Principles for the protection of patient privacy
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REPLACES
PD11-03 Principles for the Protection of Patients’ Personal Health Information

TOPICS
Health information and e-health
Ethics and medical professionalism

Documents

CMA POLICY

PRINCIPLES FOR THE PROTECTION OF PATIENT PRIVACY

See also Background to CMA Policy for the Protection of Patient Privacy

1. Introduction

Patient privacy is a fundamental human right and a cornerstone of the patient-physician relationship. The right to privacy is protected under the Charter of Rights and Freedoms, the Constitution Act, 1982, as interpreted by the Supreme Court of Canada. Privacy, therefore, is an essential element of health care and an important aspect of the delivery of quality health care. The protection of personal health information (PHI) is a matter of ethical, legal, and social concern.

2. Purpose

The purpose of these principles is to provide guidance for the protection of PHI. These principles are intended to be flexible and apply to the protection of PHI in a broad sense, including, but not limited to, the handling of PHI in the electronic health record (EHR), research, and administrative activities. The principles are designed to ensure that the privacy of PHI is protected, while allowing for the appropriate use and disclosure of PHI in the delivery of health care.

3. Principles

a. The collection of PHI should be limited to the purposes for which it will be used and should be adequate, relevant, and not excessive.

b. PHI should be used, disclosed, and otherwise handled in compliance with the principles set out in these principles and in accordance with applicable laws.

c. PHI should be protected against unauthorized access, theft, or misuse.

4. Enforcement

The CMA encourages all members of the medical profession to adhere to these principles and to ensure that their health care organizations comply with these principles. The CMA also encourages health care organizations to develop policies and procedures that are consistent with these principles and that reflect the values and principles of the profession.

BACKGROUND TO CMA POLICY

See also: CMA Policy on the Protection of Patients’ Medical Records

The ethics of patient-physician interactions and the need for patient confidentiality in health care have been well established. The CMA has long recognized the importance of patient confidentiality and has supported the development of policies and guidelines to protect PHI.

The protection of PHI is a complex issue, involving multiple stakeholders, including patients, physicians, hospitals, and other health care organizations. The CMA has been actively engaged in this area, and has published numerous policies and guidelines on the protection of PHI.

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