



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

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To fully protect the health information of Canada's military, Ottawa should draft amendments based on Ontario's highly lauded health privacy law: Commissioner Cavoukian

TORONTO – Amendments to the federal Privacy Act related to health information, based on Ontario's *Personal Health Information Protection Act (PHIPA)*, would provide Canada's Armed Forces with much needed protection for their personal health information, says Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian.

In the wake of a controversy over the misuse of veterans' health information – with Ottawa being asked to look as far as the United Kingdom for effective health privacy protection – Commissioner Cavoukian is emphasizing that the federal government need not look beyond Canada's own borders.

"The federal Privacy Act is a general privacy law that does not fully address the protection of personal health information," said Commissioner Cavoukian. "Ontario's *PHIPA* is the most effective health privacy legislation in North America and far beyond."

"Unlike the federal Privacy Act, *PHIPA* provides individuals with the right to place restrictions on who may access their personal health information and requires that individuals be notified when their personal health information is accessed by unauthorized persons," said the Commissioner. "It also provides the oversight agency – my office – with the authority to investigate privacy breaches and to issue binding orders that may be used by individuals to commence actions for damages for actual harm suffered. In addition, individuals who wilfully collect, use or disclose personal health information in contravention of the legislation may be subject to prosecution and, upon conviction, may be liable for significant fines."

Ontario's *Act* is considered to be the "gold standard" in health privacy legislation, said the Commissioner. It has served as a model for other jurisdictions in Canada, including Newfoundland and Labrador, and New Brunswick, as well as other parts of the world. The Institute of Medicine in the United States, for example, recommended that *PHIPA* be used as the model for amending its health privacy legislation, the *Health Insurance Portability and Accountability Act*. Following a world-wide search, Ontario's law was the only existing statute named as a suitable model to form the basis of their revisions.

"Because of the proven effectiveness of *PHIPA*," said the Commissioner, "I am urging Ottawa to look within its backyard, to Ontario's *PHIPA*, before considering other options."

Media Contact:

Bob Spence, Communications Co-ordinator

Direct line: 416-326-3939; **Mobile:** 416-873-9746; **Toll free:** 1-800-387-0073

bob.spence@ipc.on.ca



2 Bloor Street East
Suite 1400
Toronto, Ontario
Canada M4W 1A8

2, rue Bloor Est
Bureau 1400
Toronto (Ontario)
Canada M4W 1A8

416-326-3333
1-800-387-0073
Fax/Téléc: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>