body may disclose an individual's personal health information to a researcher under subsection (1) for the purposes of the researcher's research only if (a) the custodian reasonably believes that (i) the research is of sufficient importance to outweigh the intrusion into privacy that would result from the disclosure of the personal health information, (ii) the research purpose cannot reasonably be accomplished unless the personal health information is provided in a form that identifies or may identify the individual, and (iii) it is unreasonable or impractical for the researcher to obtain consent from the individual; and

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YUKON • Health Information Privacy and Management Act, S.Y. 2013, c.16 • Health Information General Regulation, Y.O.I.C. 2016/159 ("**Yukon Reg**")		
(b) that operates in conformity with (i) the Tri-Council Policy Statement "Ethical Conduct for Research Involving Humans" adopted in August 1998 by the Medical Research Council of Canada, the Natural Sciences and Engineering Research Council of Canada and the Social Sciences and Humanities Research Council of Canada, including any amendments, or (ii) any generally recognized policy that replaces the statement described in subparagraph (i).		(b) the research meets the prescribed requirements, if any. (3) If a researcher's research requires direct contact with an individual, a custodian must not disclose the individual's personal health information to the researcher without first obtaining the individual's consent. **Required agreement** 69 An agreement under this section between a custodian and a researcher must be in writing and must require the researcher, in respect of the personal health information to be disclosed by the custodian under subsection 68(1) (a) to maintain technical and physical safeguards to ensure the confidentiality and security of the personal health information; (b) to destroy or remove, at the earliest opportunity consistent with the purposes of the research, any identifying information; (c) not to make any subsequent use or disclosure of the personal health information in individually identifiable form without the express prior authorization of the custodian; (d) not to publish any individual's personal health information in a form that could reasonably be expected to identify the individual; (e) to use the personal health information solely for the purposes of the research approved under paragraph 68(1)(a); and

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		(f) to meet the prescribed requirements, if any. **Institutional research review committees [Yukon Reg]** 25 The Yukon Hospital Corporation is a prescribed person for the purposes of establishing an institutional research review committee as referred to in section 65 of the Act. **Agreements with researchers [Yukon Reg]** 26 An agreement under section 69 of the Act between a custodian and researcher must require the researcher (a) to permit the custodian to monitor the researcher's compliance with the agreement; (b) to provide the custodian with any information that the custodian may reasonably require for the purposes of paragraph (a); (c) to refrain from contacting any individual who is a subject of the research, unless the custodian has first obtained the individual's consent to be contacted by the researcher; (d) to notify the custodian immediately in writing if the researcher becomes aware of any breach of the agreement; (e) to comply with the conditions, if any, specified by the institutional research review committee in respect of the research proposal; and

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		(f) on termination of the agreement, to deal with any personal health information to which the agreement applies that is in the researcher's custody or control as a result of the agreement (i) by transferring the personal health information that the custodian requests to the custodian, and (ii) following the completion of the transfer, by securely destroying all records of the personal health information that remain in the researcher's custody or control.

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NUNAVUT • Public Health Act		
	Authorized purposes 16(3) Health information may only be accessed, used or disclosed under this Act for one or more of the following purposes: (a) any purpose for which it may be collected under subsection 17(1); (b) any purpose authorized under section 19; (c) any purpose authorized under the *Access to Information and Protection of Privacy Act*. **Personal health information** (4) Under this Act, personal health information may only be (a) accessed or used to the extent that it is necessary for the purposes authorized under subsection (3); and (b) disclosed to the extent that is necessary for the purposes authorized under paragraphs (3)(b) and (c).	

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NUNAVUT • Access to Information and Protection of Privacy Act, S.N.W.T. (Nu.) 1994, c. 20 • Access to Information and Protection of Privacy Regulations, N.W.T. Reg. (Nu.) 206-96 ("**Nu Regs**")		
	Use of personal information 43 A public body may use personal information only (a) for the purpose for which the information was collected or compiled, or for a use consistent with that purpose; (b) if the individual the information is about has identified the information and consented, in the prescribed manner, to the use; or (c) for a purpose for which the information may be disclosed to that public body under Division C of this Part.	**Circumstances where no unreasonable invasion of privacy** 23(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where […] (d) the disclosure is for research purposes and is in accordance with section 49.] **Disclosure for research** 49 A public body may only disclose personal information for a research purpose, including statistical research, where (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form; (b) any record linkage resulting from the disclosure is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest; (c) the head of the public body has approved conditions relating to the following: (i) security and confidentiality, (ii) the removal or destruction of individual identifiers at the earliest reasonable time,

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		(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body; and (d) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, this Act and the regulations and any of the public body's policies and procedures relating to the confidentiality of personal information. **Research agreements [NU Regs]** 8 An agreement made between a public body and a person under paragraph 49(d) of the Act must include the following: (a) a condition that the person may use the personal information only for the research purpose set out in the agreement or for which the person has written authorization from the public body; (b) an identification of any other persons who will be given access to the personal information by the person; (c) a condition that the person must, before disclosing personal information to persons referred to in paragraph (b), enter into an agreement with those persons to ensure that they will adhere to the same policies and procedures of confidentiality as are applicable to the person who entered into the agreement under paragraph 49(d) of the Act;

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		(d) a condition that the person must keep the personal information in a secure location to which access is given only to the persons referred to in paragraph (b); (e) a condition that the person must remove or destroy all individual identifiers in the personal information by the date and in the manner specified in the agreement; (f) a condition that the person must not contact any individual to whom the personal information relates, directly or indirectly, without the prior written authority of the public body; (g) a condition that the person must ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body; (h) a condition that the person must ensure that identifiable personal information about an individual is not used for an administrative purpose directly affecting the individual; (i) a condition that the person must notify the public body in writing immediately if the person becomes aware that any of the conditions set out in the agreement have been breached; (j) a condition that, if a person fails to meet the conditions of the agreement, the agreement may be immediately terminated by the public body.