



Changes to Health Information Protection Regulations *What is changing? How does it affect you?*

The Health Information Protection Regulations were amended March 31, 2010, and take effect on May 1, 2010, to allow health regions, their affiliated organizations and local health foundations access to the names and addresses of recent hospital patients for fundraising purposes. In health regions that decide to adopt this change, patients will be given an opportunity to opt out of having their information used in this way.

This change balances the benefit that local donations can provide for health facilities and services, with the privacy rights of individuals.

Q: Why are these changes being introduced?

The use of patient names and addresses for fundraising was common in the past, but privacy legislation has not allowed any such use in recent years. This change will restore this option for the organizations in our health system, but with more privacy safeguards, and a clear option for people to opt out.

Direct mail to former patients (also known as targeted fundraising campaigns) have been proven to be an effective means of raising much needed funds both in Saskatchewan and elsewhere.

Q: What about protecting patient privacy?

Only the names and address of former patients can be shared. Health regions are required to put in place safeguards and to enter into contractual arrangements with fundraising agencies that will serve to limit the use of the information shared. The privacy of patients remains of paramount concern for the Ministry of Health and our health system partners.

Q: Will this mean my medical information is being shared and stored in health foundation databases?

No medical information will be provided to fundraisers. They will have access to only the names and addresses of people who received a hospital service, but no details about what that service might have been.

Q: Will I be contacted by a hospital if I have been a patient in past years?

No, the regulation is not retroactive. The regulation will come into effect in May 2010, and only for health regions that meet the privacy requirements, including having a clear 'opt out' process available to patients.

However, at some point in the past a health foundation may have identified you as a donor or potential donor. If you are already on their mailing list, they might contact you as part of a campaign.

Q: Will my information be shared with fundraising groups like the Canadian Cancer Society and the Lung Association?

No. The sharing of information will only apply to health regions, their affiliates (for example, independent hospitals that provide services on behalf of a health region), and local health foundations that have a formal agreement with a health region.

Q: Why not just allow people to have their contact information shared by opting in?

Health regions and foundations have the option of using an 'opt-in' approach. The regulation only establishes the minimum requirement.

Q: When will I be able to opt-out of receiving any contact from a fundraising agency?
Information regarding the fundraising program will be posted throughout the facility and will be readily accessible at any time during your stay and beyond.

You will have the option to 'opt out' of the fundraising program on discharge from the facility, and anytime after leaving.

Q: Is there any chance someone will receive better health care because they are a big donor, or worse care because they opt out of this?

Absolutely not. Frontline care providers won't know if a patient chooses to opt out, or about any donations, unless the patient decides to disclose that information.

Q: What will it mean if I choose to opt out? Does that mean that information will never be shared for fundraising, or will I have to opt out next time I go to a hospital?

If you make an 'opt out' decision at a particular facility, your name and address should never be used by that facility for fundraising, and they should never share your name and address with a related health foundation.

Q: Will there be a provincial list, similar to the advertising industry's national registry of people who don't want to be phoned with solicitations?

No, there won't be a provincial list. Each health region will monitor the use of information about patients who have used hospital services in that region. Fundraising agencies will only be allowed to use the client information for the fundraising purpose authorized by a specific health region or facility.

Q: But that means I might have to opt out several times, if my medical condition required travel to several hospitals. Won't this create more paperwork for hospitals and patients?

Since fundraising tends to be specific to facilities, you must opt out with every facility at which you receive care. There will be no sharing of this information between facilities, or between health regions. In a community like Regina that has several hospitals supported by one health foundation, the Hospitals of Regina Foundation has indicated that if someone opts out at one hospital, they will be removed from all contact lists.

Q: How will the hospital know the process for opting in or opting out if I wish to do so?

The Ministry of Health has begun to work with the health regions to develop a toolkit for the regions in order to ensure patients will be well informed of their ability to opt out. Hospitals and regions are not permitted to begin fundraising using client lists until the necessary processes and policies are in place.

Q: If I visit a hospital and indicate I don't want my contact information shared, what should I do if I then receive fundraising in the mail?

Health organizations have been doing fundraising for years without access to this information, so it's quite possible they received your contact information from another source and have not yet received information that you have opted out. Or perhaps the contact information used when you opted out differed slightly from the spelling of your name in their existing records. A follow-up phone call should resolve the problem. Feel free to contact the privacy officer at the health region if you have any concerns.

Q: Isn't it unfair to pressure people for donations who are feeling vulnerable, or who have been through a trauma?

Certain patient types have been excluded from this regulation. These are typically individuals who could be seen as vulnerable. For example, it is not acceptable to solicit donations from someone who is a resident of a long-term care home or being discharged to such a facility.

For more information on privacy issues in the health system please check the following link:
www.health.gov.sk.ca/privacy-statement

April 14, 2010