

March 25, 2024

To the Law Amendments Committee
Nova Scotia Legislature

Re: Bill 419 Financial Measures (2024) Act

PART XV

PERSONAL HEALTH INFORMATION ACT

110 Subsection 110(1) of Chapter 41 of the Acts of 2010, the Personal Health Information Act, as amended by Chapter 31 of the Acts 2012 and Chapter 22 of the Acts of 2022, is further amended by adding immediately after clause (n) the following clause:

(na) requiring custodians and classes of custodians to disclose personal health information to the Minister or a person acting on behalf of the Minister for the purposes of planning and management of the health system, resource allocation and creating or maintaining electronic health record programs and services;

As I understand (n) under section 110 in the current Personal Health Information Act (Bill 89) states:

110 (1) The Governor in Council may make regulations:

(n) specifying requirements, restrictions or prohibitions with respect to the collection, use or disclosure of any class of personal health information by any individual or organization or class of individual or organization in addition to the requirements, restrictions or prohibitions set out in this Act;

So (na) above would be inserted immediately after clause 110(1) (n) above.

I am writing to Law Amendments as a concerned citizen and a retired family doctor. I fully support patients having access to their own personal health records and value legislation that will make this easier for patients while maintaining strict controls to prevent unauthorized access by any person.

I also applaud the government for moving in the direction of data-driven improvements to the health care system which is implied in the section “for the purposes of planning and management of the health system, resource allocation and creating or maintaining electronic health record programs and services;”

However, the first section of the proposed amendment “requiring custodians and classes of custodians to disclose personal health information to the Minister or a person acting on behalf of the Minister” is **too broad and vague to ensure that personal health information is kept secure and private**. The citizens of Nova Scotia will not accept legislation that would allow the Minister to **require** custodians to disclose their personal health information to the Minister without any controls or oversight.

In my view, further consultations with privacy experts should occur before this legislation is passed. In my non-expert opinion there must at least be safeguards in place such as:

- Specifying and requiring that personal information is only disclosed in de-identified aggregate format and
- Requiring a neutral, responsible, third party such as a qualified Privacy Information Officer to review and approve any requests from the Minister for personal health information

I would also respectfully ask what is the problem that is being solved by this proposed legislation?

Respectfully submitted,

A handwritten signature in black ink that reads "Cathy Cervin". The signature is written in a cursive, flowing style.

Catherine Cervin MD, CCFP, FCFP, MAEd (she/her/elle)
Professor Emeritus, NOSM University
1570 Vernon St Halifax, B3H#M7
cervincatherine@gmail.com
Cell 705.561.0997