

Notice to vendors – *Personal Health Information Protection Act, 2004 (PHIPA)* regulatory amendment

The province of Ontario has filed an amendment to regulations under the *Personal Health Information Act, 2004*, S.O. 2004, C.3, Schedule A (PHIPA) that allows eHealth Ontario to create and maintain electronic health records (EHRs) while keeping Ontarians' electronic personal health information secure. As a service provider to eHealth Ontario, vendors need to ensure that their privacy practices continue to comply with the law and with eHealth Ontario's policies as they may be amended from time to time to reflect changes in law, as further detailed below:

The regulatory changes

In June 2011, [Ontario Regulation 331/11](#) under PHIPA was filed by the province of Ontario. This amendment allows eHealth Ontario to create and maintain EHRs while keeping Ontarians' electronic personal health information secure.

The change balances the importance of moving toward fast and efficient ehealth records for all Ontarians, while ensuring privacy and confidentiality are at the forefront, by:

- Clarifying that eHealth Ontario has the authority to create and maintain EHRs, subject to eHealth Ontario's compliance with detailed and specific privacy requirements;
- Defining that authority to include the ability to integrate personal health information, conduct data quality assurance tests, and conduct analyses to provide alerts and reminders to health information custodians in respect of their patients; and by,
- Defining electronic health record to mean a record of personal health information created or maintained in electronic form by eHealth Ontario to enable health information custodians to use electronic means to disclose personal health information to one another for the purpose of providing or assisting in the provision of health care to the individual whose personal health information is contained in the record.

Safeguards

eHealth Ontario has implemented administrative, physical and technical safeguards to protect the personal health information being transferred, processed or stored from theft, loss, unauthorized use, modification, disclosure, destruction and/or damage. These safeguards include security software and encryption protocols, firewalls, locks and other access controls, privacy impact assessments, staff training and confidentiality agreements. As a service provider to eHealth Ontario, vendors need to ensure that their privacy practices in respect of any personal health information they are managing on eHealth Ontario's behalf comply with these safeguards, the law and eHealth Ontario's policies.

For questions please contact: eHealth Ontario
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