



# Protecting Patient Information in Practice and Beyond

Office of the Information and Privacy Commissioner for Nova Scotia  
**January 24, 2024**

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## **PROTECTING PATIENT INFORMATION**

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Winding down a practice involves a lot of work. A question frequently asked of our office is, “What happens to all the medical records?” The *Personal Health Information Act (PHIA)* outlines the responsibilities of a custodian of personal health information. These responsibilities do not change with employment status. Custodians must plan for the time and financial investments needed to continue to meet their legal responsibilities when their practice closes.

## **RETENTION POLICIES**

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Custodians are required to have written a retention schedule for personal health information for both paper and electronic records. These policies should be in place while a practice is operating and continue after a practice closes. Regulatory bodies for custodians (like the College of Physicians and Surgeons) provide guidelines about minimum retention periods. Limits are often set based on the age of majority, or by record type (chart notes, images, etc.). If a practice closes without a written retention policy, the minimum set by the regulatory body will apply.

## **SECURITY**

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Basic security measures include storing paper records in locked filing cabinets and electronic records on secure servers and networks. Both paper and electronic records are located in spaces where physical safeguards like security systems, password credentials and employee access can be controlled.

When a practice closes, patient records must continue to be stored securely for the duration of their retention period. A basement, garage, USB stick or the back of a closet do not provide adequate security.

## **PATIENT ACCESS & TRANSFER TO ANOTHER CUSTODIAN**

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Patients have a right to request access (and receive copies of) their own personal health information, or request it be transferred to another custodian. These rights exist for the lifespan of the records; they do not end when a custodian closes their practice. Custodians must arrange to fulfill any access or transfer requests they receive. This means they have public contact information, and a way to complete these requests for access or transfer for both paper and electronic records.

## **FEES UNDER PHIA**

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Custodians are allowed to charge some fees for a person requesting access to personal health information. The basic fee is \$30 and should be waived if a person cannot afford it. Fees cannot be charged if transferring personal health information to another custodian. For more information about fees see our [PHIA Fee Fact Sheet](#).

## **DESTRUCTION POLICIES**

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Once patient information has reached the end of its life (based on the retention policy), custodians are required to securely destroy the records. Records cannot be simply recycled, put in a dumpster, burned in a bonfire, left in a basement, or abandoned. The most common destruction methods are secure shredding (to a size small enough not to be readable), or incineration.

## **INVESTING IN A SERVICE PROVIDER**

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Meeting these responsibilities when a practice closes requires time and financial investment. Custodians cannot contract out of these responsibilities, but they can enter into contracts with reputable service providers to assist with fulfilling these responsibilities.

## **CONCLUSION**

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Custodians must ensure they are compliant with their legal obligations to securely and adequately manage the patient records in their custody and control while operating a practice and beyond. By taking steps like those outlined above, custodians can better protect Nova Scotians' personal health information now and in the future.

## **QUESTIONS?**

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This guidance was prepared by the Office of the Information and Privacy Commissioner for Nova Scotia. We encourage organizations to contact us with any questions about this document. Organizations can also consult with our office for free by completing and submitting a Consultation Request Form:

- [Consultation Request Guidelines](#)
- [Consultation Request Form](#)

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