



Memorandum

To: Senior Leadership Team

From: Matthew Holland, Provincial Privacy Manager

Date: October 24, 2018

Subject: First Nation Bands Designation as Custodians under the Personal Health Information Act (PHIA)

Please note that First Nation Bands have been approved to become Custodians as defined in PHIA. At this time, 10 of the 13 bands have decided to assume that role.

The change will occur in two phases:

1. November 1, 2018 for the Annapolis, Eskasoni, Glooscap, Membertou, Pictou, Potlotek, Sipekne'katik, Wagmatcook, We'koqma'q First Nation Bands, and;
2. February 1, 2019 for the Millbrook First Nation Band.

Once the legislative amendment comes into force, First Nation Band health centres will be able to collect, use, disclose, retain, destroy and destruct patient personal health information as outlined in the Act. This will also allow for improved collection, use and disclosure of personal health information between First Nation health centres and other custodians (i.e. provincial health care clinicians and institutions).

From an NSHA perspective, this also means personal health information can be shared with the above named bands relying on knowledgeable implied consent, in a similar manner as sharing with physicians and other custodians outside of the NSHA.

This change will have an impact on operations, especially for those areas with a close working relationship with the First Nation Bands. The Privacy Office can provide more details on what is permissible from a PHIA perspective, and offer advice on any new activity that results from this change. For assistance, please email privacy@nshealth.ca.

Thank you,

Matt Holland
Provincial Privacy Manager