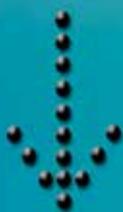


Health Cards & Health Numbers

The Personal Health Information Protection Act

FREQUENTLY ASKED QUESTIONS





NOTE: The information contained in this document is for general reference purposes only and should not be considered as legal advice. Legal counsel should be consulted for all purposes of interpretation.

Introduction

The *Personal Health Information Protection Act, 2004 (PHIPA)* governs the manner in which personal health information may be collected, used and disclosed within the health sector.

Health Cards

Eligible residents in the province of Ontario may apply to receive provincially funded health services covered by the Ontario Health Insurance Plan. A health card is issued by the government of Ontario to the insured person. The health card may be presented to receive an insured health service. There are two types of health cards currently in circulation: the photo health card and the red and white health card.

Health Card Number

A unique 10-digit permanent identification number and a version code, together known as the health number, are assigned to eligible residents. Some red and white health cards do not have a version code.

An individual's health number is considered to be *personal health information* under *PHIPA*.

Generally, health information custodians (custodians), such as health care practitioners, medical officers of health, Public Health Ontario and Canadian Blood Services, may collect, use or disclose a health number for purposes related to providing or assisting in providing health care, or as otherwise provided for in *PHIPA*.

For further information about the rules governing custodians, please see the document, *A Guide to the Personal Health Information Protection Act*, published by the Office of the Information and Privacy Commissioner of Ontario (IPC).

Who may require individuals to produce their health cards?

PHIPA states that only a person or organization that provides a provincially funded health care resource may require individuals to produce their health cards.

Who may collect, use or disclose health numbers and under what circumstances?

Custodians and certain persons and organizations prescribed in the regulations are *permitted* to collect, use or disclose health numbers. Custodians must not collect, use or disclose personal health information, such as the health number, if other information will serve the purpose of the collection, use or disclosure.

For example, the staff at a doctor's office, hospital, walk-in-clinic or medical laboratory may collect, use or disclose health numbers for the purposes of providing provincially funded health care treatment or services.

A person or organization that is *not* a custodian or an agent of a custodian may only collect or use an Ontario health number for:

- purposes related to the provision of provincially funded health resources,
- the purpose for which the custodian disclosed the number,
- the purposes related to the duties or powers of a governing body of health care practitioners who provide provincially funded health resources or
- health administration, health planning, health research or epidemiological studies by persons listed in the regulations including, the Workplace Safety and Insurance Board, prescribed persons, such as the Children's Hospital of Eastern Ontario in respect of the Better Outcomes Registry and Network, and prescribed entities such as Cancer Care Ontario.

A person or organization that is *not* a custodian may not disclose a health number, except as set out in the regulations or as required by law. For example, a person who is not a custodian may disclose a health number for purposes related to the provision of provincially funded health resources.

These restrictions on the collection, use and disclosure of health numbers do not apply to some persons and organizations including:

- a person who collects, uses or discloses health numbers for a proceeding (which refers to a matter that is before a court, tribunal or similar body) or
- a prescribed entity, for example, Cancer Care Ontario.

Who may ask individuals to provide their health cards or health numbers?

It is important to note that there is a difference between *asking* individuals to *voluntarily* provide their health cards or health numbers and *requiring* individuals to produce their health cards.

There is nothing in *PHIPA* that prevents a person or organization, including municipal and provincial government agencies, employers, insurance companies, retailers, health clubs and private individuals from *asking* individuals to provide their health cards or health numbers, as long as it is made clear that the provision of health cards and health numbers is voluntary and that their health number will only be collected and used for purposes related to the provision of provincially funded health resources or for other purposes authorized by *PHIPA*. For instance, an employer may ask an employee to voluntarily provide his or her health card or health number to expedite the provision of health care services in the event of an emergency. A school, daycare or camp may also request a child's health card or health number so that it is on record in the event of a medical emergency.

Can health cards be used as proof of identity?

It is important to note that there is a difference between *accepting* health cards from individuals who *voluntarily* provide them for identification purposes, and *requiring* individuals to produce their health cards.

To receive an Ontario health card and Ontario health insurance coverage, each eligible resident must apply and substantiate basic personal information by providing documentation of his or her Canadian citizenship, immigration status, or residency within Ontario, as well as his or her identity. Many organizations in the province will accept the health card as a form of identification because of its perceived reliability and the

fact that a majority of Ontario residents have one. For individuals who have neither a passport nor driver's license, it may be their only piece of photo identification. *PHIPA* does not prevent an individual from offering a health card for identification purposes; however, while health cards may be accepted for identification purposes, a person or organization who is not a custodian must not record or copy the health number. For example, on municipal election day, a voter may identify him or herself to an election officer by voluntarily providing a health card, as long as the official does not write the number down, or otherwise collect the health number on the face of the card.

What should be considered before asking individuals to provide a health card or health number?

As a general rule, individuals have a right to refuse to provide their health cards and health numbers – as well as those of their dependents – to a person who is not a custodian. Disclosure must be voluntary. No person other than a custodian, or someone acting as an agent of a custodian, may require individuals to produce their health cards.

It is an offence under *PHIPA* to require the production of a health card, except if it is required by a person or organization that provides provincially funded health resources to the individual. It is also an offence under *PHIPA* for any person or organization to willfully collect, use or disclose any personal health information – including health numbers – in a manner that contravenes *PHIPA*.

If you have any questions or concerns about the production of health cards or the collection, use or disclosure of health numbers, please contact the IPC at info@ipc.on.ca.

Other health privacy materials available at www.ipc.on.ca include:

Frequently Asked Questions: Personal Health Information Protection Act

The Personal Health Information Protection Act and Your Privacy

A Guide to the Personal Health Information Protection Act

Access and Correction Complaints

Collection, Use, Disclosure and Other Complaints

About the IPC

The role of the Information and Privacy Commissioner is set out in three statutes: the *Freedom of Information and Protection of Privacy Act*, the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*. The Commissioner is appointed by the Legislative Assembly of Ontario and is independent of the government of the day.



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