



BILL NO. 118

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
71 Elizabeth II, 2022*

An Act to Amend Chapter 41 of the Acts of 2010, the Personal Health Information Act

CHAPTER 22
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 22, 2022**

The Honourable Michelle Thompson
Minister of Health and Wellness

*Halifax, Nova Scotia
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**An Act to Amend Chapter 41
of the Acts of 2010,
the Personal Health Information Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, as amended by Chapters 31 and 44 of the Acts of 2012 and Chapter 32 of the Acts of 2014, is further amended by

- (a) relettering clause (a) as (aaa); and**
- (b) adding immediately before clause (aaa) the following clause:**

(a) “accreditation” means an ongoing process of assessing health services organizations against standards of excellence to identify what is being done well and what needs improvement;

2 Section 21 of Chapter 41 is amended by adding immediately after subsection (1) the following subsection:

(1A) For the purpose of this Act, access to personal health information may be requested by a substitute decision-maker on behalf of an individual when the request is in the best interest of the individual who is the subject of the information, and the request is in compliance with this Act.

3 (1) Subsection 38(1) of Chapter 41, as amended by Chapter 31 of the Acts of 2012, is further amended by

- (a) striking out “or” at the end of clause (t);**
 - (b) striking out the period at the end of clause (u) and substituting “; or”;**
- and**
- (c) adding immediately after clause (u) the following clause:**

(v) to a custodian’s authorized person conducting an audit or reviewing an application for accreditation or reviewing an accreditation, if the audit or review relates to the services provided by a custodian.

(2) Section 38 of Chapter 41, as amended by Chapter 31 of the Acts of 2012, is further amended by adding immediately after subsection (7) the following subsection:

(8) Where a custodian discloses personal health information under clause (1)(v), the person conducting the audit or reviewing an application for accreditation or reviewing an accreditation must agree in writing

- (a) to destroy the information at the earliest possible opportunity after the audit or review; and**
- (b) not to disclose the information to any other person, except as required to accomplish the audit or review.**

4 Subsection 45(4) of Chapter 41 is amended by striking out “subsection 9(2)” in the fourth line and substituting “Section 9”.

5 Section 63 of Chapter 41 is amended by adding immediately after subsection (4) the following subsection:

(5) A custodian may audit records of user activity to detect and investigate privacy breaches, in accordance with the regulations or guidelines set by the Minister.

6 Subsection 101(1) of Chapter 41 is amended striking out “101” in the second line and substituting “100”.

7 Section 109 of Chapter 41 is amended by

(a) adding “(1)” immediately after the Section number; and

(b) adding immediately after subsection (1) the following subsection:

(2) Within five years of completing the initial review of this Act, and every five years thereafter, a full or partial review of this Act must be undertaken at the discretion of the Minister.

8 Subsection 110(1) of Chapter 41, as amended by Chapter 31 of the Acts of 2012, is further amended by adding immediately after clause (k) the following clause:

(ka) respecting audits of records of user activity pursuant to subsection 63(5).
