



# How Well Do You Know *PHIA*?

The OIPC is celebrating “**Data Privacy Week**” and invites you to challenge yourself with this **quiz** to test your knowledge on privacy related topics within the Personal Health Information Act, commonly known as *PHIA*.

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1. Under *PHIA*, when disposing records, a custodian must take steps that are reasonable in the circumstances to ensure records containing personal health information in its custody or control are disposed of in a secure manner. Which one of the following examples best represents disposing of paper records in a secure manner within the meaning of *PHIA*:
  - a. Tossing the records in a garbage bin on the date of garbage pick up.
  - b. Putting the records through a cross shredder before putting them in the recycling bin.
  - c. Tearing the records in half before putting them in the garbage bin.
  - d. Placing the records in the recycling bin for pick up within the hour.
2. Peter Pickles, a custodian under *PHIA*, believes there was a material breach involving a patient’s personal health information at his clinic. Peter notified the impacted patient of this privacy breach. Under *PHIA*, who else must Peter Pickles inform:
  - a. The Information and Privacy Commissioner.
  - b. The Inspector General of Custodians.
  - c. The Ombudsman Privacy Inspector.
3. There are three elements needed for consent under *PHIA*. Which one of the following statements is **NOT** an element of consent under *PHIA*?
  - a. Consent shall not be obtained through deception or coercion.
  - b. Consent shall be a consent of the individual.
  - c. Consent shall only be accepted if it is in writing, signed, and sworn by a notary or commissioner for oaths.
  - d. Consent shall be knowledgeable.
4. A custodian’s clinic file containing the personal health information of Oscar Onion was accessed by an unauthorized person. The custodian has determined that this unauthorized access may have an adverse impact on the social well-being of Oscar Onion. Under *PHIA*, when should the custodian notify Oscar Onion of the breach?
  - a. After the police have been notified and have concluded all related investigations.
  - b. After the Commissioner issues a notice to the custodian confirming notification is required.
  - c. Within one year of discovering the privacy breach.
  - d. At the first reasonable opportunity.
5. Under *PHIA*, a custodian must create and follow a number of information policies and procedures as it relates to personal health information in their custody or control. Is the following statement true or false? A custodian is **NOT** required to have information policies and procedures on the retention of records that contain personal health information.
  - a. True.
  - b. False.

6. True or false? Under *PHIA* a custodian must ensure its employees, volunteers, agents and contractors take an oath or affirmation of confidentiality.
  - a. True.
  - b. False.
7. Which of the following statements best represents a general limitation on the disclosure of personal health information under *PHIA*?
  - a. Disclosure of information must occur within two years of collection.
  - b. Disclosure of the minimum amount of information necessary to accomplish the purpose for which it is used.
  - c. Disclosure of information where appropriate for general purposes.
8. Liza Lemons has reasonable grounds to believe that a custodian disclosed her personal health information in contravention of *PHIA*. Liza wants someone to investigate the actions of the custodian. What are Liza's options under *PHIA*? Under *PHIA*, Liza is able to:
  - a. File a Statement of Claim with the Provincial Court of Newfoundland and Labrador.
  - b. File a Violation Notice with the Records Management Commission.
  - c. File a Complaint with the Information and Privacy Commissioner.
  - d. File a Grievance with the General Privacy Inspector.
9. Which of the following statements best represents the knowledgeable consent element under *PHIA*?
  - a. The individual knows what their personal health information will be used for and that once they provide their consent there will be no option to withdraw their consent at any time in the future.
  - b. The individual knows the purpose of the collection and use of their personal health information, that their consent is required for this collection and use, and that they may give or withhold their consent.
  - c. The individual knows the reasons behind the collection of their personal health information and are somewhat aware of how this information will be used in the future.
10. True or false? Under *PHIA*, a custodian who fails to protect personal health information in a secure manner, and did not take all reasonable steps to protect this personal health information, can be found guilty of an offence and face a fine of up to \$10,000, imprisonment up to a term of 6 months, or both.
  - a. True.
  - b. False.