

## **PRIVACY OF PERSONAL HEALTH INFORMATION**

### **CNA POSITION**

The Canadian Nurses Association (CNA) believes individuals have the right to privacy with respect to their personal health information. However, CNA recognizes health information is necessary to improve population health status and to improve the effectiveness and efficiency of the health system.

Further, CNA believes an individual's right to privacy of personal health information is paramount. CNA recommends providers and organizations implement policies, procedures and practices to achieve privacy protection. This would include the establishment of decision-making frameworks and processes to follow when ethical issues related to privacy arise. CNA recommends resources be made available to support privacy sensitive practices.

CNA recommends that governments develop a national framework for the protection of personal health information. The framework must address Canadians' concerns regarding the potential misuse of personal information; it must be applied equitably across jurisdictions, and it must be relevant across all health services. CNA recommends that governments engage health care professionals and other stakeholders in the development of the framework.

### **BACKGROUND**

Health information offers important benefits to the Canadian population and the functioning of the health system, as well as to individuals. The challenge is to understand the relationship among the perspectives of these various beneficiaries.

Growing emphasis on trends in population health and evidence as a basis for decision-making have increased demand for health information. The rapid growth of technology over the last decade has increased capacity to collect, analyze, disseminate and use information to enhance the quality of health care and efficiency of the health system.

Identifiable personal health information is required for the provision of appropriate diagnosis, treatment and care. Access to and use of health information is essential to improve population health and to improve the effectiveness and efficiency of the health system. Identifiable health information shall only be used with the consent of the individual.

In response to the increased demand for health information, policy-makers have developed legislative and regulatory mechanisms to protect the confidentiality and security of personal health information. At the federal level, an Act to Support and Protect Electronic Commerce (assented to April 13, 2000) establishes principles to govern the collection, use and disclosure of personal information in the course of commercial activities. Its main feature is the creation of an enforceable right to privacy for individuals, with respect to personal information.

Individuals have the legislated right to provide or withhold consent with respect to the collection, use, disclosure or accessibility of personal health information. Individuals have the right to access their own information and have the right to have their personal health information recorded as accurately as possible. If a breach in the privacy is suspected, individuals have a right to recourse.

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Providers<sup>1</sup> have an obligation to treat personal health information as confidential. They are entrusted with personal health information and therefore, must be held accountable for safeguarding and maintaining its privacy and accuracy.

In addition, professional codes of conduct demand high standards of confidentiality. *The Code of Ethics for Registered Nurses* (1997) states: “Nurses safeguard the trust of clients that information learned in the context of a professional relationship is shared outside the health care team only with the client’s permission or as legally required.” At the same time, the *Code of Ethics* states, “Nurses apply and promote principles of equity and fairness to assist clients in receiving unbiased treatment and a share of health services and resources proportionate to their needs.”

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**Also see:**

Canadian Nurses Association. (1997). *Code of Ethics for Registered Nurses*. Ottawa: Author.

CNA Position Statement: *Evidence-based Decision-making and Nursing Practice* (1998)

Canadian Nurses Association. (1998). *Everyday Ethics: Putting the Code into Practice*. Ottawa: Author.

Privacy Protection and Health Information: Understanding the Implementation Issues, Report of the Privacy Working Group to Health Canada. (March 2001). Available at [www.cna-nurses.ca](http://www.cna-nurses.ca)

Public Work and Government Services Canada. (2001). Personal Information Protection and Electronic Documents Act: Questions and Answers for Health Researchers. Canadian Institutes of Health Research & Canadian Institute for Health Information. Ottawa: Author.

Canadian Institute of Health Research. (2000). A Compendium of Canadian Legislation Respecting the Protection of Personal Information in Health Research. Toronto: Author.

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<sup>1</sup> Providers include but are not limited to managers, policy-makers, researchers, health and other professionals including information technologists, educators, students and payers.

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