

HIA Fact Sheet: Consent for disclosures

The *Health Information Act* (HIA) sets requirements for custodians when obtaining consent to disclose health information.

Consent for disclosure

Under the HIA, a person can consent to the disclosure of their health information to a third party when there is no authority to disclose without consent.

Section 34 authorizes a custodian to disclose identifying health information if the individual has provided consent. The disclosure must follow the terms of that consent.

Consent requirements

Consent may be obtained in writing, electronically or orally. To be valid, a custodian must inform the individual:

- what health information will be disclosed
- why the information will be disclosed
- who will receive the information
- the risks and benefits of consenting or refusing to consent
- when the consent takes effect and, if applicable, when it ends
- that they can withdraw consent at any time

For written and electronic consent, this information may be included on the consent form.

To be valid, the individual must authorize the disclosure and confirm they understand the risks and benefits of consenting or refusing to consent.

For oral consent, the custodian must document, in writing or electronically, that:

- the required information was provided
- the individual authorized the disclosure
- the individual understood the risks and benefits

Written consent

Written consent is permission provided on paper. It is valid only if the individual signs the document with a physical (wet) signature.

Electronic consent

Electronic consent is provided through a digital platform or device. It is valid only if there is a reliable

method to verify the identity of the individual providing consent.

For example, an online portal must be able to reliably verify the identity of the person providing the consent.

Oral consent

Oral consent is permission given orally, such as by telephone, video call or recording.

A custodian may accept oral consent only if this is outlined in their privacy management program (PMP).

Oral consent is valid only if:

- it is provided for the purpose permitted under the custodian's PMP
- the custodian verifies the identity of the individual
- the identity verification method is reliable and links the consent to the individual

When consent is provided orally, the custodian must keep a record of the consent for at least 10 years. This aligns with the requirements to retain records of disclosures made without consent.

Revocation of Consent

An individual may revoke consent at any time, in writing, electronically or orally, regardless of how the consent was originally provided.

The custodian must document all revocations of consent, including those provided orally.

Related resource

- Fact Sheet: Privacy Management Program (PMP)

Contact

HIA Help Desk provides general information about the HIA and health information privacy in Alberta.

- Phone: [780-427-8089](tel:780-427-8089) or Toll free: [310-0000](tel:310-0000) before the phone number (in Alberta)
- Email: hiahelpdesk@gov.ab.ca