

## What were the biggest changes in health privacy law in 2016?

- Bill 119 passed making significant changes to PHIPA including (among other things):
  - Updating the definition of “use” to include “view”
  - Requiring that HICs:
    - Ensure that PHI is not collected without authority
    - Include a statement in privacy breach notifications that individuals may complain to the IPC
    - Notify the IPC of privacy breaches (under prescribed circumstances – which regulations have not been published)
    - Report disciplinary action resulting from privacy breaches to health regulatory Colleges
  - Tweaking rules of how researchers may notify individuals of a privacy breach
  - Strengthening the relationship of responsibility between agents and HICs
  - Doubling the maximum fines for privacy offences from \$50,000 to \$100,000 for individuals and from \$250,000 to \$500,000 for organizations
  - Removing the requirement that prosecutions be commenced within six months of when the alleged offence occurred
  - Adding Part V.1, which when it comes into force, will establish the framework for a provincial electronic health record and how consent directives, access requests and other interactions will be managed

For an unofficial blacklined version of PHIPA based on Bill 119 changes see [DDO Health Law document](#)

- IPC issued 19 new decisions in 2016 - see attached summary
- IPC updated its practice tips on:
  - [Ransomware](#)
  - [Communicating Personal Health Information by Email.](#)
  - [Sharing information with Children’s Aid Societies](#)
  - [Cloud Computing](#)
  - [Instant Messaging and personal Email Accounts](#)
  - [De-identification Guidelines for Structured Data](#)
  - [Video surveillance](#)
- We saw a significant increase in privacy litigation cases and more class actions
- Some clinicians lost their jobs or were disciplined by their College and some received fines over snooping into health records. Want to read more?
  - [Nurse suspended in North Bay](#)
  - [Nurse suspended in Peterborough](#)
  - [Physician suspended in Sault Ste. Marie](#)
  - [Hospital workers convicted and fined in Toronto](#)
  - [Hospital workers convicted and fined in Scarborough](#)
- Hospitals in the US and Canada were targeted by hackers for ransom
  - [Hollywood Presbyterian Medical Center](#)
  - [Norfolk General Hospital](#)
  - [Ottawa Hospital](#)
- Privacy and security issues arose with respect to “wearables” and implanted medical devices