

APPLICATION TO ACT AS A SINGLE HEALTH INFORMATION CUSTODIAN

INSTRUCTIONS FOR APPLICATION FOR MINISTER'S ORDER UNDER S. 3(8) OF THE *PERSONAL HEALTH INFORMATION PROTECTION ACT, 2004*

Subsection 3(8) of the Personal Health Information Protection Act, 2004 ("PHIPA") provides that the Minister of Health ("the Minister") may make an order permitting one or more health information custodians who make an application under subsection 3(7) to act as a single health information custodian with respect to the facilities, powers, duties or work that the Minister specifies, if the Minister is of the opinion that it is appropriate to make the order in the circumstances, having regard to the matters set out in s. 3(8).

The main relevant provisions are attached. Please read them carefully before preparing your application.

1. Applicant Information

Please provide full legal name of all health information custodians who are applying for this order ("the Applicants"). Each Applicant must also provide the following information:

- a) Principal business address,
- b) Mailing address if different than principal business address,
- c) Full details of whom the Applicant is employed or retained by, if applicable, and
- d) Signature(s) and title(s) of signing officer(s) endorsing the application and certifying that they are authorized to bind the Applicant.

Please indicate which Applicant will act as the primary contact for this application. Be sure to provide the name(s) and title(s) of the responsible person(s) and the contact information (including telephone numbers and email address) for each Applicant who will act as a primary contact.

2. Application type

Indicate which of the following types of application you are making:

- a) Application by one health information custodian that operates more than one facility described in one of the subparagraphs of paragraph 4 of the definition of "health information custodian" in subsection 3(1) and wishes to be permitted to act as one custodian with respect to two or more of those facilities.
- b) Application by multiple health information custodians who wish to be permitted to act as one custodian.

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3. Please provide the following information for all Applicants:

Note: The Minister reserves the right to request further information from any Applicants to assess the appropriateness of the proposed order.

- a) Description of the facilities, powers, duties, or work in respect of which an order of the Minister is sought and, as necessary, clarify the functions of any of the Applicants that would not be subject to the order. Include address of all facilities for which an order is sought).
- b) Explanation of why the Applicants believe that acting as a single HIC would be in the public interest. (Please include whether alternatives have been considered and why an order is the best choice).
- c) Description of how the Applicants would be able to provide individuals with reasonable access to their records of personal health information if permitted to act as a single health information custodian as proposed by the Applicants.
- d) Explanation of how an order would affect the Applicants' ability to comply with PHIPA.
- e) Explanation of how an order would enhance the ability of the Applicants to effectively provide integrated health care.
- f) Description of any measures or safeguards that the Applicants propose to take in order to ensure that the purposes of the Act, and the Applicants' ability to comply with PHIPA, are not impeded by the requested order to act as a single health information custodian.
- g) Description of any terms to which the order may or should be subject.
- h) Any custodian or group of custodians in a comparable situation to the Applicants to which the Minister should consider extending the order, through subsection 3(9) of PHIPA, taking into consideration the requirements set out in that subsection.
- i) For an application made by multiple custodians, an indication of which Applicants will assume responsibility for the single custodian permitted under the order, i.e., which one of the Applicants takes over the responsibility for fulfilling the legal obligations on the custodian, including a description of how the Applicants will be able to discharge that responsibility.
- j) For an application by multiple custodians who are health care practitioners as defined in PHIPA, an explanation about why they would not be considered to be a health information custodian under paragraph 3(1)[1] of the Act.

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The information requested as part of this application, as described above, is being collected:

- So that the Minister may determine whether to make an order pursuant to subsection 3(8) of PHIPA, and so the Minister is able to evaluate the appropriateness of that order on an ongoing basis; and
- For the administration of that Act by the Ministry.

In the course of making a determination in respect of whether to make an order under ss. 3(8), the Minister may disclose the contents of this application to the Information and Privacy Commissioner of Ontario.

An order issued by the Minister under s. 3(8) will contain the legal names of the Applicants, the Applicants' business and/or mailing address, the functions that the Applicants perform that are subject to the order (including information about the Applicants' facilities, powers, duties and work) and may contain other information provided by an Applicant that is relevant to the order. An order, once issued, will become public information. If you have any questions about the Minister's collection, use and disclosure of the information submitted in your Application, you may contact:

Information Management Strategy and Policy Branch
Ministry of Health
Email: healthprivacy.moh@ontario.ca

Where to send your application

After ensuring that your application includes all the items set out above, please send it to:

Information Management Strategy and Policy Branch
Ministry of Health
13th Floor, 1075 Bay St.,
Toronto, ON M5S 2B1

- or -

Email: healthprivacy.moh@ontario.ca