

Personal Health Information and COVID-19 Related Disclosure

The *Public Health Act* authorizes certain individuals to collect, use and disclose Personal Health Information (PHI) for the purposes of contagion management. The *Personal Health Information Act* (PHIA) authorizes disclosure of PHI without consent if that disclosure is necessary to lessen a risk of serious harm to that individual someone else, or the public.

Contact Tracing

In the event that a health-care worker tests positive for COVID-19, established contact tracing procedures involving Public Health, Infection Prevention & Control or Occupational Health Services or the designate of any of the above, will inform coworkers, staff, patients and residents who are determined to be a close contact and appropriate direction will be provided.

It is understood that some staff may make assumptions or conclude who among their colleagues has tested positive for COVID-19. It should be noted that confirming these details when asked by other employees would be considered an unauthorized disclosure of PHI.

Union Notification

In circumstances where a current and active risk is not present (section 22(2)(b)(ii)) of PHIA, PHI may only be released with the informed consent of the individual or their representative/executor.

This includes notification to union representatives, who are not included as trustees of Personal Health Information.

The appropriate Union Representative will be advised when an employee has tested positive. Identification of the individual will not be shared unless consent has been provided.

COVID-19 Deaths

In the event of a death from COVID-19, staff/coworkers in the immediate unit will be informed that their colleague has passed and will be provided with appropriate support. This approach will ensure compliance with PHIA (section 20(3)), which confirms that the Employer, as a trustee, may only disclose the minimal PHI necessary for its purpose, ensuring that disclosure is limited to only those who need to know.

Generally speaking, the Employer should treat the death of an employee from COVID-19 in the same way it would with respect to any other cause of death. It should be noted that disclosure of cause of death constitutes a release of personal health information. Therefore, unless there exists a current and active risk to the health and safety of other employees, the cause of an employee's death should not be disclosed to other staff.

It is understood that some staff may conclude that their colleague's passing is related to COVID-19. It should be noted that confirming these details when asked by other employees would be considered an unauthorized disclosure of PHI.

The above principles would also apply to information shared with or in responses provided to questions posed by patients, residents or clients who were cared for by the deceased health care worker.

PHI and Media

Staff should be reminded that these principles also apply if they are approached for information by anyone, including other staff, members of the public and/or media, seeking information or confirmation of personal health information.

If this occurs, they should alert their manager/supervisor and privacy officer who can manage the request for information in accordance with PHIA.