

Amendments to *The Health Information Protection Regulations, 2006*

The Health Information Protection Regulations have been amended to clarify for health care providers and the police what personal health information may be requested and disclosed to the police about a patient during an investigation, without the consent of the patient.

The release of personal health information to the police remains discretionary, as it was before these amendments and before *The Health Information Protection Act* came into effect. Police officers cannot simply demand information and expect to receive it. Health workers and the police will need to assess each situation on a case-by-case basis. The new regulations provide a framework for police to approach health care workers regarding what information is needed and why it is needed. This will ensure a balance between public safety and the protection of personal health information.

The regulations provide that:

1. The Minister of Health may release certain limited information to police when they are executing an arrest warrant, serving a subpoena or locating a missing person. The information is restricted to the health registration information of the individual and the location of the facility where health services were offered or provided.
2. Police are allowed to request personal health information from health care providers only when they conduct *Criminal Code* or *Controlled Drugs and Substances Act* enforcement or investigations. Health authorities and their employees such as acute and emergency care providers are authorized to provide only certain personal health information to police. The information that can be released is limited to:
 - the nature and severity of an injury suffered by an individual; and
 - the facts surrounding the incident being investigated and/or the offer of medical services to a patient. For example, if alcohol was present in the car at the scene of a motor vehicle accident; or if the patient arrived at the health facility with slurred speech or erratic behavior.

The regulations do not allow the release of an individual's past health history prior to the incident under investigation.

3. Health authorities may disclose the personal health information of a deceased person, without consent, to the Chief Coroner or a coroner for the purposes of an investigation or inquest under *The Coroners Act, 1999*.

This amendment will bring the Saskatchewan regulations into line with the approach taken in Ontario, Manitoba, Alberta and British Columbia; however, Saskatchewan's regulation is more restrictive as to when and how much personal health information may be released.

Health care providers and police officers will receive training about their responsibilities regarding the disclosure of a patient's personal health information.