



Reporting Breaches – s. 70 of Personal Health Information Act

Office of the Information and Privacy Commissioner for Nova Scotia
January 24, 2022

RELEVANT PROVISION

The *Personal Health Information Act (PHIA)* says:

Notification to individual not required

- 70 (1) Where a custodian determines on a reasonable basis that personal health information has been stolen, lost or subject to unauthorized access, use, disclosure, copying or modification, but
- (a) it is unlikely that a breach of the personal health information has occurred; or
 - (b) there is no potential for harm or embarrassment to the individual as a result,
- the custodian may decide that notification to the individual pursuant to Section 69 is not required.
- (2) Where a custodian makes the decision not to notify an individual pursuant to this Section, the custodian shall notify the Review Officer as soon as possible.

PURPOSE

To facilitate notification required by s. 70(2) of *PHIA*, the Office of the Information and Privacy Commissioner (OIPC) has developed a form to collect all of the details relevant to the breach and the custodian's determination that notification to the affected individual(s) is not required.

FILLING OUT THE FORM

- Use one form per breach – do not roll up multiple breaches into one report. Each breach requires its own assessment.
- If information is unknown or not applicable, please indicate “unk” or “NA”.
- “Worksite” means the specific location that the breach occurred, such as the specific clinic, office, lab, emergency room or other like worksite.
- For a more detailed description of the risk factors, see the OIPC's document [Key Steps to Responding to Privacy Breaches](#).
- Save the form as a Word document, pdf or gif.
- Send the completed form to the OIPC as completed, or bundle and send on the last day of the month – quarterly reporting is no longer acceptable. The OIPC's preference is that they are sent as they occur.
- Only “complete” breaches are reported.
- Any breaches that missed getting reported in the month that they were closed can get reported the following month.
- Deliver completed forms as attachments by email to: oipcns@novascotia.ca.
- Follow-up questions may be required, so ensure a complete copy of your organization's internal investigation is retained for each breach reported.

This document was prepared by the Office of the Information and Privacy Commissioner for Nova Scotia. We can be reached at:

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