Legislative clauses for each province

COLLECTION, RELEASE, CAPACITY, CONFIDENTIALITY OF INFORMATION BY PROVINCE/TERRITORY

BRITISH COLUMBIA

COLLECTION OF INFORMATION

BRITISH COLUMBIA

Freedom of Information and Protection of Privacy Act

27(1) A public body must collect personal information directly from the individual the information is about unless

(a.1) the collection of the information is necessary for the medical treatment of an individual and it is not possible

(i) to collect the information directly from that individual

Personal Information Protection Act

12(1) An organization may collect personal information about an individual without consent or from a source other than the individual, if

(a) the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way,

(b) the collection is necessary for the medical treatment of the individual and the individual is unable to give consent,

Note: Our understanding is that the clinicians working in public institutions are required to use the Freedom of Information and Protection of Privacy Act, whereas those working in private settings are required to use the Personal Information Protection Act.

DISCLOSURE OF INFORMATION WITHOUT CONSENT

BRITISH COLUMBIA

Freedom of Information and Protection of Privacy Act

25(1) Whether or not a request for access is made, the head of a public body must, without delay, disclose to the public, to an affected group of people or to an applicant, information

(a) about a risk of significant harm to the environment or to the health or safety of the public or a group of people, or

(b) the disclosure of which is, for any other reason, clearly in the public interest.

33(3) A public body may disclose personal information in any of the following circumstances:

(a) if

(i) the head of the public body determines that compelling circumstances that affect anyone's health or safety exist, and

(ii) notice of disclosure is mailed to the last known address of the individual the information is about, unless the head of the public body considers that the notice could harm anyone's health or safety;

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

BRITISH COLUMBIA

Freedom of Information and Protection of Privacy Act

33(1) A public body may disclose personal information in its custody or under its control only as permitted by subsections (2) to (9) or by section 33.3.

(2)(d) for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose within the meaning of section 34 [definition of consistent purpose];

34 For the purposes of section 32 (a) or 33 (2) (d) or (w), a use of personal information is consistent with the purpose for which the information was obtained or compiled if the use

(a) has a reasonable and direct connection to that purpose, and

(b) is necessary for performing the statutory duties of, or for operating a program or activity of, the public body that uses or discloses the information.

Note: There is no reference to capacity to disclose or withhold personal health information in the Freedom of Information and Protection of Privacy Act. Our understanding is that these provisions allow a public body to release information over objection if that information is essential for the person’s healthcare.

Personal Information Protection Act

15(1) An organization may use personal information about an individual without the consent of the individual, if

(a) the use is clearly in the interests of the individual and consent cannot be obtained in a timely way,

(b) the use is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent,

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

BRITISH COLUMBIA

Freedom of Information and Protection of Privacy Act

22(1)The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(f) the personal information has been supplied in confidence,

ALBERTA

COLLECTION OF INFORMATION WITHOUT CONSENT

ALBERTA

Health Information Act

22(2) A custodian may collect individually identifying health information from a person other than the individual who is the subject of the information in the following circumstances:

(c) where the custodian believes, on reasonable grounds, that collection from the individual who is the subject of the information would prejudice

(i) the interests of the individual,

(ii) the purposes of collection, or

(iii) the safety of any other individual,

or would result in the collection of inaccurate information;

(d) where collection from the individual who is the subject of the information is not reasonably practicable;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

ALBERTA

Health Information Act

35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information

(b) to a person who is responsible for providing continuing treatment and care to the individual,

(c) to family members of the individual or to another person with whom the individual is believed to have a close personal relationship, if the information is given in general terms and concerns the presence, location, condition, diagnosis, progress and prognosis of the individual on the day on which the information is disclosed and the disclosure is not contrary to the express request of the individual,

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

ALBERTA

Health Information Act

35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information

(n) if that individual lacks the mental capacity to provide a consent and, in the opinion of the custodian, disclosure is in the best interests of the individual,

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

ALBERTA

Health Information Act

11(1) A custodian may refuse to disclose health information to an applicant

(b) if the disclosure could reasonably lead to the identification of a person who provided health information to the custodian explicitly or implicitly in confidence and in circumstances in which it was appropriate that the name of the person who provided the information be kept confidential,

SASKATCHEWAN

COLLECTION OF INFORMATION WITHOUT CONSENT

SASKATCHEWAN

Health Information Protection Act.

25(1) Subject to subsection (2), a trustee shall collect personal health information directly from the subject individual, except where:

(b) the individual is unable to provide the information;

(c) the trustee believes, on reasonable grounds, that collection directly from the subject individual would prejudice the mental or physical health or the safety of the subject individual or another individual;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

SASKATCHEWAN

The Health Information Protection Act

27(2)(a) A subject individual is deemed to consent to the disclosure of personal health information:

(a) for the purpose for which the information was collected by the trustee or for a purpose that is consistent with that purpose;

(b) for the purpose of arranging, assessing the need for, providing, continuing, or supporting the provision of, a service requested or required by the subject individual; or

(c) to the subject individual's next of kin or someone with whom the subject individual has a close personal relationship if:

(i) the disclosure relates to health services currently being provided to the subject individual; and

(ii) the subject individual has not expressed a contrary intention to a disclosure of that type.

(4) A trustee may disclose personal health information in the custody or control of the trustee without the consent of the subject individual in the following cases:

(a) where the trustee believes, on reasonable grounds, that the disclosure will avoid or minimize a danger to the health or safety of any person;

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

SASKATCHEWAN

Health Information Protection Act

56 Any right or power conferred on an individual by this Act may be exercised:

(b) where a personal guardian has been appointed for the individual, by the guardian if the exercise of the right or power relates to the powers and duties of the guardian;

(e) where the individual does not have the capacity to give consent:

(ii) by a person who, pursuant to The Health Care Directives and Substitute Health Care Decision Makers Act, 2015, is entitled to make a healthcare decision, as defined in that Act, on behalf of the individual;

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

SASKATCHEWAN

Health Information Protection Act

38(1) Subject to subsection (2), a trustee may refuse to grant an applicant access to his or her personal health information if:

(a) in the opinion of the trustee, knowledge of the information could reasonably be expected to endanger the mental or physical health or the safety of the applicant or another person;

(c) disclosure of the information could reasonably be expected to identify a third party, other than another trustee, who supplied the information in confidence under circumstances in which confidentiality was reasonably expected;

MANITOBA

COLLECTION OF INFORMATION WITHOUT CONSENT

MANITOBA

Personal Health Information Act

14(1) Whenever possible, a trustee shall collect personal health information directly from the individual the information is about.

(2) Subsection (1) does not apply if

(b) collection of the information directly from the individual could reasonably be expected to endanger the health or safety of the individual or another person;

(c) collection of the information is in the interest of the individual and time or circumstances do not permit collection directly from the individual;

(d) collection of the information directly from the individual could reasonably be expected to result in inaccurate information being collected;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

MANITOBA

Personal Health Information Act

22(2) A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is

(b) to any person, if the trustee reasonably believes that the disclosure is necessary to prevent or lessen

(i) a risk of serious harm to the health or the safety of the individual the information is about or another individual, or to public health or public safety

(ii) a risk of serious harm to the health or safety of the individual the information is about or another individual, or to public health or public safety;

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

MANITOBA

Personal Health Information Act

11(1) A trustee is not required to permit an individual to examine or copy his or her personal health information under this Part if

(c) disclosure of the information could reasonably be expected to identify a third party, other than another trustee, who supplied the information in confidence under circumstances in which confidentiality was reasonably expected;

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

MANITOBA

Personal Health Information Act

11(1) A trustee is not required to permit an individual to examine or copy his or her personal health information under this Part if

(c) disclosure of the information could reasonably be expected to identify a third party, other than another trustee, who supplied the information in confidence under circumstances in which confidentiality was reasonably expected;

ONTARIO

COLLECTION OF INFORMATION WITHOUT CONSENT

ONTARIO

Personal Health Information Protection Act

36(1) A health information custodian may collect personal health information about an individual indirectly if,

(b) the information to be collected is reasonably necessary for providing health care or assisting in providing health care to the individual and it is not reasonably possible to collect, directly from the individual,

(i) personal health information that can reasonably be relied on as accurate and complete, or

(ii) personal health information in a timely manner;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

ONTARIO

Personal Health Information Protection Act

40 (1) A health information custodian may disclose personal health information about an individual if the custodian believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

ONTARIO

Personal Health Information Protection Act

Capacity to consent

21(1) An individual is capable of consenting to the collection, use or disclosure of personal health information if the individual is able,

(a) to understand the information that is relevant to deciding whether to consent to the collection, use or disclosure, as the case may be; and

(b) to appreciate the reasonably foreseeable consequences of giving, not giving, withholding or withdrawing the consent.

(2) An individual may be capable of consenting to the collection, use or disclosure of some parts of personal health information, but incapable of consenting with respect to other parts.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

ONTARIO

Personal Health Information Protection Act

52(1) Subject to this Part, an individual has a right of access to a record of personal health information about the individual that is in the custody or under the control of a health information custodian unless,

(e) granting the access could reasonably be expected to,

(i) result in a risk of serious harm to the treatment or recovery of the individual or a risk of serious bodily harm to the individual or another person,

(ii) lead to the identification of a person who was required by law to provide information in the record to the custodian, or

(iii) lead to the identification of a person who provided information in the record to the custodian explicitly or implicitly in confidence if the custodian considers it appropriate in the circumstances that the identity of the person be kept confidential; or

QUEBEC

COLLECTION OF INFORMATION WITHOUT CONSENT

QUEBEC

Act respecting Access to documents held by public bodies and the Protection of personal information

64 No person may, on behalf of a public body, collect personal information if it is not necessary for the exercise of the rights and powers of the body or the implementation of a program under its management.

A public body may, however, collect personal information if it is necessary for the exercise of the rights and powers or for the implementation of a program of a public body with which it cooperates to provide services or to pursue a common mission.

Act respecting health and social services information

13 The collection of information by a body is limited to that which is necessary for the body to fulfil its mission or purpose, exercise its functions or carry on its activities, or implement a program under its management.

Note: We are unclear how these statutes operate in practice and do not know if they govern healthcare providers who are working in clinical practice. We discussed this with psychiatrists practicing in Quebec who told us that when they assess patients who are potentially suicidal some psychiatrists will contact family, or other people, to obtain collateral information when that is felt to be necessary. In these situations, the psychiatrists rely on authority of Section.74 of the Act Respecting Health and Social Services Information (see below in the section on Disclosure of Information without Consent). We caution that this is an interpretation of the legislation and encourage readers to seek expert advice about the relevance of this interpretation to specific clinical situations

DISCLOSURE OF INFORMATION WITHOUT CONSENT

QUEBEC

Act Respecting Health and Social Services Information

74 A body may communicate information it holds in order to protect a person or an identifiable group of persons where there is reasonable cause to believe that a serious risk of death or of serious bodily injury, related in particular to a disappearance or to an act of violence, including a suicide attempt, threatens the person or group and where the nature of the threat generates a sense of urgency.

In such a case, the information may be communicated to the person or persons exposed to that risk, to their representative or to any person who can come to their aid. Only the information necessary for the objectives pursued by the communication may be communicated to them.

No judicial proceedings may be brought against a body for communicating information in good faith under this section. The same applies to any person who, on behalf of the body, participates in good faith in such a communication, even indirectly.

For the purposes of the first paragraph, "serious bodily injury" means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

QUEBEC

Act respecting the sharing of certain health information

47 If the person to whom the health information relates is under the age of 14 or is incapable, refusal is expressed by the holder of parental authority or the tutor or mandatary of the person.

Act respecting health and social services information

26 The tutor or mandatary of an incapable person of full age has the right to be informed of the existence of and to have access to any information concerning that person that is held by a body. The tutor or mandatary also has the right to request the rectification of the information if it is inaccurate, incomplete or equivocal or if it was collected or is kept in contravention of the law.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

QUEBEC

Note: we are unsure how the province of Quebec manages this issue.

NEW BRUNSWICK

COLLECTION OF INFORMATION WITHOUT CONSENT

NEW BRUNSWICK.

Personal Health Information Privacy and Access Act

27(2) … a custodian may collect personal health information relating to an individual without that individual's consent if the individual is incapable of providing consent and

(a) consent can not be obtained because

(i) there is no substitute decision-maker who can provide consent in a timely manner, or

(ii) the individual has been admitted to a psychiatric facility as an involuntary patient under the Mental Health Act, or

(b) the collection is necessary for the provision of health care to the individual.

28 A custodian shall collect personal health information directly from the individual to whom the information relates except if

(b) collection of the information directly from the individual could reasonably be expected to endanger the health or safety of the individual or another person,

(c) collection of the information is in the interest of the individual and time or circumstances do not permit collection directly from the individual,

(d) collection of the information directly from the individual could reasonably be expected to result in the collection of inaccurate information,

DISCLOSURE OF INFORMATION WITHOUT CONSENT

NEW BRUNSWICK

Personal Health Information Privacy and Access Act

39(1) A custodian may disclose personal health information without the consent of the individual to whom the information relates if the custodian reasonably believes that disclosure is required

(a) to prevent or reduce a risk of serious harm to the mental or physical health or safety of the individual to whom the information relates or another individual, or

(b) to prevent or reduce a risk of significant harm to the health or safety of the public or a group of people, the disclosure of which is clearly in the public interest.

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

NEW BRUNSWICK

Personal Health Information Privacy and Access Act

23(1) An individual is capable of consenting to the collection, use or disclosure of personal health information if the individual is able

(a) to understand the information that is relevant to deciding whether to consent to the collection, use or disclosure, as the case may be, and

(b) to appreciate the reasonably foreseeable consequences of giving, not giving, withholding or withdrawing the consent.

23(2) An individual may be capable of consenting to the collection, use or disclosure of personal health information at one time, but incapable of consenting at another time.

23(3) An individual is presumed to be capable of consenting to the collection, use or disclosure of personal health information.

23(4) A custodian may rely on the presumption under subsection (3), unless the custodian has reasonable grounds to believe that the individual is incapable of consenting to the collection, use or disclosure of personal health information.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

NEW BRUNSWICK

Personal Health Information Privacy and Access Act

14(1) A custodian is not required to permit an individual to examine or copy his or her personal health information under this Part

(b) if disclosure of the information could reasonably be expected to identify a third party, other than another custodian, who supplied the information in confidence under circumstances in which confidentiality was reasonably expected,

(c)

PRINCE EDWARD ISLAND

COLLECTION OF INFORMATION WITHOUT CONSENT

PRINCE EDWARD ISLAND

Health Information Act

18 A custodian shall collect personal health information directly from the individual to whom it relates except where

(b) collection of the personal health information directly from the individual could reasonably be expected to endanger the health or safety of the individual or another person;

(c) collection of the personal health information is in the interest of the individual and time or circumstances do not permit collection directly from the individual;

(d) collection of the personal health information directly from the individual could reasonably be expected to result in the collection of inaccurate information;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

PRINCE EDWARD ISLAND

Health Information Act

24(1) A custodian may disclose personal health information without the consent of the individual to whom it relates if the custodian reasonably believes that disclosure is required

(a) to prevent or reduce a risk of serious harm to the health or safety of the individual to whom it relates or another individual, or

(b) to prevent or reduce a risk of significant harm to the health or safety of the public or a group of people.

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

PRINCE EDWARD ISLAND

Health Information Act

13(1) If this Act or any other enactment requires the consent of an individual to the collection, use or disclosure of personal health information by a custodian, the consent

(a) shall be a consent of the individual, if the individual is capable of granting consent, or the consent of a substitute decision-maker;

14(1) An individual is capable of consenting to the collection, use or disclosure of the individual's personal health information if the individual is able

(a) to understand the information that is relevant to deciding whether to consent to the collection, use or disclosure, as the case may be; and

(b) to appreciate the reasonably foreseeable consequences of giving, not giving, withholding or withdrawing the consent.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

PRINCE EDWARD ISLAND

Health Information Act

10(1) A custodian may refuse to permit an individual to examine or copy his or her personal health information under this Part

(a) if knowledge of the personal health information could reasonably be expected to endanger the health or safety of the individual or another person;

(c) if disclosure of the personal health information could reasonably be expected to identify a third party, other than another custodian, who supplied the personal health information in confidence under circumstances in which confidentiality was reasonably expected;

NOVA SCOTIA

COLLECTION OF INFORMATION WITHOUT CONSENT

NOVA SCOTIA

Personal Health Information Act

31(c) the information to be collected is reasonably necessary for providing health care or assisting in providing health care to the individual and it is not reasonably possible to collect, directly from the individual,

(i) personal health information that can reasonably be relied on as accurate, or

(ii) personal health information in a timely manner;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

NOVA SCOTIA

Personal Health Information Act

38(1) (d) to any person if the custodian believes, on reasonable grounds, that the disclosure will avert or minimize a significant danger to the health or safety of any person or class of persons;

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

NOVA SCOTIA

Personal Health Information Act

3 (b) “capacity” means the ability to understand information that is relevant to the making of a decision related to the collection, use or disclosure of personal health information and the ability to appreciate the reasonably foreseeable consequences of a decision or lack of a decision;

19 (1) An individual may have the capacity at a particular time to consent to the collection, use or disclosure of some parts of personal health information but be incapable of consenting at another time.

(2) An individual may have the capacity to consent to the collection, use or disclosure of some parts of personal health information but be incapable of consenting with respect to other parts.

20 Where an individual is deemed to have the capacity to consent to the collection, use and disclosure of personal health information, this capacity to consent includes disclosure to a parent, guardian or substitute decision-maker where applicable.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

NOVA SCOTIA

Personal Health Information Act

72 (1) Notwithstanding Section 71, a custodian may refuse to grant access to an individual's personal health information about that individual if it is reasonable to believe that

(h) granting the access could reasonably be expected to lead to the identification of a person who provided information in the record to the custodian in circumstances in which confidentiality was reasonably expected; or

NEWFOUNDLAND AND LABRADOR

COLLECTION OF INFORMATION WITHOUT CONSENT

NEWFOUNDLAND AND LABRADOR

Personal Health Information Act

31 A custodian may collect personal health information from a source other than the individual who is the subject of the information where

(b) The information is reasonably necessary for providing health care to the individual and it is not reasonably possible to collect it directly from the individual

(i) personal health information that can reasonably be relied on as accurate, or

(ii) personal health information in a timely manner;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

NEWFOUNDLAND AND LABRADOR

Personal Health Information Act

40 (1) A custodian may disclose personal health information without the consent of the individual who is the subject of the information where the custodian reasonably believes that disclosure is required

(a) to prevent or reduce a risk of serious harm to the mental or physical health or safety of the individual the information is about or another individual; or

(b) for public health or public safety.

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

NEWFOUNDLAND AND LABRADOR

Personal Health Information Act

7 A right or power of an individual under this Act or the regulations may be exercised

(b) where the individual lacks the competency to exercise the right or power or is unable to communicate, and where the collection, use or disclosure of his or her personal health

information is necessary for or ancillary to a "health care decision", as defined in the Advance Health Care Directives Act, by a substitute decision maker appointed by the individual in accordance with that Act or, where a substitute decision maker has not been appointed, a substitute decision maker determined in accordance with section 10 of that Act;

(c) by a court appointed guardian of a mentally disabled person, where the exercise of the right or power relates to the powers and duties of the guardian;

(d) by the parent or guardian of a minor where, in the opinion of the custodian, the minor does not understand the nature of the right or power and the consequences of exercising the right or power;

(g) where an individual has been certified as an involuntary patient under the Mental Health Care and Treatment Act, by a representative as defined in that Act, except as otherwise provided in this Act.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

NEWFOUNDLAND AND LABRADOR

Personal Health Information Act

58(2) A custodian may refuse to permit an individual to examine or receive a copy of a record of his or her personal health information where

(d) granting access could reasonably be expected to

(i) result in a risk of serious harm to the mental or physical health or safety of the individual who is the subject of the information or another individual,

(ii) lead to the identification of a person who was required by law to provide information in the record to the custodian, or

(iii) lead to the identification of a person who provided information in the record to the custodian in confidence under circumstances in which confidentiality was reasonably expected.

YUKON

COLLECTION OF INFORMATION WITHOUT CONSENT

YUKON

Health Information Privacy and Management Act

54 A custodian may collect an individual’s personal health information from a person other than the individual only if

(b) where the custodian collects the personal health information for the purpose of providing health care to the individual, the personal health information is reasonably necessary for that purpose and the custodian reasonably believes that collection directly from the individual

(i) would prejudice the purposes of collection,

(ii) would delay the collection in circumstances where delay would negatively affect the custodian's ability to provide necessary health care to the individual on a timely basis,

(iii) could result in the collection of information that is not accurate, or

(iv) is not reasonably practicable in the circumstances; or

DISCLOSURE OF INFORMATION WITHOUT CONSENT

YUKON

Health Information Privacy and Management Act

58 A custodian may disclose an individual's personal health information without the individual's consent

(h) …if the custodian reasonably believes that the disclosure will prevent or reduce a risk of serious harm to the health or safety of any other individual, or will enable the assessment of whether such a risk exists;

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

YUKON

Health Information Privacy and Management Act

45(1) An individual is capable of consenting to the collection, use or disclosure of personal health information if the individual is able

(a) to understand the information that is relevant to deciding whether to consent to the collection, use or disclosure, as the case may be; and

(b) to appreciate the reasonably foreseeable consequences of giving, refusing, withholding or withdrawing the consent.

(2) An individual may have the capacity at one time to consent to the collection, use or disclosure of their personal health information but be incapable of consenting at another time.

(3) An individual may have the capacity to consent to the collection, use or disclosure of some portions of their personal health information but be incapable of consenting with respect to other portions of it.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

YUKON

Health Information Privacy and Management Act

27(1) Subject to subsection (3), a custodian must refuse to grant an individual access to any of the individual's personal health information in the custodian's custody or control that

(a) the custodian has reasonable grounds to believe would, if disclosed,

(i) cause serious harm to the health or the safety of any individual, or

(ii) identify a third party who supplied the personal health information in confidence under circumstances in which confidentiality was reasonably expected;

NORTHWEST TERRITORIES

COLLECTION OF INFORMATION WITHOUT CONSENT

NORTHWEST TERRITORIES

Health Information Act

30 A health information custodian may collect from other personal health information about an individual from a source other than the individual, if

(c) it is not reasonably practical to collect the information from the individual;

(d) the custodian has reasonable grounds to believe that collection from the individual

(i) would prejudice

(A) the health or safety of the individual or another individual, or

(B) the purposes of the collection, or

(ii) is likely to result in inaccurate information;

DISCLOSURE OF INFORMATION WITHOUT CONSENT

NORTHWEST TERRITORIES

Health Information Act

58 (1) A health information custodian may disclose personal health information about an individual if the custodian has reasonable grounds to believe that the disclosure is required to prevent or reduce

(a) an imminent threat to the health or safety of the individual or another individual;

(b) a risk of serious harm to the health or safety of the individual or another individual; or

(c) an imminent or serious threat to public safety

.

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

NORTHWEST TERRITORIES

Health Information Act

Note: We could not find any reference to capacity in this act.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

NORTHWEST TERRITORIES

Health Information Act

114 A health information custodian may refuse to disclose information to an applicant if the disclosure could reasonably be expected to lead to the identification of a person who provided personal health information to a custodian in confidence, whether explicitly or implicitly, and under circumstances in respect of which it is appropriate that the name of the person be kept confidential.

NUNAVUT

COLLECTION OF INFORMATION WITHOUT CONSENT

NUNAVUT

Access to Information and Protection of Privacy Act

41(1) A public body must, where reasonably possible, collect personal information directly from the individual the information relates to unless

(2) A public body that collects personal information directly from the individual the information is about shall inform the individual of

Exception

(3) Subsections (1) and (2) do not apply if, in the opinion of the head of the public body concerned, compliance with them might result in the collection of inaccurate information or defeat the purpose or prejudice the use for which the information is collected.

DISCLOSURE OF INFORMATION WITHOUT CONSENT

NUNAVUT

Access to Information and Protection of Privacy Act

48 A public body may disclose personal information

(q) when necessary to protect the mental or physical health or safety of any individual;

(s) for any purpose when, in the opinion of the head,

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or

(ii) disclosure would clearly benefit the individual to whom the information relates;

CAPACITY TO RELEASE OR WITHHOLD INFORMATION

NUNAVUT

Access to Information and Protection of Privacy Act

Note: We could not find any reference to capacity in this act.

MAINTAINING THE SOURCE OF INFORMATION CONFIDENTIAL

NUNAVUT

Access to Information and Protection of Privacy Act

21 (1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, where the disclosure could reasonably be expected to endanger the mental or physical health or safety of an individual other than the applicant.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a medical or other expert, the disclosure could reasonably be expected to result in immediate and grave danger to the applicant's mental or physical health or safety.

22 (c) has been provided to the public body, explicitly or implicitly, in confidence.

23 (3) In determining whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;