

FOR BCCNM REGISTERED MIDWIVES

Personal Information Protection Act (PIPA) requirements

On January 1, 2004, the *Personal Information Protection Act* (PIPA) came into effect in British Columbia. PIPA governs how personal information on British Columbians is gathered and used by private organizations, including midwives' offices.¹

How PIPA applies to midwives

As professionals in private practice, midwives are responsible for knowing the legislation that affects their practice and complying with that legislation. *PIPA* is consistent with the midwives' duty to protect the personal information of their clients as set out in the BCCNM bylaws, Part 6 – Division 6.

How PIPA affects BC health care and midwifery practice

This legislation governs how midwives, physicians and other clinicians:

- collect personal information on their clients,
- access clients' personal information to provide necessary care,
- disclose a client's personal information to other parties (such as labs, physicians, hospitals, etc.) in relation to that care, and
- how clients are able to access their information and correct it when necessary.

¹ See http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_03063_01

PIPA formally recognizes both the rights of the client to protect the client's personal information, and the need of the midwife to collect, use and disclose client information in order to effectively carry out midwifery care.

There are specific rules in place for:

- how information must be gathered,
- how information must be protected,
- when and to whom it can be disclosed, and
- how information can be accessed and corrected.

The *Personal Information Protection Act* requires a midwifery practice to have policies about the protection of personal information in place and assign one of its members to be the office's privacy officer, responsible for helping client understand how personal information is being managed and how to access their own personal information, and generally be responsible for ensuring the practice is in compliance with the PIPA.

Understanding PIPA – a brief overview

TYPES OF INFORMATION

PIPA places personal information into two categories:

- **individually identifying information** - tells who a person is, and
- **non-identifying information** - does not reveal a person's identity

Privacy can be violated only if the person can be identified. For that reason, PIPA is mainly concerned with information that identifies a client.

CONSENT

When a client provides information regarding health and the reasons for the visit, it is considered that the client has given the midwife implicit consent to the collection, use and disclosure of that information for use in providing health care, including implicit consent to send all or part of the client information to a third party (lab, hospital, other physician, etc.) so long as it is in relation to the provision of direct midwifery care.

RIGHT TO ACCESS PERSONAL CLIENT INFORMATION

A client has the right at any time to request access to the client's chart held in the midwife's office, but does not have automatic access to everything in the file. In certain circumstances a midwife may decide to allow partial access to a chart or hold back certain information if the midwife believes this information could cause harm to the client or to others. It is expected that such circumstances would be rare.

RIGHT TO CORRECT ANY ERRORS OR OMISSIONS IN YOUR PERSONAL PATIENT INFORMATION

A client may request a correction to the records if they believed there is an error or omission and within 30 days of receiving such a request, the midwife must correct any information in the client's chart that has been verified to be inaccurate and then send a copy of the corrected record to each organization to which the incorrect or incomplete information was disclosed within the past year.

If the midwife determines that no incorrect information exists in the record, a note must be made and include it in the record to indicate a correction was requested but not made and the client must be notified and provided with the reason(s) for not making the requested correction.

COMPLAINT PROCESS

If a client has a complaint or concern about the way their personal information has been collected, used, or disclosed to a third party, the midwifery practice must have a process in place to deal with it that is readily accessible to their clients.

If a client is not satisfied with the outcome of dealing with your practice's procedures or policies, the client may contact the British Columbia College of Nurses and Midwives (BCCNM) and ask the College to solve the issue. If that procedure is unsatisfactory, the client may contact the Office of the BC Privacy Commissioner and the Privacy Commissioner will have the final word on the matter.

Ten principles for the protection of privacy

From PIPA Tool #4: BC Ministry of Management Services.

BE ACCOUNTABLE – you are responsible for the personal information under your control and for ensuring that you have policies to support your compliance with legislative requirements.

IDENTIFY THE PURPOSE – collect only what is necessary. The purpose for collecting personal information must be available to the client.

OBTAIN CONSENT – client knowledge and consent to collect, use or disclose personal information is required.

LIMIT COLLECTION – only collect personal information for the purposes that a reasonable person would consider appropriate in the circumstances.

LIMIT USE AND DISCLOSURE – use or disclose personal information only for the purpose it was collected.

BE ACCURATE – ensure personal information is accurate, complete and current.

USE APPROPRIATE SAFEGUARDS – ensure personal information is safeguarded against unauthorized access, disclosure, use, copying, modification, disposal, etc. regardless of format.

BE OPEN – share your privacy policy with clients so they understand how you protect personal information.

GIVE INDIVIDUAL ACCESS – make provisions for individuals to access their personal information.

PROVIDE RECOURSE – ensure your compliance and complaints process is simple and easy to understand.

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