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DEBATES and PROCEEDINGS

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Bill No. 164 – *The Health Information Protection Amendment Act, 2014*

Mr. Forbes: Thank you very much, Mr. Speaker. It's a pleasure to rise tonight and speak on this bill, *The Health Information Protection Amendment Act, 2014* which has been a long, long time in coming.

I mean, we all can remember various infractions of privacy when it comes to medical records. Perhaps the most grievous was that night on March 25th, 2011 when it was reported in the paper that a dumpster in the south end of Regina was full of thousands of medical records, and the shock that we all had when in that day and age, in this day and age, we're still dealing, dealing with this. And it really is a shame that it's taken this long to get to this point. And then there are people of course that think this bill doesn't go far enough and that we could be doing much more to make sure records are properly tracked and then destroyed when they are no longer in use.

And I think this is an important one. I do have to say though that we appear to be making some significant movements on the privacy issue in the province, but I'm glad to see this here. But I know there's much more that we can be doing in terms of privacy legislation, and we look forward to much more legislation in the months ahead to catch up with the sad attention that this file has been getting over the last few years, not only in terms of health but in terms of labour and workers' comp privacy.

All of these issues all fit together in terms of a mindset of how we approach privacy as a right that citizens have come to expect in today's society, in a society that our privacy's been under attack all the time. Whether it's drones flying around your neighbourhood and wondering who's got that drone, what are they looking for, or just simple tracking on your Internet with the pop-ups, all these things are happening at an alarming rate and we need to do as much as we can to keep on top of this. This has to be one of the government's foremost priorities in terms of basic rights, that citizens should, and have the right to, expect that we are going to have top-notch health information protection when it comes to privacy.

So what this does, it talks about replacing Sask Health information at work, and does some word tidying up with eHealth. Section 6 allows the minister to appoint someone to take control of records that have been abandoned. Very important. We know that when practices are no longer operating, there's a question mark about what happened to all the files inside and making sure that there's some way of making sure that there's been no abandonment of the files, that there's some control over the records.

Section 8 makes abandoning health records a strict liability, and so it's easier to convict someone of abandoning records. And it also makes snooping an offence to protect people who have their privacy breached by unnecessary searches into their personal information. And we hear of stories of that and we want to make sure that what people have, not only when it comes to health information, there's a real difference between need to know and like to know. Sometimes people feel like, I'd like to know this because it would be helpful. And maybe it would be helpful. But what do you really need to know? What do you really need to know?

And so we think that we have many questions about this piece of legislation and we'll have questions in committee about this. It's one that was, I said, when we think about the landscape out there in terms of privacy and issues in the privacy world, there are many, many areas that we have to be turning our sights onto in Saskatchewan. And we're happy to see that health information is one area that we're taking a look at. But we've got to, we've got to make sure that we don't say this is the only one and we're going to put it aside for another five to eight years.

So I just want to take a minute and talk about what the minister talked about. He talked about this as a result of support from recommendations of the health records protection working group. They made 11 recommendations. Four of these recommendations require legislative changes. So I'm curious to know what were the other seven. We'll make sure we have those questions for the minister. What were the seven recommendations that didn't require legislative change and what are the steps to implement all 11 changes that were recommended?

We'd also like to know who's actually on that group, working group. Is it all bureaucrats or is it inclusive of the public? Who from the public is involved in that? And it would be very interesting to know who's in that working group and how they fit in and how they utilize some of the information or some of the recommendations from the Privacy Commissioner.

So he talks about a strict liability offence in terms of amendments to HIPA [*The Health Information Protection Act*] and if records are found abandoned or unsecured, the trustee responsible for the records will need to show they took all reasonable steps to prevent their abandonment. This means they won't need to prove that the trustee intended to abandon the records. We know in the past and we've heard from the Minister of Justice on some of these issues that there wasn't enough evidence or enough to go forward on, and I hope this closes that gap.

Okay. It also talks about making it an individual offence for willful disclosure of personal

information. It makes it clear that it also applies not only to trustees but to individuals who are employees of the trustees. And the third amendment is a snooping offence which we've talked about.

So we think we will have lots of questions when this gets to committee, but I know that others will want to have some comments about this. It's an important piece of legislation but we will want to know how does this fit into the bigger picture. This is an important area that clearly some four years now — March 25th — and here we are March 2nd approaching the four-year anniversary of that find, the medical records discovered in Regina. So government's not moving really fast on this and I think this needs to be a priority.

So with that, Mr. Speaker, I would move adjournment of Bill 164, *The Health Information Protection Amendment Act, 2014*. Thank you very much.