

Important Updates to the *Personal Health Information Protection Act, 2004*: Reporting Privacy Breaches

Recent amendments have been made to the [Personal Health Information Protection Act \(2004\)](#), the privacy legislation which is applicable to personal health information collected by members in the course of providing health care. These amendments include additional obligations for health information custodians concerning the reporting of privacy breaches.

When a privacy breach occurs, in addition to notifying the affected person that this has occurred, the responsible health information custodian is also now required to advise the individual of the right to make a complaint about the privacy breach to the Privacy Commissioner of Ontario. A member who is not the health information custodian but is an agent of the health information custodian is also required to advise the responsible health information custodian of the occurrence of the breach at the first reasonable opportunity.

Amendments to the legislation will require health information custodians to also make reports directly to the Privacy Commissioner of some breaches, once regulations are in place which prescribe the requirements of such reports.

The amendments are further described in [Reporting Privacy Breaches](#) a document prepared by Mr. Richard Steinecke of Steinecke Maciura LeBlanc, Barristers & Solicitors.

Members may also wish to review an update to the more general information about PHIPA in: [What You Need to Know About Privacy Law: An Overview of the Personal Health Information Protection Act, 2004 \(revised 2016\)](#).

More detailed information may also be found in [The Personal Health Information Protection Act, 2004; A Guide for Regulated Health Professionals \(Revised, 2016\)](#). This document contains procedural guidance for Health Information Custodians, including sample forms and templates.

An up to date version of *The Personal Health Information Protection Act* may be found at www.ontario.ca/laws/statute/04p03 .