BILL

No. 164

An Act to amend *The Health Information Protection Act*

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Health Information Protection Amendment Act, 2014*.

S.S. 1999, c.H-0.021 amended

2 *The Health Information Protection Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by adding the following clause before clause (g):

"(f.1) **'eHealth Saskatchewan'** means eHealth Saskatchewan created by the Lieutenant Governor in Council as a Crown corporation pursuant to *The Crown Corporations Act, 1993*"**; and**

(b) by repealing clause (r).

Section 8 amended

4(1) Subsection 8(2) is amended by striking out "the Saskatchewan Health Information Network**" wherever it appears and in each case substituting "**eHealth Saskatchewan**".**

(2) Subsection 8(4) is amended by striking out "The Saskatchewan Health Information Network**" and substituting "**eHealth Saskatchewan**".**

Section 18.1 amended

5(1) Subsection 18.1(1) is amended by striking out "the Saskatchewan Health Information Network**" and substituting "**eHealth Saskatchewan**".**

(2) Clause 18.1(2)(c) is amended by striking out "the Saskatchewan Health Information Network**" and substituting "**eHealth Saskatchewan**".**

(3) Subsection 18.1(3) is amended in the portion preceding clause (a) by striking out "The Saskatchewan Health Information Network**" and substituting "**eHealth Saskatchewan**".**

Section 22 amended

6 The following subsection is added after subsection 22(2):

"(2.1) If a trustee fails to keep secure personal health information in the custody or control of the trustee, the minister may appoint a person or body to act in place of the trustee until custody or control of the personal health information is re-established, transferred to another trustee or transferred to an information management service provider that is a designated archive**".**

Section 63 amended

7 Clause 63(1)(k) is amended by adding "trustees and**" after "**archives to which**".**

Section 64 amended

8(1) The following subsections are added after subsection 64(1):

"(1.1) No trustee or information management service provider, or former trustee or information management service provider, shall fail to keep secure the personal health information in its custody or control as required by this Act.

"(1.2) No person shall be found to have contravened subsection (1.1) if that person can establish that he or she took all reasonable steps to prevent the contravention**".**

(2) Subsection 64(2) is amended in the portion preceding clause (a) by adding "or (1.1)**" after "**contravenes subsection (1)**".**

(3) The following subsections are added after subsection 64(3):

"(3.1) An individual who is an employee of or in the service of a trustee or information management service provider and who knowingly discloses or directs another person to disclose personal health information in circumstances that would constitute an offence by the trustee or information management service provider pursuant to this Act is guilty of an offence and is liable on summary conviction to a fine of not more than $50,000, to imprisonment for not more than one year or to both, whether or not the trustee or information management service provider has been prosecuted or convicted.

"(3.2) An individual who is an employee of or in the service of a trustee and who wilfully accesses or uses or directs another person to access or use personal health information that is not reasonably required by that individual to carry out a purpose authorized pursuant to this Act is guilty of an offence and is liable on summary conviction to a fine of not more than $50,000, to imprisonment for not more than one year or to both, whether or not the trustee has been prosecuted or convicted.

“(3.3) An individual who is an employee of or in the service of an information management service provider and who wilfully accesses or uses or directs another person to access or use personal health information for a purpose that is not authorized by subsection 18(1) of this Act is guilty of an offence and is liable on summary conviction to a fine of not more than $50,000, to imprisonment for not more than one year or to both, whether or not the information management service provider has been prosecuted or convicted**”.**

Coming into force

9 This Act comes into force on proclamation.

FOURTH SESSION

Twenty-seventh Legislature

SASKATCHEWAN

B I L L

No. 164

An Act to amend *The Health Information Protection Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Dustin Duncan

Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2014