PERSONAL HEALTH INFORMATION AND DE-IDENTIFICATION

DEFINITION OF PERSONAL HEALTH INFORMATION ("PHI") OR RELATED CONCEPTS	DEFINITION OF NON-IDENTIFYING HEALTH INFORMATION OR RELATED CONCEPTS	AUTHORITY FOR DE-IDENTIFICATION
ALBERTA • Health Information Act, Rsa 2000, C. H-5.		
S. 1(1)(k): **"health information**" means one or both of the following: (i) diagnostic, treatment and care information; (ii) registration information; **S. 1(1)(i)**: "**diagnostic, treatment and care information**" means information about any of the following: (i) the physical and mental health of an individual; (ii) a health service provided to an individual, including the following information respecting a health services provider who provides a health service to that individual: (A) name; (B) business title; (C) business mailing address and business electronic address; (D) business telephone number and business facsimile number; (E) type of health services provider (F) licence number or any other number assigned to the health services provider by a health professional body to identify that health services provider; (G) profession; (H) job classification; (I) employer;	**S. 1(1)(r)**: "**non identifying**", when used to describe health information, means that the identity of the individual who is the subject of the information cannot be readily ascertained from the information.	**S. 65:** *Power to transform health information.* A custodian may, in accordance with the regulations[2], strip, encode or otherwise transform individually identifying health information to create non identifying health information. **S. 66:** *Power to enter agreement with information manager.* (1) In this section, "**information manager**" means a person or body that … (b) in accordance with the regulations[3], strips, encodes or otherwise transforms individually identifying health information to create non-identifying health information, … (2) A custodian must enter into a written agreement with an information manager in accordance with the regulations for the provision of any or all of the services described in subsection (1). (3) A custodian that has entered into an agreement with an information manager may provide health information to the information manager without the consent of the individuals who are the subjects of the information for the purposes authorized by the agreement. (4) An information manager to which information is provided pursuant to subsection (3) may use or disclose that information only for the purposes authorized by the agreement. (5) An information manager must comply with

[2] No such regulations have been adopted.
[3] No such regulations have been adopted.

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ALBERTA • Health Information Act, Rsa 2000, C. H-5.		
(J) municipality in which the health services provider's practice is located; (K) provincial service provider identification number that is assigned to the health services provider by the Minister to identify the health services provider; (L) any other information specified in the regulations; (iii) the donation by an individual of a body part or bodily substance, including information derived from the testing or examination of a body part or bodily substance; (iv) a drug as defined in the Pharmacy and Drug Act provided to an individual; (v) a health care aid, device, product, equipment or other item provided to an individual pursuant to a prescription or other authorization; (vi) the amount of any benefit paid or payable under the Alberta Health Care Insurance Act or any other amount paid or payable in respect of a health service provided to an individual, and includes any other information about an individual that is collected when a health service is provided to the individual, but does not include information that is not written, photographed, recorded or stored in some manner in a record; **S. 1(1)(p)**: "**individually identifying**", when used to describe health information, means that the identity of the individual who is the subject of the information can be readily ascertained from the information; **S. 1(1)(t)**: "**record**" means a record of health information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers		(a) this Act and the regulations, and (b) the agreement entered into with a custodian in respect of information provided to it pursuant to subsection (3). (6) Despite subsection (5)(a), a custodian continues to be responsible for compliance with this Act and the regulations in respect of the information provided by the custodian to the information manager. (7) A custodian that is an information manager for another custodian does not become a custodian of the health information provided to it in its capacity as an information manager, but nothing in this section prevents the custodian from otherwise collecting, using or disclosing that same health information in accordance with this Act.

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ALBERTA • Health Information Act, Rsa 2000, C. H-5.		
and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records; **S. 1(1)(u)**: **"registration information"** means information relating to an individual that falls within the following general categories and is more specifically described in the regulations:[1] (i) demographic information, including the individual's personal health number; (ii) location information; (iii) telecommunications information; (iv) residency information; (v) health service eligibility information; (vi) billing information, but does not include information that is not written, photographed, recorded or stored in some manner in a record; **S. 1(1)(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;		

[1] Categories are more specifically described in the Alberta *Health Information Regulation*, Alta Reg 70/2001 s. 3.

DEFINITION OF PERSONAL HEALTH INFORMATION ("PHI") OR RELATED CONCEPTS	DEFINITION OF NON-IDENTIFYING HEALTH INFORMATION OR RELATED CONCEPTS	AUTHORITY FOR DE-IDENTIFICATION
BRITISH COLUMBIA • E-Health (Personal Health Information Access and Protection of Privacy) Act, SBC 2008, c 38.		
S. 1: "**personal health information**" means recorded information about an identifiable individual that is related to the individual's health or the provision of health services to the individual; Note: *The E-Health Act* is limited in scope and applies only to databases designated as Health Information Banks by the Minister of Health.	BC does not have specific health privacy legislation, and consequently, no provision that specifically addresses de-identified personal health information or related concepts.	

DEFINITION OF PERSONAL HEALTH INFORMATION ("PHI") OR RELATED CONCEPTS	DEFINITION OF NON-IDENTIFYING HEALTH INFORMATION OR RELATED CONCEPTS	AUTHORITY FOR DE-IDENTIFICATION
MANITOBA • Personal Health Information Act, CCSM c P33.5.		
S. 1(1): "**personal health information**" means recorded information about an identifiable individual that relates to (a) the individual's health, or health care history, including genetic information about the individual, (b) the provision of health care to the individual, or (c) payment for health care provided to the individual, and includes (d) the PHIN and any other identifying number, symbol or particular assigned to an individual, and (e) any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care; ("renseignements médicaux personnels") **S. 1(1)**: "**health**" means the condition of being sound in mind, body and spirit; ("*santé*") **S. 1(1)**: "**health care**" means any care, service or procedure (a) provided to diagnose, treat or maintain an individual's health, (b) provided to prevent disease or injury or promote health, or (c) that affects the structure or a function of the body, and includes the sale or dispensing of a drug, appliance, device, equipment or other item pursuant to a prescription; ("soins de santé") **S. 1(1)**: "**PHIN**" means the personal health identification number assigned to an individual by the minister to uniquely identify the individual for health care purposes; ("*NIMP*")	The legislation does not define any term analogous to de-identified or "de-identifying" PHI as referenced in S. 22(2).	*Disclosure without individual's consent* **S. 22(2)**: A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is… (g.3) to another trustee for the purpose of de-identifying the personal health information; *Restrictions on use of information* **S. 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… (e) the purpose is one for which the information may be disclosed to the trustee under section 22; …

Definition of Personal Health Information ("PHI") or Related Concepts	Definition of Non-Identifying Health Information or Related Concepts	Authority for De-Identification
MANITOBA • Personal Health Information Act, CCSM c P33.5.		
S. 1(1): "**record**" or "**recorded information**" means a record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records; ("*document*" ou "*renseignement enregistré*")		

DEFINITION OF PERSONAL HEALTH INFORMATION ("PHI") OR RELATED CONCEPTS	DEFINITION OF NON-IDENTIFYING HEALTH INFORMATION OR RELATED CONCEPTS	AUTHORITY FOR DE-IDENTIFICATION
NEW BRUNSWICK • Personal Health Information Privacy and Access Act, SNB 2009, c P-7.05		
S. 1: "**personal health information**" means identifying information about an individual in oral or recorded form if the information (*renseignements personnels sur la santé*) (a) relates to the individual's physical or mental health, family history or health care history, including genetic information about the individual, (b) is the individual's registration information, including the Medicare number of the individual, (c) relates to the provision of health care to the individual, (d) relates to information about payments or eligibility for health care in respect of the individual, or eligibility for coverage for health care in respect of the individual, (e) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any body part or bodily substance, (f) identifies the individual's substitute decision-maker, or (g) identifies an individual's health care provider. **S. 1**: "**identifying information**" means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual. (*renseignements identificatoires*) **S. 1**: "**health care**" means any observation, examination, assessment, care, service or procedure that is carried out or provided for a health-related purpose and (*soins de santé*) (a) to diagnose, treat or maintain an individual's physical or mental condition, (b) to prevent disease or injury or to promote health, or	**S. 1**: "**de-identified**", when referring to personal health information, means personal health information from which all identifying information has been removed. (*anonymisé*)	*Permitted uses* **S. 34(1)**: A custodian may use personal health information in its custody or under its control for one or more of the following purposes: … (h) for the purpose of disposing of the information or de-identifying the information; … (q) to produce de-identified information that does not, either by itself or in combination with other information in the custody of or under the control of the custodian, permit an individual to be identified. *Power to transform personal health information* **S. 51A**: custodian may strip, encode or otherwise transform personal health information in order to create or produce de-identified information. **S. 1**: "**information manager**" means an individual or organization that on behalf of a custodian (*gestionnaire de l'information*)…(b) de-identifies or otherwise transforms personal health information, or …

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NEW BRUNSWICK • Personal Health Information Privacy and Access Act, SNB 2009, c P-7.05		
(c) as part of rehabilitative or palliative care, and includes (d) the compounding of a drug, for the use of an individual, pursuant to a prescription, (e) the dispensing or selling of a drug, a device, equipment or any other item to an individual, or for the use of an individual, pursuant to a prescription, and (f) a health care service prescribed by regulation. **S. 1**: "**registration information**" means information about an individual that is collected for the purpose of registering the individual for the provision of health care, and includes a health care number, hospital record number and any other identifier assigned to an individual. (*renseignements d'inscription*) **S. 1**: "**health care provider**" means a person who is registered or licensed to provide health care under an Act of the Legislature or who is a member of a class of persons designated as a health care provider in the regulations. (*fournisseur de soins de santé*) **S. 1**: "**substitute decision-maker**", in relation to an individual, means, unless the context requires otherwise, a person who is authorized under this Act to give, withhold or to withdraw consent on behalf and in the place of the individual with respect to the collection, use or disclosure of the individual's personal health information. (*mandataire spécial*) **S. 1**: "**data matching**" means the creation of identifying information by combining identifying information or de-identified personal health		

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NEW BRUNSWICK • Personal Health Information Privacy and Access Act, SNB 2009, c P-7.05		
information or other information from 2 or more electronic data bases or 2 or more electronic records. (*appariement de données*)		

DEFINITION OF PERSONAL HEALTH INFORMATION ("PHI") OR RELATED CONCEPTS	DEFINITION OF NON-IDENTIFYING HEALTH INFORMATION OR RELATED CONCEPTS	AUTHORITY FOR DE-IDENTIFICATION
NEWFOUNDLAND & LABRADOR • Personal Health Information Act, SNL 2008, c. P-7.01.		
S. 2(1)(p): "**personal health information**" means the information described in subsection 5(1); *Personal health information* **S. 5(1)**: In this Act, "**personal health information**" means identifying information in oral or recorded form about an individual that relates to (a) the physical or mental health of the individual, including information respecting the individual's health care status and history and the health history of the individual's family; (b) the provision of health care to the individual, including information respecting the person providing the health care; (c) the donation by an individual of a body part or bodily substance, including information derived from the testing or examination of a body part or bodily substance; (d) registration information; (e) payments or eligibility for a health care program or service in respect of the individual, including eligibility for coverage under an insurance or payment arrangement with respect to health care; (f) an individual's entitlement to benefits under or participation in a health care program or service; (g) information about the individual that is collected in the course of, and is incidental to, the provision of a health care program or service or payment for a health care program or service; (h) a drug as defined in the Pharmacy Act, 2012 , a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care professional; or (i) the identity of a person referred to in section 7.	The legislation and regulations do not define the term "non-identifying health information" referenced under S. 21. "Identifying information" in the context of PHI is defined under S. 5(5).	*Power to transform personal health information* **S. 21**: A custodian may strip, encode or otherwise transform personal health information to create non-identifying health information.

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NEWFOUNDLAND & LABRADOR • Personal Health Information Act, SNL 2008, c. P-7.01.		
(2) For the purpose of paragraph (1)(b), "**information respecting the person providing health care**" means, in relation to that person, the following information as applicable: (a) the name, business title, address and telephone number; (b) licence number; and (c) profession, job classification and employment status. **(3)** In addition to the matters referred to in paragraphs (1)(a) to (i), personal health information includes identifying information about an individual that is contained in a record that contains personal health information within the meaning of that subsection. **(4)** Notwithstanding subsection (3), personal health information does not include identifying information contained in a record that is in the custody or under the control of a custodian where (a) the identifying information contained in the record relates primarily to an employee or agent of the custodian; and (b) the record is created or maintained primarily for a purpose other than the provision of health care or assistance in providing health care to the employee or agent. **(5)** For the purpose of this section, "**identifying information**" means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or together with other information, to identify an individual. **S. 2(1)(h)**: "**health care**" means an observation, examination, assessment, care, service or procedure in relation to an individual that is carried out, provided or undertaken for one of the following health-related purposes:		

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(i) the diagnosis, treatment or maintenance of an individual's physical or mental condition, (ii) the prevention of disease or injury, (iii) the promotion of health, (iv) rehabilitation, (v) palliative care, (vi) the taking of a donation of blood, blood products, bodily parts or other bodily substances from an individual, (vii) the compounding, dispensing or selling of a drug, health care aid, device, product, equipment or other item to an individual or for the use of an individual, under a prescription, or (viii) a program or service designated as a health care service in the regulations; **S. 2(1)(s)**: "**record**" means a record of personal health information in any form, and includes personal health information that is written, photographed, recorded or stored in any manner, but does not include a computer program or a mechanism that produces records on a storage medium; **S. 2(1)(t)**: "**registration information**" means information about an individual that is collected for the purpose of registering the individual for the provision of health care, and includes a health care number and other identifier assigned to an individual; **S. 2(1)(u)**: "**representative**", in relation to an individual, means a person referred to in section 7;		

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NORTHWEST TERRITORIES • Health Information Act, SNWT 2014, c 2		
S. 1(1): "**personal health information**" means the following information in any form that identifies an individual, or in respect of which it is reasonably foreseeable in the circumstances that the information could be used, either alone or with other information, to identify an individual: (a) information about the health and health care history of an individual, (b) information respecting health services provided to an individual, (c) information about eligibility or registration of an individual for a health service or related product or benefit, (d) information about the payment for a health service for an individual, (e) information collected in the course of providing a health service to an individual or information that is collected incidentally to the provision of a health service to an individual, including the individual's name and contact information, (f) a personal health number, other identifying number, symbol, or other particular assigned to an individual in respect of health services or health information, (g) prescribed information about a health service provider that provides a health service to an individual, (h) information respecting the donation by an individual of a body part or bodily substance, (i) information prescribed as personal health information; (*renseignements personnels sur la santé*) **S. 1(1)**: "**health service**" (a) includes (i) an observation, examination, assessment, service or procedure in relation to an individual, or the care of an individual, that is carried out, provided or undertaken for one of the following health-related purposes:	The legislation and regulations do not define the term "non-identifying information" referenced under various sections including S. 36(1).	*Non-identifying health information* **S. 1(4)**: Nothing in this Act shall be construed so as to prevent a health information custodian from collecting, using or disclosing non-identifying information. *Transformation of information* **S. 36(1)**: Subject to the regulations, a health information custodian may strip, encode or otherwise transform personal health information to create or produce non-identifying information. **S. 1(1)**: "**information manager**" means a person or organization that provides one or more of the following services for a health information custodian: (a) the processing, storage, retrieval or disposal of personal health information, (b) the transforming of personal health information, including the transforming of personal health information to create or produce non-identifying information, (c) information management services, information system services or information technology services; (*gestionnaire d'information*) *Definitions* **S. 13(1)**: In this section, "**information management agreement**" means an agreement in writing in respect of the protection of

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NORTHWEST TERRITORIES • Health Information Act, SNWT 2014, c 2		
(A) protection, promotion or maintenance of health, (B) prevention of conditions adverse to health, (C) testing or examining of a body part or substance, (D) diagnosis, (E) treatment, (F) rehabilitation, (G) care for the health needs of the ill, injured, disabled or dying, (ii) an ambulance service, (iii) a service provided by a pharmacist or under the direction or supervision of a pharmacist, and (iv) a prescribed health service, and (b) does not include a service prescribed not to be a health service; (*service de santé*)		personal health information and privacy of individuals the information is about; (*accord de gestion de l'information*) "**private custodian**" means a health information custodian other than a public custodian. (*dépositaire privé*) *Agreement with information manager* **S. 13(2)**: Subject to subsection (3) and any exceptions set out in the regulations, before using the services of an information manager, a health information custodian shall enter into an information management agreement with the information manager. *Exceptions* **S. 13(3)**: Subsection (2) does not apply if (a) the health information custodian is the Department, and (i) the Department's information manager is an employee in the public service who is employed in the Department, (ii) the Department's information manager is another public custodian, or (iii) the Department's information manager is employed by another public custodian; (b) the health information custodian is a public custodian other than the Department, and (i) the public custodian's information manager is an employee in the public service who is employed in the Department,

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NORTHWEST TERRITORIES • Health Information Act, SNWT 2014, c 2		
		(ii) the public custodian's information manager is employed by the public custodian or by a public custodian other than the Department, (iii) the public custodian's information manager is another public custodian, or (iv) the public custodian's information manager is one with which the Department has entered into an information management agreement on behalf of the custodian; or (c) the health information custodian is a private custodian, and (i) the private custodian's information manager is an employee of the custodian, or (ii) the private custodian's information manager is one with which the Department has entered into an information management agreement on behalf of the custodian. *Requirements: information management agreement* **S. 13(4)**: An information management agreement must contain terms under which the information manager agrees to comply with (a) this Act and the regulations, and standards, policies and procedures established or adopted by the health information custodian under subsection 8(1); (b) measures to maintain administrative, technical and physical safeguards for the protection of the personal health information; and (c) any other terms or conditions of the agreement.

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NORTHWEST TERRITORIES • Health Information Act, SNWT 2014, c 2		
		Disclosure in accordance with agreement **S. 13(5)**: A health information custodian that has entered into an information management agreement under subsection (2) may disclose personal health information to the information manager in accordance with the agreement. *Disclosure in accordance with agreement entered by Department* **S. 13(6)**: If the Department enters into an information management agreement with an information manager on behalf of a health information custodian, as referred to in subparagraphs (3)(b)(iv) and (c)(ii), that custodian may disclose personal health information to the information manager in accordance with the agreement. *Certainty* **S. 13(7)**: For greater certainty, a health information custodian may have more than one information manager and may, subject to the exceptions set out in this Act or the regulations, disclose personal health information to each information manager without the consent of the individuals the information is about. *Requirement: information manager* **S. 13(8)**: An information manager to which personal health information is disclosed shall not (a) collect, use or disclose that information except in accordance with the information management agreement; or

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		(b) contravene the terms of an information management agreement.

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NOVA SCOTIA • Personal Health Information Act, SNS 2010, c 41		
S. 3(r): "**personal health information**" means identifying information about an individual, whether living or deceased, and in both recorded and unrecorded forms, if the information (i) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family, (ii) relates to the application, assessment, eligibility and provision of health care to the individual, including the identification of a person as a provider of health care to the individual, (iii) relates to payments or eligibility for health care in respect of the individual, (iv) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance, (v) is the individual's registration information, including the individual's health-card number, or (vi) identifies an individual's substitute decision-maker; **S. 3(k)**: "**health care**" means an observation, examination, assessment, care, service or procedure in relation to an individual that is carried out, provided or undertaken for one or more of the following health-related purposes: (i) the diagnosis, treatment or maintenance of an individual's physical or mental condition, (ii) the prevention of disease or injury, (iii) the promotion and protection of health, (iv) palliative care,	**S. 2(g)**: "**de-identified information**" is information that has had all identifiers removed that (i) identify the individual, or (ii) where it is reasonably foreseeable in the circumstances, could be utilized, either alone or with other information, to identify the individual;	**S. 5(2)**: This Act does not apply to (a) statistical, aggregate or de-identified health information; or… **S. 3(n)**: "**information practices**", in relation to a custodian or a prescribed entity, means the policies of the custodian or a prescribed entity for actions in relation to personal health information, including (i) when, how and the purposes for which the custodian routinely collects, uses, discloses, retains, de-identifies, destroys or disposes of personal health information, and (ii) the administrative, technical and physical safeguards and practices that the custodian maintains with respect to the information; *Information practices* **S. 48**: A custodian shall have in place and comply with information practices that meet the requirements of this Act. *Securely destroyed, erased or de-identified information* **S. 49(1)**: In this Section, "securely destroyed" means destroyed in such a manner that reconstruction is not reasonably foreseeable in the circumstances. **(2)** At the expiry of the relevant retention period, personal health information that is no longer required to fulfil the purposes identified in the retention schedule must be securely destroyed, erased or de-identified.

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(v) the compounding, dispensing or selling of a drug, health-care aid, device, product, equipment or other item to an individual or for the use of an individual, under a prescription, or (vi) a program or service designated as a health-care service in the regulations; **S. 3(l)**: "**identifying information**" means information that identifies an individual or, where it is reasonably foreseeable in the circumstances, could be utilized, either alone or with other information, to identify an individual; **S. 3(m)**: "**individual**", in relation to personal health information, means the individual, whether living or deceased, with respect to whom the information was or is being collected or created; **S. 3(v)**: "**record**" means a record of information in any form or in any medium, whether in written, printed, photographic or electronic form or otherwise, but does not include a computer program or other mechanism that can produce a record;		**(3)** Subject to Section 50, personal health information may be deidentified and retained for purposes other than the original purposes for which it was collected. *Written retention schedule* **S. 50(1)**: Every custodian shall have a written retention schedule for personal health information that includes (a) all legitimate purposes for retaining the information; and (b) the retention period and destruction schedules associated with each purpose. **(2)** Subsection (1) does not override or modify any requirement in an enactment of the Province or the Parliament of Canada concerning the retention or destruction of records maintained by public bodies.

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ONTARIO • Personal Health Information Protection Act, 2004, SO 2004, c 3, Sched A • O. Reg. 329/04		
S. 2: "**personal health information**" has the meaning set out in section 4; ("*renseignements personnels sur la santé*") *Personal health information* **S. 4(1)**: In this Act, "**personal health information**", subject to subsections (3) and (4), means identifying information about an individual in oral or recorded form, if the information, (a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family, (b) relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual, (c) Repealed: 2020, c. 13, Sched. 3, s. 8 (7). (c.1) is a plan that sets out the home and community care services for the individual to be provided by a health service provider or Ontario Health Team pursuant to funding under section 21 of the *Connecting Care Act, 2019*, (d) relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual,	**S. 2**: "**de-identify**", in relation to the personal health information of an individual, means to remove any information that identifies the individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify the individual, and "de-identification" has a corresponding meaning; ("anonymiser") [Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of "de-identify" in section 2 of the Act is amended by striking out "to remove any information" and substituting "to remove, in accordance with such requirements as may be prescribed, any information". (See: 2020, c. 5, Sched. 6, s. 1 (2))]	*Permitted use* **S. 37(1)**: A health information custodian may use personal health information about an individual, … (f) in a manner consistent with Part II, for the purpose of disposing of the information or modifying the information in order to conceal the identity of the individual; … Note: Part II of *PHIPA*, "Practices to Protect Personal Health Information" include ss. 10 to 17.1. Some provisions relevant to de-identification are provided below. *Information practices* **S. 10(1)**: A health information custodian that has custody or control of personal health information shall have in place information practices[4] that comply with the requirements of this Act and its regulations.

[4] These information practices would include specific policies and protocols relating to the de-identification process (including a description of when, how and the purposes for which the health information custodian de-identifies personal health information). These information practices would also include a "risk re-identification framework" that incorporates the Ontario Information and Privacy Commissioner's guidance and other evolving standards to ensure that the appropriate steps are taken to mitigate the risk that de-identified data is rendered personal health information at a future time. See the following guidance documents: PHIPA Decision 175 (March 25, 2022); "De-identification Guidelines for Structured Data" (June 8, 2016); "De-identification Protocols: Essential for Protecting Privacy" (June 25, 2014); "Big Data and Innovation, Setting the Record Straight: De-identification *Does* Work" (June 16, 2014); "Looking Forward: De-identification Developments - New Tools, New Challenges" (May 2013); "Dispelling the Myths Surrounding De-identification: Anonymization Remains a Strong Tool for Protecting Privacy" (June 2011).

DEFINITION OF PERSONAL HEALTH INFORMATION ("PHI") OR RELATED CONCEPTS	DEFINITION OF NON-IDENTIFYING HEALTH INFORMATION OR RELATED CONCEPTS	AUTHORITY FOR DE-IDENTIFICATION
ONTARIO • Personal Health Information Protection Act, 2004, SO 2004, c 3, Sched A • O. Reg. 329/04		
(e) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance, (f) is the individual's health number, or (g) identifies an individual's substitute decision-maker. *Identifying information* **S. 4(2)**: In this section, "**identifying information**" means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual. *Mixed records* **S. 4(3)**: Personal health information includes identifying information that is not personal health information described in subsection (1) but that is contained in a record that contains personal health information described in that subsection. *Exception* **S. 4(4)**: Personal health information does not include identifying information contained in a record that is in the custody or under the control of a health information custodian if, (a) the identifying information contained in the record relates primarily to one or more employees or other agents of the custodian; and		*Duty to follow practices* **S. 10(2)**: A health information custodian shall comply with its information practices. *Use of electronic means* **S. 10(3)**: A health information custodian that uses electronic means to collect, use, modify, disclose, retain or dispose of personal health information shall comply with the prescribed requirements, if any. *Security* **S. 12(1)**: A health information custodian shall take steps that are reasonable in the circumstances to ensure that personal health information in the custodian's custody or control is protected against theft, loss and unauthorized use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or disposal. *Handling of records* **S. 13(1)**: A health information custodian shall ensure that the records of personal health information that it has in its custody or under its control are retained, transferred and disposed of in a secure manner and in accordance with the prescribed requirements, if any. *Written public statement*

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(b) the record is maintained primarily for a purpose other than the provision of health care or assistance in providing health care to the employees or other agents. S. 2: "**health care**" means any observation, examination, assessment, care, service or procedure that is done for a health-related purpose and that, (a) is carried out or provided to diagnose, treat or maintain an individual's physical or mental condition, (b) is carried out or provided to prevent disease or injury or to promote health, or (c) is carried out or provided as part of palliative care, and includes, (d) the compounding, dispensing or selling of a drug, a device, equipment or any other item to an individual, or for the use of an individual, pursuant to a prescription, and (e) Repealed: 2020, c. 13, Sched. 3, s. 8 (1). (f) a home and community care service that is funded under section 21 of the Connecting Care Act, 2019, **S. 2**: "**health number**" means the number, the version code or both of them assigned to an insured person within the meaning of the Health Insurance Act by the General Manager within the meaning of that Act; ("*numéro de la carte Santé*")		**S. 16(1)**: A health information custodian shall, in a manner that is practical in the circumstances, make available to the public a written statement that, (a) provides a general description of the custodian's information practices; … *Notification* **S. 16(2)**: If a health information custodian uses or discloses personal health information about an individual, without the individual's consent, in a manner that is outside the scope of the custodian's description of its information practices under clause (1) (a), the custodian shall, (a) inform the individual of the uses and disclosures at the first reasonable opportunity unless, under section 52, the individual does not have a right of access to a record of the information; (b) make a note of the uses and disclosures; and (c) keep the note as part of the records of personal health information about the individual that it has in its custody or under its control or in a form that is linked to those records.

Definition of Personal Health Information ("PHI") or Related Concepts	Definition of Non-Identifying Health Information or Related Concepts	Authority for De-Identification
ONTARIO • Personal Health Information Protection Act, 2004, SO 2004, c 3, Sched A • O. Reg. 329/04		
S. 2: "**quality of care information**" has the same meaning as in the *Quality of Care Information Protection Act, 2004*; ("*renseignements sur la qualité des soins*")		

Definition of Personal Health Information ("PHI") or Related Concepts	Definition of Non-Identifying Health Information or Related Concepts	Authority for De-Identification
PRINCE EDWARD ISLAND • Health Information Act, RSPEI 1998, c H-1.41		
S. 1(t): "**personal health information**" means identifying information about an individual in oral or recorded form that (i) relates to the individual's physical or mental health, family health history or health care history, including genetic information about the individual, (ii) relates to information about an individual that is collected for the purpose of registering the individual for the provision of health care, including a health number, medical record number and any other identifier assigned to an individual, (iii) relates to the provision of health care to the individual, (iv) relates to an individual's entitlement to benefits under or participation in a health care program or service, (v) is collected in the course of, and is incidental to, the provision of a health care program or service or payment for a health care program or service, (vi) relates to a drug, a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care provider, (vii) relates to information about payments or eligibility for health care in respect of the individual, or eligibility for coverage for health care in respect of the individual, (viii) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any body part or bodily substance, (ix) identifies the individual's substitute decision maker, or (x) identifies the individual's health care provider; **S. 1(f)**: "**data matching**" means the creation of individually identifying personal health information by combining individually identifying	**S. 1(g)**: "**de-identified information**" means personal health information that has been stripped, encoded or otherwise transformed so as to ensure that the identity of the individual who was the subject of the personal health information cannot be readily ascertained from the de-identified information;	*Authorized purposes* **S. 22(5)**: A custodian may use personal health information in its custody or under its control for one or more of the following purposes: … (h) for the purpose of disposing of the personal health information or de-identifying the personal health information; … (r) to produce de-identified information. *Production of de-identified information* **S. 40**: A custodian may strip, encode or otherwise transform personal health information in order to create or produce de-identified information. *Collection of de-identified information* **S. 20**: A custodian may collect for any purpose personal health information that has been de-identified. *Use of de-identified information* **S. 22(4)**: A custodian may use for any purpose personal health information that has been de-identified. *Written agreement with agent of custodian* **S. 41**: A custodian that retains the services of an agent for the collection, use, disclosure, retention or secure destruction of personal health information shall enter into a

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PRINCE EDWARD ISLAND • Health Information Act, RSPEI 1998, c H-1.41		
personal health information, de-identified personal health information or other information from 2 or more electronic databases or 2 or more electronic records, without the consent of the individuals to whom the information relates; **S. 1(k)**: "**health care**" means any observation, examination, assessment, care, service or procedure that is carried out, provided or undertaken for a health-related purpose, including (i) the diagnosis, treatment or maintenance of an individual's physical or mental condition, (ii) the prevention of disease or injury or promotion of health, (iii) rehabilitative or palliative care, (iv) the compounding of a drug for the use of an individual, pursuant to a prescription, (v) the dispensing or selling of a drug, a device, equipment or any other item to an individual for the use of the individual, pursuant to a prescription, (vi) a program or service related to health care prescribed by regulation, and (vii) the taking of a donation of blood, blood products, body tissues or organs; **S. 1(m)**: "**health care provider**" means a person who is registered or licensed to provide health care under an enactment or who is a member of a class of persons designated as health care providers in the regulations; **S. 1(n)**: "**health number**" means a health number as defined in the Provincial Health Number Act R.S.P.E.I. 1988, Cap. P-27.01		written agreement with the agent requiring the agent to comply with (a) the duties imposed on the agent under the agreement; and (b) the same requirements concerning the protection, retention and secure destruction of personal health information that the custodian is required to comply with under this Act. **S. 1(a)**: "**agent**", in relation to a custodian, means a person that, with the authorization of the custodian, acts on behalf of the custodian in respect of personal health information for the purposes of the custodian, and not the agent's purposes, whether or not the agent has the authority to bind the custodian, is paid by the custodian or is being remunerated by the custodian, and includes, but is not limited to, an employee of a custodian or a volunteer who deals with personal health information, a custodian's insurer, a lawyer retained by a custodian's insurer or a liability protection provider; **S. 1(q)**: "**information manager**" means a person or organization that on behalf of a custodian (i) possesses, stores, retrieves, archives or disposes of personal health information, (ii) de-identifies or otherwise transforms personal health information, or (iii) provides information management or information technology services;

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S. 1(o): "**identifying information**" means information that identifies an individual or which it is reasonably foreseeable in the circumstances could be utilized, either alone or with other information, to identify an individual; **S. 1(p)**: "**individual**", in relation to personal health information, means the individual, whether living or deceased, whose personal health information was or is being collected or created; **S. 1(x)**: "**record**" means a record containing information in any form, including information that is oral, written, photographed, recorded or stored in any manner, on any storage medium or by graphic, electronic, mechanical or any other means, but does not include electronic software or any mechanism that produces records; **S. 1(dd)**: "**substitute decision-maker**", in relation to an individual, means, unless the context requires otherwise, a person who is authorized under this Act to give, withhold or withdraw consent on behalf of and in the place of the individual with respect to the collection, use or disclosure of the individual's personal health information;		**S. 1(r)**: "**information practices**", in relation to a custodian, means the policies of the custodian governing actions in relation to personal health information, including (i) when, how and the purposes for which the custodian routinely collects, uses, modifies, discloses, retains, destroys or disposes of personal health information, and (ii) the administrative, technical and physical safeguards and practices that the custodian maintains with respect to the personal health information;

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SASKATCHEWAN • Health Information Protection Act, SS 1999 c H-0.021		
S. 2(1)(m): "**personal health information**" means, with respect to an individual, whether living or deceased: (i) information with respect to the physical or mental health of the individual; (ii) information with respect to any health service provided to the individual; (iii) information with respect to the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual; (iv) information that is collected: (A) in the course of providing health services to the individual; or (B) incidentally to the provision of health services to the individual; or (v) registration information; **S. 2(1)(i)**: "**health services number**" means a unique number assigned to an individual who is or was registered as a beneficiary to receive insured services within the meaning of The Saskatchewan Medical Care Insurance Act; **S. 2(1)(q)**: "**registration information**" means information about an individual that is collected for the purpose of registering the individual for the provision of health services, and includes the individual's health services number and any other number assigned to the individual as part of a system of unique identifying numbers that is prescribed in the regulations;	**S. 2(d)**: "**de-identified personal health information**" means personal health information from which any information that may reasonably be expected to identify an individual has been removed;	*Restrictions on use* **S. 26(1)**: A trustee shall not use personal health information in the custody or control of the trustee except with the consent of the subject individual or in accordance with this section. **(2)** A trustee may use personal health information … (b) for the purposes of de-identifying the personal health information; … **S. 3(2)**: This Act does not apply to: (a) statistical information or de-identified personal health information that cannot reasonably be expected, either by itself or when combined with other information available to the person who receives it, to enable the subject individuals to be identified; … **S. 23(4)**: A trustee must, where practicable, use or disclose only de-identified personal health information if it will serve the purpose.

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S. 2(1): "**personal health information**" of an individual means (a) health information of the individual, and (b) except as prescribed, prescribed registration information and prescribed provider registry information in respect of the individual; « *renseignements médicaux personnels* » **S. 2(1)**: "**health information**" of an individual means identifying information of the individual, in unrecorded or recorded form, that (a) relates to the individual's health or the provision of health care to the individual, (b) relates to payments for health care, (c) relates to the donation by the individual of any body part, tissue or bodily substance of the individual, (d) is derived from the testing, including genetic testing, or examination of any body part, tissue or bodily substance of the individual, or (e) is prescribed; « *renseignements médicaux* » **S. 2(1)**: "**health**" means the physical and mental state of an individual; « *santé* » **S. 2(1)**: "**health care**" means any activity (other than an activity that is prescribed not to be health care) that is or includes (a) any service (including any observation, examination, assessment, care, or procedure) that is provided	The legislation and regulations do not define the term "information that is not identifying" as referenced in S. 56(1) and other provisions.	*Use not requiring consent* **S. 56(1)**: A custodian may, without an individual's consent, use the individual's personal health information that is in its custody or control (h) for the purpose of modifying (including removing identifying information from), destroying or disposing of the information; *Non-Identifying Information* **S. 14**: Nothing in this Act limits any person's right to collect, use or disclose information that is not identifying information. **S. 2(1)**: "**information manager**" means a person (other than a person who is prescribed not to be an information manager) who, for or on behalf of a custodian (a) processes, stores, retrieves, archives or disposes of information, (b) strips, encodes or otherwise transforms identifying information to create information that is not identifying information, (c) provides information management or information technology services, or (d) provides a prescribed service; « *gestionnaire de l'information* »

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(i) to diagnose, treat or maintain an individual's physical or mental condition, (ii) to prevent disease or injury or to promote health, (iii) as part of rehabilitative or palliative care, or (iv) for any prescribed purpose, or (b) the compounding, dispensing or selling of a drug, a device, equipment or any other item for the use of an individual pursuant to a prescription where a prescription is required by law; « *soins de santé* » **S. 2(1)**: "**personal information**" has the same meaning as in the Access to Information and Protection of Privacy Act; « *renseignements personnels* » **S. 2(1)**: "**identifying information**" of an individual means information that identifies the individual or that it is reasonable to believe could be used, either alone or with other information, to identify the individual; « *renseignements signalétiques* » *Prescribed health information* ***HI Reg.* S. 6**: Health information of an individual includes identifying information of the individual that is contained in or that relates to the making, processing, assessment or determination of an application made under the Travel for Medical Treatment Act. *Prescribed personal health information* ***HI Reg.* S. 7**: Personal health information of an individual includes		*Responsibilities of custodians and information managers* **S. 51(1)**: A custodian who proposes to retain the services of an information manager must (a) enter into a written agreement with the information manager that provides for the protection of the information that is the subject of the services; and (b) comply if any with the prescribed requirements, **(2)** An information manager who enters into a written agreement under subsection (1) must (a) comply with the duties imposed on the information manager under the agreement and the prescribed requirements, if any; and (b) notify the custodian at the first reasonable opportunity of any breach of the agreement by the information manager. *Agreements with information managers* ***HI Reg.* S. 21**: When entering into a written agreement with an information manager in respect of personal health information under section 51 of the Act, a custodian must (a) ensure that the agreement allows the custodian to maintain control of the personal health information; and (b) ensure that the agreement contains provisions which (i) identify the objectives of the agreement and the principles that guide the agreement,

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(a) registration information in respect of the individual; and (b) if the individual is a custodian, provider registry information in respect of the individual. ***HI Reg.* S. 1**: "**provider registry information**" in respect of a health care provider means (a) the health care provider's (i) name, including any previous names, (ii) gender, (iii) date of birth, (iv) business telephone number, (v) business email address, and (vi) residential or business address, (b) the name, business address and telephone number of any professional corporation through or on behalf of which the health care provider practises health care, (c) the name and country of any post-secondary institution attended by the health care provider and the dates of their attendance and graduation, if any, (d) the particulars of (i) any degree or diploma awarded to the health care provider, (ii) any internship or residency program attended by the health care provider, including the program's type, location and dates, (iii) the health care provider's licence or registration in any health care profession, including		(ii) describe the types or classes of personal health information (referred to in this section as the "relevant personal health information") that the information manager may collect, use or disclose under the agreement, the purposes for which it may be collected, used or disclosed and any limitations or conditions on its collection, use or disclosure, (iii) require the information manager (A) to allow the custodian to access or otherwise obtain the relevant personal health information at any time, subject only to necessary operational constraints, (B) to forward immediately to the custodian any access or correction request that is made in relation to the relevant personal health information, (C) to maintain administrative, technical and physical safeguards that meet or exceed the safeguards required of the custodian under the Act to ensure the confidentiality, security and integrity of the relevant personal health information, and (D) to inform the custodian promptly of the information manager's receipt of any requirement issued in a proceeding, including any summons, warrant or order, that relates to the relevant personal health information and that it is reasonable to believe may be enforceable in the jurisdiction in which the information manager operates or in which the relevant personal health information is located, (iv) prohibit the information manager from subcontracting, without the custodian's written consent, any of the services to which the agreement relates,

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(A) the name and address of the licensing or registration body and the dates on which the licence or registration was issued and will terminate, and (B) any current conditions, restrictions or limitations on or suspensions of the licence or registration, including any conditions, limitation or restrictions on the health care provider's authority to prescribe a controlled substance (as defined in the Controlled Drugs and Substances Act (Canada)), and (iv) any specialty or sub-specialty training undertaken by the health care provider, including any fellowships, and (e) each unique identifier that a licensing, regulatory or accrediting authority related to health care has assigned to the health care provider; « *renseignements du registre des fournisseurs* » ***HI Reg.* S. 1**: "**registration information**" of an individual means the individual's (a) name, including any previous names, (b) gender, (c) date of birth, (d) place of birth, (e) date of death, (f) residential address, (g) telephone number, (h) email address, (i) personal health number issued by a province or Canada for the purpose of providing health services to the individual,		(v) allow the custodian to monitor and verify compliance with the agreement by the information manager, (vi) allow the custodian to terminate the agreement in the event of a breach of the agreement by the information manager, and (vii) set out that on termination of the agreement (A) the personal health information to which the agreement applies must be transferred to the custodian, in an electronic format that the custodian can readily use, while (I) ensuring ongoing access to the personal health information by the custodian, and (II) requiring the information manager to cooperate fully with the custodian during the transfer, and (B) following completion of the transfer, the information manager must securely destroy all records of the personal health information to which the agreement applies that remain in its custody.

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(j) unique identifier, if any, assigned by a custodian's information system in order to identify the individual, and (k) substitute decision-maker's name, residential address and telephone number, if the individual has a substitute decision maker. « renseignements d'inscription »		