

# Full Privacy Notice

Department of Health

CNB 7109

*This document will be made available to any individual upon request.  
This notice outlines how your information may be collected, used and disclosed and your rights and choices with respect to this information. Please review it carefully. For more information, please see the name of our contact person at the end of this statement. If our privacy practices change, we will update this notice and inform you of the effective date of the change.*

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## About this notice

### Prevailing legislation



This notice describes the Department of Health's approach to protecting your personal privacy in compliance with the applicable privacy legislation in New Brunswick.

The Department of Health is subject to and must comply with the **Personal Health Information Privacy and Access Act (PHIPAA)** and its regulations. This legislation applies to all [personal health information](#) that we collect, use or disclose or that is within our custody or control. Consistent with our role in the health-care system, most of the information we collect, use and disclose constitutes personal health information to which PHIPAA will apply.

The Department of Health is also subject to the **Right to Information and Protection of Privacy Act (RTIPPA)** and its regulations. This legislation applies to all records containing [personal information](#) that are within our custody or control, but only insofar as the information is not considered to be personal health information. RTIPPA will apply, for example, when records containing occupational and financial information are collected for purposes of registering qualified health care professionals within the Medicare system.

### Personal information and personal health information

**Personal information** is any recorded information about an identifiable individual. For example, personal information includes an individual's name and address, occupational and financial circumstances, ethnic, religious or political information, or the personal views or opinions of an individual.

**Personal health information (PHI)** is a subset of personal information. PHI is identifying information about an individual in oral or recorded form pertaining to that person's health or health services provided to the individual. Personal information, such as name and address, is considered PHI whenever it is collected and retained by the Department of Health in connection with these activities. Other examples of personal health information include your medical record or patient record held by a physician or a hospital, and your Medicare number.

Both personal information and personal health information are covered by the terms of this notice. For the purposes of this notice, wherever the term "information" is used, it is assumed to include both personal information and personal health information.

### Scope

This notice applies to information collected, used, and disclosed by the Department of Health during the course of operating and administering its health-care services, programs and information networks. It does not apply to the Regional Health Authority A, Horizon Health Network, FacilicorpNB, Ambulance NB, and other health-care partners or health custodians that do not display or link directly to this statement or that have their own privacy statements. Although subjected to PHIPAA, these entities will be covered by their privacy statements and notices, and these organizations should be consulted directly for more information on their privacy practices.

All of the Department of Health's organizational units and all of its personnel and other agents will follow the terms of this notice when involved in activities carried out for or on behalf of the department where they have access to, or are engaged in the processing (including transmission, storage, retrieval, archival or disposition) of your information. These entities and individuals may share your information with each other for any or all of the purposes outlined in this notice.

## ***Our personal information handling practices***

### **Our privacy commitment to you**



We value your personal privacy and understand that all personal information and, in particular, your personal health information, is sensitive. We are committed to managing it with the greatest of care and maintaining it in a manner that is accurate, confidential, secure and private.

Each time we collect, use or disclose your information, we do so for a specific purpose in accordance with our mandate within the health-care system and in compliance with New Brunswick's privacy legislation. Only our employees or other agents who need to know a certain component of your information to perform their specific role have access to it. We have established policies and/or practices that further ensure your information is kept private and confidential.

### **How we collect personal information about you**

We will not collect more information about you than is needed to meet the identified purpose of the collection, nor will we collect personal information if other information will serve the same purpose. We are authorized to collect your information as follows:

- we collect information directly from you so that we can provide you with a health-care benefit, such as those provided through the Provincial Prescription Drug Program or Medicare or a service, such as registering you for Medicare coverage, or consulting with you when you call one of the Tele-Care services we offer.
- we also collect your information from our health partners, such as regional health authorities (RHAs), physicians or other health-care bodies for billing and/or payment of medical or hospital services you may have received and for managing, monitoring or evaluating the health-care system and the delivery of health-care services and the health status of the population.
- if you are a health-care practitioner applying for a Medicare practitioner number, we will collect certain information directly from you during the registration process. We obtain certain other information indirectly from organizations such as the RHAs and the New Brunswick College of Physicians and Surgeons to determine your eligibility and to compile statistics necessary for the planning and management of the health-care system.
- we are authorized under PHIPAA to collect information indirectly from other health-care custodians to create and maintain an information network. For example, the Electronic Health Record is an information network designed to consolidate patient information to provide better patient care and facilitate improved planning and management of the health-care system.

- our website data processing practices are guided by, and consistent with those of the Government of New Brunswick. When you visit or use our website, we may collect your personal information. To learn more, please visit the Government of New Brunswick's website privacy statement at: <http://www.gnb.ca/include/root/include/privacy-e.asp>

## **Consent for the collection of your information**

By virtue of seeking care from us and reviewing the terms of this notice, we are generally entitled to assume that you have consented to the collection, use and disclosure of your information when you seek any of the entitled health-care services or benefit offered to eligible New Brunswick Medicare registrants, such as ambulance services, public-health clinics or any of the treatment or prevention programs we offer you. This is referred to as implied knowledgeable consent.

We are required to obtain express consent from you in writing to collect, use or disclose your information for purposes not reasonably connected to those outlined in this notice. Express consent in writing is required, for example, before we can disclose your information to the media.

We do not require consent to collect, use and disclose your information in circumstances where the new collection, use or disclosure is required by law, such as where it is required as part of a legal proceeding. The law may permit us to collect your information without your consent in other instances such as for the prevention or reduction of harm to your health and safety or that of the public or for the creation and maintenance of a Registry, such as the Surgical Wait Time Registry.

If we determine that you are incapable of consenting to the collection, use or disclosure of your information, we may seek consent from another individual who has been authorized in writing to give, withhold or withdraw consent on your behalf and in your place. This may be required, for example, in situations when you are seriously ill, mentally incapacitated, a minor, or deceased.

Where we are required to obtain your consent or the consent of a person who is authorized to give, withhold or withdraw consent on your behalf, you have a right to withdraw or withhold it, unless otherwise provided in the legislation. [More information](#)

We do not require your consent to collect your information for creating or maintaining an information network, such as the Electronic Health Record. However, we are required under PHIPAA to observe your consent directives in relation to disclosures from that record. [More information](#)

## **How we may use and disclose information about you**

We may use and disclose your information for one or more of the following purposes:

### **1. Provision of health care and health-care services**

- We use the information that you provide when you use health-care services such as provincial ambulance services or treatment and prevention programs such as the Youth Treatment Program to care for and treat you. We may also share your information with other health-care providers but only to the extent necessary to provide you with health care.
- We use pertinent information that you provide when you use Tele-Care services and health-related information lines such as the problem gambling line to assess your needs and to make appropriate suggestions about your care.
- We use basic information that you provide when you visit one of our public-health clinics or an immunization clinic to assist with diagnosis and treatment; to monitor the effectiveness of vaccines; or to notify you if you

or your child needs an immunization. We may share your information with other health-care professionals to provide optimum public health services and to control the spread of vaccine-preventable diseases.

## **2. Medicare**

We administer Medicare to provide insured health services to eligible New Brunswick residents.

The information collected by Medicare is used primarily:

- To verify an individual's eligibility for insured services. This includes paying for physician services and hospital services.
  - When you apply for Medicare coverage, we use the information you provide, including your full name, address, telephone number(s), date of birth, gender, marital status, family unit members, as well as alternate personal identification documentation (for example, former province health card, driver's license, birth certificate, passport, Canada visa, etc.) to verify that you are a Canadian citizen, legally entitled to remain in Canada, and a resident who makes his/her permanent and principal home in New Brunswick. This may allow us to assess your eligibility, register you for Medicare or to renew your registration, ensuring that you receive the services to which you are entitled;
- To issue and distribute Medicare cards;
- To register qualified practitioners in the Medicare system.
  - If you are a practitioner, we will use your information to verify your eligibility and to provide you with a practitioner number so that you may receive payment from Medicare for eligible services provided to patients;
- For payment with respect to health-care services received.
  - We use information about the medical or hospital services you have received to process and make payment for the claims submitted to us by qualified health-care practitioners;
- To administer the Prescription Drug Program and the Senior's Prescription Drug Program for eligible individuals;
- To verify residency for health programs and services such as immunization, and other public-health services;
- For other authorized purposes outlined in this notice, including the planning, management and administration of the health-care system.

We may disclose information collected by Medicare to authorized health-care providers and organizations, other authorized provincial or federal departments, authorized agencies, or Medicare programs in other Canadian jurisdictions. When making decisions about disclosing Medicare information, we first determine if there is a legal authority to release the information. We use established policies and/or practices to support our decisions for use and disclosure of your information stored within the Medicare program and its applications.

We disclose information collected by Medicare in non-identifiable form to other organizations such as the Canadian Institute for Health Information and Statistics Canada (for health statistical reporting and analysis) and provincial government departments such as the New Brunswick Department of Justice (for verifying residency to enable jury selection).

We may disclose information to other organizations such as law firms and private insurers where you have provided your consent in writing in the form of a verifiable, written request and where authorized by applicable privacy legislation.

## **3. Planning, managing and administering the New Brunswick health-care system and our programs and services**

We may use and disclose information about you for administering and overseeing the provincial health-care system and the specific programs and services we offer. This is necessary to ensure the most effective and efficient operation of programs and services and to ensure that all patients receive quality care.

Our practice is to use only the minimum amount of information required to fulfil these purposes and where possible, we perform the activities listed below using aggregate or de-identified data that will not identify you.

For example, we regularly use information to compile statistics about patients and service providers in the health-care system to:

- plan for, and determine the best allocation of financial and human resources necessary to operate the health-care system in New Brunswick. For example, we ensure the availability of appropriate and quality hospital services by planning, funding and monitoring the ongoing operational needs of the RHAs and their health-care facilities;
- develop health policy, such as our pandemic response plan;
- plan and deliver health-care programs and services, and prevention activities including those outlined in this notice and other provincial programs and services operated by our health partners;
- evaluate, analyze, review, and monitor the effectiveness of programs or services to determine how we are doing and to see where we may make improvements in the care and services we offer; and
- conduct internal risk management and quality assurance activities such as:
  - investigation and/or monitoring activities necessary for the prevention of fraud or unauthorized receipt of health services or benefits;
  - conducting audits to verify program compliance with established policy/procedures; and
  - quality assurance, testing and data verification activities to verify the integrity/accuracy of the information upon which we base our decisions.

#### **4. Public health risks and surveillance**

We use and disclose your information to monitor public-health risks and conduct health surveillance to improve the health and safety of the New Brunswick population, to prevent serious public health threats, to monitor and report on the health status of the population, and for outbreak management. These activities generally include the following:

- communicable disease prevention, management and control. We may be required to disclose your information to certain federal and/or provincial government agencies to prevent a serious threat to your health and safety or the health and safety of the public or another person;
- reporting adverse reactions to medications or problems with products to federal government agencies;
- notifying individuals of recalls of products they may be using or medications (such as vaccines) they may have received;
- managing and/or preventing outbreaks of disease. We may be required to notify a person or group of persons who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition. For example, where a contaminated or contagious individual works in a position such as a food handler or daycare worker, we may notify the individual's employer if we have reason to believe that their continued contact with others creates a significant risk of serious harm to the health or safety of the public or a group of people.
- Cancer surveillance activities of the [New Brunswick Cancer Network](#).

#### **5. The New Brunswick Cancer Network (NBCN)**

NBCN, a division of the Department of Health, collects, uses, and maintains patient-specific information to study cancer patterns and trends and to inform and advance provincial strategies for cancer care, including prevention, screening, treatment, follow-up care, palliative care, education, research and the development of policies and standards for all elements of cancer care. This is facilitated through the systematic collection of patient information within the NBCN's registries and data holdings, such as the New Brunswick Cancer Registry and the New Brunswick Breast Cancer Screening Services Database.

Information maintained by NBCN for the above purpose is communicated to the Canadian Cancer Registry (Statistics Canada) and Public Health Agency of Canada. Data may also be shared with other international cancer organizations such as the International Agency for Research on Cancer (IARC), the North American Association of Central Cancer Registries (NAACCR) and researchers after appropriate data sharing agreements have been completed in accordance with PHIPAA.

## **6. Information networks**

The health-care system uses information technology to link the computer systems of two or more custodians to permit personal health information to be shared to facilitate patient care and to improve the planning and management of the health-care system. This is referred to as an information network.

The Minister of Health is accountable for designating information networks under PHIPAA according to the terms of the legislation and departmental policy. The Department of Health is the custodian of the Electronic Health Record, which has been designated as an information network. As information networks are designated under the legislation, information including their purpose, nature, sources of information collected and used, and conditions under which access is provided will be posted to our website.

We do not require your consent to collect your personal health information for creating or maintaining an information network. However, you may register [a consent directive within an information network](#) to prevent disclosure of your personal health information to a user who would normally be provided access.

## **7. Organ and Tissue Procurement Program**

When you decide that you would like to become an organ donor, or when you are a potential organ recipient, we use information provided by you as well as information generated from the various medical tests that are required to be conducted to determine your suitability for organ donation or receipt. When your suitability is confirmed, your information is used and disclosed to co-ordinate the retrieval of organs from all New Brunswick donors and to place these organs with Canadian transplant programs.

## **8. Health research**

We may disclose health information to researchers or research organizations to assess health needs, evaluate new or existing services or treatments, or conduct health system planning and other research activities involving the health and well-being of New Brunswickers. Such organizations include universities, other government departments or agencies, health service organizations, voluntary health agencies and non-profit research centres.

In most cases, the information disclosed by us has been de-identified such that it is not possible to identify specific individuals from the data provided. Identifiable personal information is only disclosed when the research purpose cannot reasonably be accomplished without access to identifiable data about individuals.

If we wish to disclose identifiable information about individuals for research purposes, we will require their consent. In some instances, however, it may be impossible or impractical to contact individuals to obtain consent for disclosure of their information for research purposes. For example, if the research involves information from a very large number of individuals, or if there is no ongoing relationship with the individuals, or if many of the individuals have relocated or died, it may not be feasible to obtain consent.

Where consent will not be obtained, identifiable information about specific individuals may only be used or disclosed with the prior approval of a research review body. Before a project is approved, the research review body reviews and approves the anticipated uses and disclosures of the information associated with each proposed research project from an ethical and privacy standpoint according to the requirements of PHIPAA.

## **9. Other purposes as required by law**

We may disclose information about you in order to comply with a legal obligation that requires or permits the disclosure of your information, such as in the context of an investigation of any contravention of a law or for reporting of suspected cases of child abuse as required by the *Family Services Act*.

## **Accuracy of your information**

We have implemented controls within our policies, systems and procedures to ensure that information we maintain about you is as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used and to minimize the possibility that inappropriate or inaccurate information may be used to make a decision about you.

## **Safeguarding your information**

We have implemented appropriate technical, administrative and physical safeguards to protect your information against loss or theft as well as unauthorized access, disclosure, copying, use, or modification. The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. A higher level of protection will be used to safeguard more sensitive information. These methods of protection include:

- limiting access to only those people who have a need to know this information to perform their job duties;
- requiring the use of passwords when accessing electronic applications and databases;
- using firewalls and industry standard encryption methods;
- requiring the use of locked filing cabinets and privacy screens on computer monitors;
- developing guidelines and implementing procedures with respect to the retention of your information, including minimum and maximum retention periods;
- ensuring that information no longer necessary or relevant for the identified purposes or no longer required to be retained by law, is securely destroyed, erased or made anonymous to ensure that unauthorized parties do not gain access to it; and
- assessing potential privacy impacts to individuals prior to introducing new systems or programs that collect your information.

## **Third-party service providers**

We engage outside organizations or individuals to perform certain functions on our behalf to help us fulfil the purposes set out in this notice. The types of services provided by third parties may include:

- administrative functions, such as printing, customer service support and data processing;
- program operation on our behalf by trusted third-party organizations including the New Brunswick Prescription Drug Program and Senior Prescription Drug Programs, provincial ambulance services, and Tele-Care services; and
- information technology support such as application development and the maintenance of systems and/or networks.

Where a third party participates in the collection, use, disclosure or other processing of your information on our behalf, we enter into a formal written agreement with the third party that requires that individual or organization to commit to protecting personal information in accordance with our privacy policies and privacy legislation.

## Your rights and choices

### Consent directives



You have the right to withhold or withdraw your consent at any time subject to legal or contractual restrictions and reasonable notice, except when the collection, use or disclosure of your personal health information is required or permitted by law.

Should you wish to withdraw your consent, you should make your request in writing. The withdrawal of consent cannot be retroactive. If you choose to withdraw consent to the collection, use or disclosure of your personal health information, we will make reasonable efforts to inform you of the implications of such withdrawal, including the possible impact on your care and treatment.

In certain limited and specific situations, it may be necessary to override a consent directive if we believe it is necessary to provide health care to you and you are not capable of providing consent. We have established policies and practices to manage and monitor the application of consent directives, including monitoring all instances where it is necessary to override a directive.

### Consent directives within an information network

The Department of Health does not require your consent to collect your personal health information for the purposes of creating or maintaining an information network, such as the Electronic Health Record. However, you may register a consent directive within an information network to prevent disclosure of your personal health information to a user who would otherwise have access.

An application to register a consent directive within an information network must be submitted in writing to the administrator of the information network and signed by the person making the consent directive. You will be asked to provide sufficient information to enable the administrator to confirm that you are authorized to make this request. The time required for the department to process your application and register your consent directive will vary; please inquire with the administrator when submitting your application. Consent directives are effective once registered in the information network.

A consent directive may be changed or revoked with written notice to the administrator of the information network. Details about information networks, including the name and contact information of the person designated as the administrator of the network will be published on the department's website at: [www.gnb.ca/health](http://www.gnb.ca/health) or can be obtained by contacting the [Corporate Privacy Office for the Department of Health](#).

### Requesting access to your records

You are entitled to request access to your information that you believe to be in our possession by making a request in writing. Please provide sufficient detail to permit us to identify and locate the record(s) you are seeking. Include the following information in your written request:

- your full name and date of birth;

- your present address. If different, please also provide your address at the time relevant health services for which you are seeking information were rendered;
- place, date and nature of the health services to which the requested record or information pertains; and
- your name, address, and telephone number so that we may contact you with our response. We may also need to contact you if we have questions or require clarification about your request.

We will respond to your request no later than 30 days after receiving it, unless we need to extend the time needed for responding to the request, in which case we will notify you. We may require an extension if, for example, a large number of records has been requested or must be searched, or if we need more time to consult with a third party or another custodian. In some cases, we may refer a request for access to one of more of our health partners if the information is maintained or was first collected by the other partner. If we transfer your request to another partner organization, we will notify you in writing within 10 days.

In responding to your request, we will:

- make information available to you for examination or provide a copy to you if you request it;
- inform you in writing if the information does not exist or cannot be found;
- inform you in writing if the request is refused, in whole or in part, for a specified reason. Where access is denied, we will tell you why. Exceptions may include, for example, information that contains references to other individuals or information that is subject to solicitor-client or litigation privilege; and
- if you do not agree with our decision, you have a right to complain to the Access to Information and Privacy Commissioner or you may refer the matter to a judge of the Court of Queen’s Bench of New Brunswick for review.

Depending on the nature of your request, you may be required to pay a fee. We will notify you of any charges in advance of satisfying your request.

## **Requesting corrections to your information**

If you believe there is an inaccuracy in the information that we have about you, you may request that we correct your record. If we approve your request, we will make the correction to our records. If we deny your request, we will tell you why and explain how you may complain about or request a review of this decision.

## **Inquiries and complaints**

You may inquire about our privacy practices or submit a complaint to us by personal delivery, mail, facsimile, e-mail or telephone.

Please provide sufficient detail in your inquiry or complaint to enable us to provide a response or to investigate. We investigate all complaints.

We will respond to your inquiry or complaint, including the outcome of any investigation, within 30 business days of receiving it. If there is a delay, we will notify you in writing of the approximate time frame for responding to you.

You have the right to contact the Access to Information and Privacy Commissioner if you think we have violated your rights. For more information, please visit: <http://www.gnb.ca/0073/index-e.asp>

## **Third-party applications**

You may give consent in writing for a third party to obtain access to your information. Examples of third parties that may make such a request on your behalf include relatives, medical practitioners and legal counsel.

The consent form must be in writing, dated and signed, and it must be the original document. A copy will not suffice.

In certain circumstances, it may be necessary for us to contact you to confirm the validity of your request, or to confirm the intended scope.

## ***How to contact us***

For more information about our privacy protection practices, or to raise a concern you have with our practices, you may contact us at:

Chief Privacy Officer,  
Department of Health,  
HSBC Place,  
P. O. Box 5100,  
Fredericton, NB  
Canada  
E3B 5G8

Email : [Click Here](#)  
Telephone: 506-444-3902  
Facsimile: 506-444-5236