Alberta *Health Information Act*, RSA 2000, c H-5

Amendment History

Amending Legislation	Previous provision	New provision	Date of coming into force
RSA 2000 Correction Regulation, Alta Reg 49/2002, s 3	**110(2)(a)** **22(1.1)** If there is an inconsistency or conflict between subsection (3.2) or (4) and the *Health Information Act*, subsection (3.2) or (4), as the case may be, prevails.	**110(2)(a)** **22(1.1)** If there is an inconsistency or conflict between subsection (6.1) or (7) and the Health Information Act, subsection (6.1) or (7), as the case may be, prevails.	20 Mar 2002
Miscellaneous Statutes Amendment Act, 2002 (No. 2), SA 2002, c 30, s 11	**110(2)(a)** **22(1.1)** If there is an inconsistency or conflict between subsection (3.2) or (4) and the *Health Information Act*, subsection (3.2) or (4), as the case may be, prevails.	**110(2)(a)** **22(1.1)** If there is an inconsistency or conflict between subsection (6.1) or (7) and the Health Information Act, subsection (6.1) or (7), as the case may be, prevails.	4 Dec 2002 (RA) 1 Jan 2002 (CIF)
Health Information Amendment Act, 2003, SA 2003, c 23, s 2		**Adds:** **s35(1)** **(d.1)** where an individual is deceased, to family members of the individual or to another person with whom the individual is believed to have had a close personal relationship, if the information relates to circumstances surrounding the death of the individual or to health services recently received by the individual and the disclosure is not contrary to the express request of the individual,	16 May 2003 (RA)
Health Information Amendment Act, 2003, SA 2003, c 23, s 3	**59(1)** A custodian that intends to disclose individually identifying diagnostic, treatment and care information about an individual by electronic means must obtain the individual's consent to the disclosure or ensure that the individual's consent has been previously obtained. **(2)** A consent referred to in subsection (1) must be provided in writing or electronically and must include **(a)** an authorization for any custodian to disclose individually identifying diagnostic, treatment and care	**Repealed**	16 May 2003 (RA)

	information about the individual by electronic means for all of the purposes listed in section 27, **(b)** an acknowledgment that the individual providing the consent has been made aware of the reason for disclosure by electronic means and the risks and benefits to the individual of consenting or refusing to consent, **(c)** the date the consent is effective, and **(d)** a statement that the consent may be revoked at any time by the individual providing it. **(3)** A disclosure of health information pursuant to this section must be carried out in accordance with the terms of the consent. **(4)** A revocation of a consent must be provided in writing or electronically. **(5)** A consent or revocation of a consent that is provided in writing must be signed by the person providing it. **(6)** A consent or revocation of a consent that is provided electronically is valid only if it complies with the requirements set out in the regulations. **(7)** This section does not apply where the disclosure is for the purpose of obtaining or processing payment for health services.		
Health Information Amendment Act, 2003, SA 2003, c 23, s 4	**60(2)** The safeguards to be maintained under subsection (1) must include appropriate measures for the proper disposal of records to prevent any reasonably anticipated unauthorized use or disclosure of the health information or unauthorized access to the health information following its disposal.	**60(2)** The safeguards to be maintained under subsection (1) must include appropriate measures **(a)** for the security and confidentiality of records, which measures must address the risks associated with electronic health records, and **(b)** for the proper disposal of records to prevent any reasonably anticipated unauthorized use or disclosure of the health information or unauthorized access to the health information following its disposal. **(3)** In subsection (2)(a), "electronic health records" means records of health information in electronic form.	16 May 2003 (RA)
Health Information Amendment Act, 2003, SA 2003, c 23, s 5	**104(1)** Any right or power conferred on an individual by this Act may be exercised **(d)** if the individual is deceased and was 18 years of age or over immediately before death, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate,	**104(1)** Any right or power conferred on an individual by this Act may be exercised **(d)** if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate,	16 May 2003 (RA)

Persons with Developmental Disabilities Community Governance Amendment Act, 2006, SA 2006, c 25, s 24	**1(1)** In this Act, **(f)** "custodian" means **(xvi)** a Community Board or a Facility Board, as those terms are defined in the *Persons with Developmental Disabilities Community Governance Act*; **(m)** "health service" means a service that is provided to an individual **(v)** by a Community Board or a Facility Board, as those terms are defined in the Persons with Developmental Disabilities Community Governance Act;	**1(1)** In this Act, **(f)** "custodian" means **(xvi)** a Community Board as that term is defined in the *Persons with Developmental Disabilities Community Governance Act*; **(m)** "health service" means a service that is provided to an individual **(v)** by a Community Board as that term is defined in the *Persons with Developmental Disabilities Community Governance Act*;	24 May 2006 (RA) 1 Jul 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 2(a)	**1(1)** In this Act, **(j)** "ethics committee" means a committee designated by the regulations as an ethics committee;	**Repealed**	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 2(b)		**Adds:** **1(1)(o)** **(i.1)** business title; **…** **(xx)** provincial service provider identification number that is assigned to the health services provider by the Minister to identify the health services provider,	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 2(c)		**Adds:** **1(1)** **(v.1)** "research ethics board" means a body designated by the regulations as a research ethics board;	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 3	**3** This Act **(b)** does not affect the power of any court or tribunal to compel a witness to testify or to compel the production of documents, and	**3** This Act **(b)** does not affect the power of any court or tribunal in Canada to compel a witness to testify or to compel the production of documents, and	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 4	**27(1)** A custodian may use individually identifying health information in its custody or under its control for the following purposes: **(d)** conducting research **(i)** if the custodian has submitted a proposal to an ethics committee in accordance with section 49, **(ii)** if the ethics committee is satisfied as to the matters referred to in section 50(1)(b),	**27(1)** A custodian may use individually identifying health information in its custody or under its control for the following purposes: **(d)** conducting research **(i)** if the custodian has submitted a proposal to a research ethics board in accordance with section 49, **(ii)** if the research ethics board is satisfied as to the matters referred to in section 50(1)(b),	24 May 2006 (RA) 31 Oct 2006 (proclamation)

	(iii) if the custodian has complied with or undertaken to comply with the conditions, if any, suggested by the ethics committee, and **(iv)** where the ethics committee recommends that consents should be obtained from the individuals who are the subjects of the health information to be used in the research, if those consents have been obtained;	**(iii)** if the custodian has complied with or undertaken to comply with the conditions, if any, suggested by the research ethics board, and **(iv)** where the research ethics board recommends that consents should be obtained from the individuals who are the subjects of the health information to be used in the research, if those consents have been obtained;	
Health Information Amendment Act, 2006, SA 2006, c 18, s 5(a)	**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 **(i)** for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information, **(j)** to a municipal or provincial police service for the purpose of investigating an offence involving a life-threatening personal injury to the individual, if the disclosure is not contrary to the express request of the individual, **…** **(p)** if the disclosure is authorized or required by an enactment of Alberta or Canada, or **(q)** to its successor where **(i)** the custodian is transferring its records to the successor as a result of the custodian ceasing to be a custodian, and	**Adds:** **35(1)** **(a.1)** to the government of Canada or of another province or territory of Canada for that government's use for health system planning and management and health policy development where **(i)** the individual is a resident of that other province or territory, or **(ii)** that government is otherwise responsible for payment for health services provided to the individual, **Repeals and substitutes:** **35(1)** **(i)** for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction in Alberta to compel the production of information or with a rule of court binding in Alberta that relates to the production of information, **Repeals:** **35(1)(j)** **Strikes out ("or"):** **35(1)(p)** if the disclosure is authorized or required by an enactment of Alberta or Canada, **Repeals and substitutes:** **35(1)(q)** **(i)** the custodian is transferring its records to the successor as a result of the custodian	24 May 2006 (RA) 31 Oct 2006 (proclamation)

		(A) ceasing to be a custodian, or **(B)** ceasing to provide health services within the geographic area in which the successor provides health services, and **Adds:** **35(1)** **(r)** for the purpose of obtaining or processing payment for health services provided to the individual by a person that is required under a contract to pay for those services for that individual, or **(s)** to the College of Physicians and Surgeons of Alberta for the purpose of administering the Triplicate Prescription Program.	
Health Information Amendment Act, 2006, SA 2006, c 18, s 5(b)	**35(4)(b)** **(ii)** to destroy the information **(A)** at the earliest opportunity if the investigation, discipline proceeding, practice review or inspection is abandoned, or **(B)** at the earliest opportunity after a final decision has been made relating to the investigation, discipline proceeding, practice review or inspection, including any decision made by a body authorized to hear appeals.	**Repeals:** **35(4)(b)(ii)**	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 6(a)	**37(2)** A custodian may disclose the health services provider information described in section 1(1)(o)(i) to (iii), (vii), (xiv), (xv), (xviii) and (xix), other than home address, telephone number and licence number, to any person for any purpose without the consent of the individual who is the subject of the information, unless the disclosure	**37(2)** A custodian may disclose the health services provider information described in section 1(1)(o)(i) to (iii), (vii), (xiv), (xv), (xviii), (xix) and (xx), other than home address, telephone number and licence number, to any person for any purpose without the consent of the individual who is the subject of the information, unless the disclosure	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 6(b)		**Adds:** **37(3)** Subsection (2) does not apply where the disclosure is to a police service or the Minister of Justice and Attorney General under section 37.1, 37.2 or 37.3.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 7		**Adds:** **37.1(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the	24 May 2006 (RA) 31 Oct 2006 (proclamation)

		information to a police service or the Minister of Justice and Attorney General where the custodian reasonably believes **(a)** that the information relates to the possible commission of an offence under a statute or regulation of Alberta or Canada, and **(b)** that the disclosure will detect or prevent fraud or limit abuse in the use of health services. **(2)** A custodian may disclose the following information under subsection (1): **(a)** the name of an individual; **(b)** the date of birth of an individual; **(c)** the personal health number of an individual; **(d)** the nature of any injury or illness of an individual; **(e)** the date on which a health service was sought or received by an individual; **(f)** the location where an individual sought or received a health service; (**g)** the name of any drug, as defined in the *Pharmaceutical Profession Act*, provided to or prescribed for an individual and the date the drug was provided or prescribed. **(3)** If a custodian discloses individually identifying health information about an individual under subsection (1), the custodian may also disclose health services provider information about a health services provider from whom that individual sought or received health services if that information is related to the information that was disclosed under subsection (1). **(4)** Health services provider information may be disclosed under subsection (3) without the consent of the health services provider who is the subject of the information. **37.2(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the health services provider who is the subject of the information to a police service or the Minister of Justice and Attorney General where the custodian reasonably believes **(a)** that the information relates to the possible commission of an offence under a statute or regulation of Alberta or Canada by the health services provider, and **(b)** that the disclosure will detect or prevent fraud or limit abuse in the provision of health services.	

		(2) A custodian may disclose the following information under subsection (1): **(a)** the name of the health services provider; **(b)** the business address of the health services provider; **(c)** the date on which the health services provider provided a health service; **(d)** the description of a health service provided by the health services provider; **(e)** the benefits that were paid or charged in relation to a health service provided by the health services provider. **(3)** If a custodian discloses information under subsection (1) about a health service, the custodian may also disclose individually identifying health information about the individual who received that health service if that information is related to that health service. **(4)** Individually identifying health information may be disclosed under subsection (3) without the consent of the individual who is the subject of the information. **37.3(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice and Attorney General where the custodian reasonably believes **(a)** that the information relates to the possible commission of an offence under a statute or regulation of Alberta or Canada, and **(b)** that the disclosure will protect the health and safety of Albertans. **(2)** A custodian may disclose the following information under subsection (1): **(a)** the name of an individual; **(b)** the date of birth of an individual; **(c)** the nature of any injury or illness of an individual; **(d)** the date on which a health service was sought or received by an individual; **(e)** the location where an individual sought or received a health service; **(f)** whether any samples of bodily substances were taken from an individual. **(3)** If a custodian discloses individually identifying health information about an individual under subsection (1), the custodian may also disclose health services provider information about a health services provider from whom that individual sought or received health services if that	

		information is related to the information that was disclosed under subsection (1). **(4)** Health services provider information may be disclosed under subsection (3) without the consent of the health services provider who is the subject of the information.	
Health Information Amendment Act, 2006, SA 2006, c 18, s 8(a)	**41(1)** A custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1) or (4) must make a note of the following information:	**41(1)** Subject to subsection (1.1), a custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1) or (4) must make a note of the following information:	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 8(b)		**Adds:** **41(1.1)** The requirement to make a note under subsection (1) does not apply to a custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1)(a) by permitting access to the information stored in the computer database of the custodian if, when the information is accessed, the database automatically keeps an electronic log of the following information: **(a)** the user identification of the custodian that accesses the information; **(b)** the date and time that the information is accessed; (**c**) a description of the information that is accessed.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 8(c)	**41(2)** The information referred to in subsection (1) must be retained by the custodian for a period of 10 years following the date of the disclosure.	**41(2)** The information referred to in subsections (1) and (1.1) must be retained by the custodian for a period of 10 years following the date of the disclosure.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 8(d)	**41(3)** An individual who is the subject of information referred to in subsection (1) may ask a custodian for access to and a copy of the information, and Part 2 applies to the request.	**41(3)** An individual who is the subject of information referred to in subsection (1) or (1.1) may ask a custodian for access to and a copy of the information, and Part 2 applies to the request.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 9	**42(2)** Subsection (1) does not apply where the disclosure is **(a)** to another custodian under section 35(1)(a), **(b)** to the Minister or the Department under section 46, or **(c)** to another custodian under section 47.	**Strikes out "or" at the end of (b), and adds:** **42(2)** **(d)** to a police service or the Minister of Justice and Attorney General under section 37.1, 37.2 or 37.3, or **(e)** to the individual who is the subject of the information.	24 May 2006 (RA) 31 Oct 2006 (proclamation)

Health Information Amendment Act, 2006, SA 2006, c 18, s 10	**46(1)** The Minister or the Department may request another custodian to disclose individually identifying health information for any of the purposes listed in section 27(2) … **(b)** if the information requested relates to a health service provided by the other custodian **(i)** that is fully or partially paid for by the Department, or **(ii)** that is provided using financial, physical or human resources provided, administered or paid for by the Department.	**Repeals and substitutes:** **46(1)** **(b)** if the information requested relates to a health service provided by the other custodian and **(i)** the health service is fully or partially paid for by the Department or is provided using financial, physical or human resources provided, administered or paid for by the Department, or **(ii)** the information is prescribed in the regulations as information the Minister or the Department may request under this section.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 11	**49** A person who intends to conduct research may submit a proposal to an ethics committee for review by that committee.	**Repeals and substitutes:** **49** A person who intends to conduct research may submit a proposal to a research ethics board for review by that board.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 12	**50(1)** The ethics committee must **(a)** consider whether the researcher should be required to obtain consents for the disclosure of the health information to be used in the research from the individuals who are the subjects of the information, and **(b)** assess whether, in the opinion of the ethics committee, **(i)** the proposed research is of sufficient importance that the public interest in the proposed research outweighs to a substantial degree the public interest in protecting the privacy of the individuals who are the subjects of the health information to be used in the research, **(ii)** the researcher is qualified to carry out the research, **(iii)** adequate safeguards will be in place at the time the research will be carried out to protect the privacy of the individuals who are the subjects of the health information to be used in the research and the confidentiality of that information, and **(iv)** obtaining the consents referred to in clause (a) is unreasonable, impractical or not feasible. **(2)** In making an assessment under subsection (1)(b), the ethics committee must consider the degree to which the proposed research may contribute to	**50(1)** The research ethics board must **(a)** consider whether the researcher should be required to obtain consents for the disclosure of the health information to be used in the research from the individuals who are the subjects of the information, and **(b)** assess whether, in the opinion of the research ethics board, **(i)** the proposed research is of sufficient importance that the custodian interest in the proposed research outweighs to a substantial degree the public interest in protecting the privacy of the individuals who are the subjects of the health information to be used in the research, **(ii)** the researcher is qualified to carry out the research, **(iii)** adequate safeguards will be in place at the time the research will be carried out to protect the privacy of the individuals who are the subjects of the health information to be used in the research and the confidentiality of that information, and **(iv)** obtaining the consents referred to in clause (a) is unreasonable, impractical or not feasible. **(2)** In making an assessment under subsection (1)(b), the research ethics board must consider the degree to which the proposed research may contribute to	24 May 2006 (RA) 31 Oct 2006 (proclamation)

	(a) identification, prevention or treatment of illness or disease, **(b)** scientific understanding relating to health, **(c)** promotion and protection of the health of individuals and communities, **(d)** improved delivery of health services, or **(e)** improvements in health system management. **(3)** The ethics committee must prepare a response setting out **(a)** its recommendation under subsection (1)(a), **(b)** its assessment of the matters set out in subsection (1)(b), and **(c)** any conditions that the ethics committee considers should be imposed on the researcher. **(4)** The ethics committee must send a copy of the response required in subsection (3) to the Commissioner.	**(a)** identification, prevention or treatment of illness or disease, **(b)** scientific understanding relating to health, **(c)** promotion and protection of the health of individuals and communities, **(d)** improved delivery of health services, or **(e)** improvements in health system management. **(3)** The research ethics board must prepare a response setting out **(a)** its recommendation under subsection (1)(a), **(b)** its assessment of the matters set out in subsection (1)(b), and **(c)** any conditions that the research ethics board considers should be imposed on the researcher. **(4)** The research ethics board must send a copy of the response required in subsection (3) to the Commissioner.	
Health Information Amendment Act, 2006, SA 2006, c 18, s 13		**Adds:** **50.1** If the response of the research ethics board sent to the Commissioner under section 50(4) indicates that the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the Commissioner may publish the response in any manner the Commissioner considers appropriate.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 14	**51** If the ethics committee is not satisfied as to any of the matters referred to in section 50(1)(b), the researcher may not apply to a custodian under section 52. **52** If the ethics committee is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians **(a)** the response of the ethics committee to the researcher's proposal, and **(b)** a written application for disclosure of the health information to be used in the research. **53(1)** A custodian who has received the documents referred to in section 52 may, but is not required to, disclose the health information applied for. **(2)** If the custodian decides to disclose the health information,	**51** If the research ethics board is not satisfied as to any of the matters referred to in section 50(1)(b), the researcher may not apply to a custodian under section 52. **52** If the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians **(a)** the response of the research ethics board to the researcher's proposal, and **(b)** a written application for disclosure of the health information to be used in the research. **53(1)** A custodian who has received the documents referred to in section 52 may, but is not required to, disclose the health information applied for. **(2)** If the custodian decides to disclose the health information,	24 May 2006 (RA) 31 Oct 2006 (proclamation)

	(a) the custodian **(i)** must impose on the researcher any conditions suggested by the ethics committee, and **(ii)** may impose other conditions on the researcher, and **(b)** the researcher must obtain the consents referred to in section 50(1)(a), if recommended by the ethics committee, prior to the disclosure. **54(1)** If the custodian decides to disclose health information to a researcher, the researcher must enter into an agreement with the custodian in which the researcher agrees **(a)** to comply with **(i)** this Act and the regulations made under this Act, **(ii)** any conditions imposed by the custodian relating to the use, protection, disclosure, return or disposal of the health information, and **(iii)** any requirement imposed by the custodian to provide safeguards against the identification, direct or indirect, of an individual who is the subject of the health information, **(b)** to use the health information only for the purpose of conducting the proposed research, **(c)** not to publish the health information in a form that could reasonably enable the identity of an individual who is the subject of the information to be readily ascertained, **(d)** not to make any attempt to contact an individual who is the subject of the health information to obtain additional health information unless the individual has provided the custodian with the consent referred to in section 55, **(e)** to allow the custodian to access or inspect the researcher's premises to confirm that the researcher is complying with the enactments, conditions and requirements referred to in clause (a), and **(f)** to pay the costs referred to in subsection (3). **(2)** When an agreement referred to in subsection (1) has been entered into, the custodian may disclose to the researcher the health information requested under section 52	**(a)** the custodian **(i)** must impose on the researcher any conditions suggested by the research ethics board, and **(ii)** may impose other conditions on the researcher, and **(b)** the researcher must obtain the consents referred to in section 50(1)(a), if recommended by the research ethics board, prior to the disclosure. **54(1)** If the custodian decides to disclose health information to a researcher, the researcher must enter into an agreement with the custodian in which the researcher agrees **(a)** to comply with **(i)** this Act and the regulations made under this Act, **(ii)** any conditions imposed by the custodian relating to the use, protection, disclosure, return or disposal of the health information, and **(iii)** any requirement imposed by the custodian to provide safeguards against the identification, direct or indirect, of an individual who is the subject of the health information, **(b)** to use the health information only for the purpose of conducting the proposed research, **(c)** not to publish the health information in a form that could reasonably enable the identity of an individual who is the subject of the information to be readily ascertained, **(d)** not to make any attempt to contact an individual who is the subject of the health information to obtain additional health information unless the individual has provided the custodian with the consent referred to in section 55, **(e)** to allow the custodian to access or inspect the researcher's premises to confirm that the researcher is complying with the enactments, conditions and requirements referred to in clause (a), and **(f)** to pay the costs referred to in subsection (3). **(2)** When an agreement referred to in subsection (1) has been entered into, the custodian may disclose to the researcher the health information requested under section 52	

	(a) with the consent of the individuals who are the subjects of the information, where the ethics committee recommends that consents should be obtained, or **(b)** without the consent of the individuals who are the subjects of the information, where the ethics committee does not recommend that consents be obtained. **(3)** The custodian may set the costs of **(a)** preparing information for disclosure, **(b)** making copies of health information, and **(c)** obtaining the consents referred to in section 55, which must not exceed the actual cost of providing that service. **(4)** If the researcher contravenes or fails to meet the terms and conditions of an agreement under this section, the agreement is cancelled.	**(a)** with the consent of the individuals who are the subjects of the information, where the research ethics board recommends that consents should be obtained, or **(b)** without the consent of the individuals who are the subjects of the information, where the research ethics board does not recommend that consents be obtained. **(3)** The custodian may set the costs of **(a)** preparing information for disclosure, **(b)** making copies of health information, and **(c)** obtaining the consents referred to in section 55, which must not exceed the actual cost of providing that service. **(4)** If the researcher contravenes or fails to meet the terms and conditions of an agreement under this section, the agreement is cancelled.	
Health Information Amendment Act, 2006, SA 2006, c 18, s 15	**87** At the request of a custodian, the Commissioner may authorize the custodian to disregard one or more requests under section 8(1) or 13(1) if **(a)** because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the custodian or amount to an abuse of the right to make those requests, or **(b)** one or more of the requests are frivolous or vexatious.	**Renumbers and adds:** **87(1)** At the request of a custodian, the Commissioner may authorize the custodian to disregard one or more requests under section 8(1) or 13(1) if **(a)** because of their repetitious or systematic nature, the requests would unreasonably interfere with the operations of the custodian or amount to an abuse of the right to make those requests, or **(b)** one or more of the requests are frivolous or vexatious. **(2)** The processing of a request under section 8(1) or 13(1) ceases when a custodian has made a request under subsection (1) and **(a)** if the Commissioner authorizes the custodian to disregard the request, does not resume; **(b)** if the Commissioner does not authorize the custodian to disregard the request, does not resume until the Commissioner advises the custodian of the Commissioner's decision.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 16	**91(1)** The Commissioner and anyone acting for or under the direction of the Commissioner must not disclose any information obtained in performing their duties, powers and functions under this Act, except as provided in subsections (2) to (5).	**91(1)** The Commissioner and anyone acting for or under the direction of the Commissioner must not disclose any information obtained in performing their duties, powers and functions under this Act, except as provided in subsections (2) to (5) and section 50.1.	24 May 2006 (RA) 31 Oct 2006 (proclamation)

Health Information Amendment Act, 2006, SA 2006, c 18, s 17		**Adds:** **107(5.1)** No person shall knowingly disclose health information to which this Act applies pursuant to a subpoena, warrant or order issued or made by a court, person or body having no jurisdiction in Alberta to compel the production of information or pursuant to a rule of court that is not binding in Alberta. **(6)** A person who contravenes this section, except subsection (5.1), is guilty of an offence and liable to a fine of not more than $50 000. **(7)** A person who contravenes subsection (5.1) is guilty of an offence and liable **(a)** in the case of an individual, to a fine of not less than $2000 and not more than $10 000, and **(b)** in the case of any other person, to a fine of not less than $200 000 and not more than $500 000. **(8)** A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards.	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 18(a)		**Adds:** **108(f.1)** prescribing information for the purposes of section 46(1)(b)(ii);	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Health Information Amendment Act, 2006, SA 2006, c 18, s 18(b)	**108(2)** The Minister may make regulations **(a)** designating committees as ethics committees for the purposes of sections 48 to 56;	**108(2)** The Minister may make regulations **(a)** designating bodies as research ethics boards for the purposes of sections 48 to 56;	24 May 2006 (RA) 31 Oct 2006 (proclamation)
Pharmacy and Drug Act, RSA 2000, c P-13, s 47.1[1]	**1(1)** In this Act, **(f)** "custodian" means **(x)** a licensed pharmacy as defined in the *Pharmaceutical Profession Act*; **(xi)** a pharmacist as defined in the *Pharmaceutical Profession Act*; … **(i)** "diagnostic, treatment and care information" means information about any of the following:	**1(1)** In this Act, **(f)** "custodian" means **(x)** a licensed pharmacy as defined in the *Pharmacy and Drug Act*; **(xi)** a pharmacist as defined in the *Pharmacy and Drug Act*; … **(i)** "diagnostic, treatment and care information" means information about any of the following:	1 Apr 2007 (proclamation)

[1] Section initially appears in original version of RSA 2000, c H-5, s 121 – pdf of this version also attached in email response.

	(iv) a drug as defined in the *Pharmaceutical Profession Act* provided to an individual; … **(m)** "health service" means a service that is provided to an individual **(ii)** by a pharmacist engaging in the practice of pharmacy as defined in the *Pharmaceutical Profession Act* regardless of how the service is paid for,	**(iv)** a drug as defined in the *Pharmacy and Drug Act* provided to an individual; … **(m)** "health service" means a service that is provided to an individual **(ii)** by a pharmacist engaging in the practice of pharmacy as defined in the *Pharmacy and Drug Act* regardless of how the service is paid for,	
Health Statutes Amendment Act, 2007, SA 2007, c 18, s 2	**1(1)(f)(iii)** a provincial health board established pursuant to regulations made under section 18(1)(a) of the *Regional Health Authorities Act*;	**1(1)(f)(iii)** a provincial health board established pursuant to regulations made under section 17(1)(a) of the *Regional Health Authorities Act*;	19 Jun 2007 (RA)
Emergency Health Services Act, SA 2008, c E-6.6, s 52(a)	**1(1)** In this Act, **(a)** "affiliate", in relation to a custodian, includes **(iv)** an operator as defined in the *Ambulance Services Act*, or	**Repeals:** **1(1)(a)(iv)**	2 Dec 2008 (RA) 1 Apr 2009 (proclamation)
Emergency Health Services Act, SA 2008, c E-6.6, s 52(b)		**Adds:** **1(1)(f)(ii.1)** an ambulance operator as defined in the *Emergency Health Services Act*;	2 Dec 2008 (RA) 1 Apr 2009 (proclamation)
Emergency Health Services Act, SA 2008, c E-6.6, s 52(c)	**1(1)(m)(iii)** by an ambulance attendant as defined in the *Ambulance Services Act*,	**1(1)(m)(iii)** by an ambulance attendant as defined in the *Emergency Health Services Act*,	2 Dec 2008 (RA) 1 Apr 2009 (proclamation)
Health Governance Transition Act, SA 2008, c H-4.3, s 18(a)	**1(1)** In this Act **(f)** "custodian" means **(i)** the board of an approved hospital as defined in the *Hospitals Act* other than an approved hospital that is **(A)** owned and operated by a regional health authority established under the *Regional Health Authorities Act*, or **(B)** established and operated by the Alberta Cancer Board continued under the *Cancer Programs Act*; **…** **(vii)** the Alberta Cancer Board continued under the *Cancer Programs Act*;	**Repeals:** **1(1)(f)(i)(B), 1(1)(f)(vii) and (xv)**	2 Dec 2008 (RA) 1 Apr 2009 (proclamation)

	(xv) the Alberta Alcohol and Drug Abuse Commission continued under the *Alcohol and Drug Abuse Act*, or		
Health Governance Transition Act, SA 2008, c H-4.3, s 18(b)	**1(1)(m)** **(iii)** by an ambulance attendant as defined in the *Ambulance Services Act*, **(iv)** by the Alberta Alcohol and Drug Abuse Commission continued under the *Alcohol and Drug Abuse Act*, or	**1(1)(m)(iii)** by an ambulance attendant as defined in the *Ambulance Services Act*, or **Repeals:** **1(1)(m)(iv)**	2 Dec 2008 (RA) 1 Apr 2009 (proclamation)
Adult Guardianship and Trusteeship Act, SA 2008, c A-4.2, s 131(a)	**22(2)(e)** **(iv)** informing the Public Trustee or the Public Guardian about clients or potential clients;	**22(2)(e)** **(iv)** informing the Public Trustee or a Public Guardian about clients or potential clients;	2 Dec 2008 (RA) 30 Oct 2009 (proclamation)
Adult Guardianship and Trusteeship Act, SA 2008, c A-4.2, s 131(b)	**104(1)(e)** if a guardian or trustee has been appointed for the individual under the *Dependent Adults Act*, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee,	**104(1)(e)** if a guardian or trustee has been appointed for the individual under the *Adult Guardianship and Trusteeship Act*, by the guardian or trustee if the exercise of the right or power relates to the powers and duties of the guardian or trustee,	2 Dec 2008 (RA) 30 Oct 2009 (proclamation)
Mental Health Amendment Act, 2007, SA 2007, c 35, s 25	**104(1)(h)** if the individual is a formal patient as defined in the *Mental Health Act*, by the individual's nearest relative as defined in that Act if the exercise of the right or power is necessary to carry out the obligations of the nearest relative under that Act, or	**104(1)(h)** by the individual's nearest relative as defined in the *Mental Health Act* if the exercise of the right or power is necessary to carry out the obligations of the nearest relative under that Act, or	7 Dec 2007 (RA) 1 Jan 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(i)	**1(1)** In this Act **(a)** "affiliate", in relation to a custodian, includes **(i)** an individual employed by the custodian, **(ii)** a person who performs a service for the custodian as an appointee, volunteer or student or under a contract or agency relationship with the custodian, and **(iii)** a health services provider who has the right to admit and treat patients at a hospital as defined in the *Hospitals Act*, but does not include **(iv)** repealed 2008 cE-6.6 s52, **(v)** an agent as defined in the *Health Insurance Premiums Act*;	**Repeals and substitutes with:** **1(1)** In this Act **(a)** "affiliate", in relation to a custodian, means **(i)** an individual employed by the custodian, **(ii)** a person who performs a service for the custodian as an appointee, volunteer or student or under a contract or agency relationship with the custodian, **(iii)** a health services provider who is exercising the right to admit and treat patients at a hospital as defined in the *Hospitals Act*, **(iv)** an information manager as defined in section 66(1), and	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		(v) a person who is designated under the regulations to be an affiliate, but does not include **(vi)** an agent as defined in the *Health Insurance Premiums Act*, or **(vii)** a health information repository other than a health information repository that is designated in the regulations as an affiliate;	
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(ii)	**1(1)(c)** "audit" means a financial, clinical or other formal or systematic examination or review of a program, portion of a program or activity;	**1(1)(c)** "audit" means a financial, clinical or other formal or systematic examination or review of a program, activity or other matter under this Act;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(iii)	**1(1)(f)** **(ix)** a health services provider who is paid under the Alberta Health Care Insurance Plan to provide health services; … **(xi)** a pharmacist as defined in the *Pharmacy and Drug Act*; … **(xiv)** an individual or board, council, committee, commission, panel, agency or corporation designated in the regulations as a custodian; … **(xvi)** a Community Board as that term is defined in the *Persons with Developmental Disabilities Community Governance Act*;	**Repeals 1(1)(f)(ix) and substitutes with:** **1(1)(f)** **(ix)** a health services provider who is designated in the regulations as a custodian, or who is within a class of health services providers that is designated in the regulations for the purpose of this subclause; **Repeals 1(1)(f)(xi)** **Repeals 1(1)(f)(xiv) and substitutes with:** **1(1)(f)** **(xiv)** an individual or board, council, committee, commission, panel, agency, corporation or other entity designated in the regulations as a custodian, **Adds:** **1(1)(f)** **(xvi)** a Community Board as that term is defined in the *Persons with Developmental Disabilities Community Governance Act* other than a Community Board that is designated in the regulations as a custodian;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(iv)	**1(1)(i)** **(ii)** a health service provided to an individual;	**Repeals and substitutes:** **1(1)(i)** **(ii)** a health service provided to an individual, including the following information respecting a health services provider who provides a health service to that individual: **(A)** name; **(B)** business title; **(C)** business mailing address and business electronic address; **(D)** business telephone number and business facsimile number; **(E)** type of health services provider; **(F)** licence number or any other number assigned to the health services provider by a health professional body to identify that health services provider; **(G)** profession; **(H)** job classification; **(I)** employer; **(J)** municipality in which the health services provider's practice is located; **(K)** provincial service provider identification number that is assigned to the health services provider by the Minister to identify the health services provider; **(L)** any other information specified in the regulations;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(v)	**1(1)(k)** "health information" means any or all of the following: **(i)** diagnostic, treatment and care information; **(ii)** health services provider information; **(iii)** registration information;	**Repeals and substitutes:** **1(1)(k)** "health information" means one or both of the following: **(i)** diagnostic, treatment and care information; **(ii)** registration information;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(vi)		**Adds:** **1(1)(k.1)** "health information repository" means an agency, corporation or other entity designated by the Minister to act	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		as a health information repository in accordance with Part 6.1;	
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(vii)	**1(1)(m)** "health service" means a service that is provided to an individual **(i)** for any of the following purposes and is directly or indirectly and fully or partially paid for by the Department: **(A)** protecting, promoting or maintaining physical and mental health; **(B)** preventing illness; **(C)** diagnosing and treating illness; **(D)** rehabilitation; **(E)** caring for the health needs of the ill, disabled, injured or dying, or **(ii)** by a pharmacist engaging in the practice of pharmacy as defined in the *Pharmacy and Drug Act* regardless of how the service is paid for, but does not include a service that is provided to an individual **(iii)** by an ambulance attendant as defined in the *Emergency Health Services Act*, or **(iv)** repealed 2008 cH-4.3 s18, **(v)** by a Community Board as that term is defined in the *Persons with Developmental Disabilities Community Governance Act*;	**Repeals and substitutes:** **1(1)(m)** "health service" means a service that is provided to an individual for any of the following purposes: **(i)** protecting, promoting or maintaining physical and mental health; **(ii)** preventing illness; **(iii)** diagnosing and treating illness; **(iv)** rehabilitation; **(v)** caring for the health needs of the ill, disabled, injured or dying, but does not include a service excluded by the regulations;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(viii)	**1(1)(o)** "health services provider information" means the following information relating to a health services provider: **(i)** name; **(i.1)** business title; **(ii)** business and home mailing addresses and electronic addresses; **(iii)** business and home telephone numbers and facsimile numbers; **(iv)** gender; **(v)** date of birth; **(vi)** unique identification number that **(A)** is assigned to the health services provider by a custodian for the purpose of the operations of the custodian, and **(B)** uniquely identifies the health services provider in relation to that custodian;	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

	(vii) type of health services provider and licence number, if a licence has been issued to the health services provider; **(viii)** date on which the health services provider became authorized to provide health services and the date, if any, on which the health services provider ceased to be authorized to provide health services; **(ix)** education completed, including entry level competencies attained in a basic education program and post-secondary educational degrees, diplomas or certificates completed; **(x)** continued competencies, skills and accreditations, including any specialty or advanced training acquired after completion of the education referred to in subclause (ix), and the dates they were acquired; **(xi)** restrictions that apply to the health services provider's right to provide health services in Alberta; **(xii)** decisions of a health professional body, or any other body at an appeal of a decision of a health professional body, pursuant to which the health services provider's right to provide health services in Alberta is suspended or cancelled or made subject to conditions, or a reprimand or fine is issued; **(xiii)** business arrangements relating to the payment of the health services provider's accounts; **(xiv)** profession; **(xv)** job classification; **(xvi)** employment status; **(xvii)** number of years the health services provider has practised the profession; **(xviii)** employer; **(xix)** municipality in which the health services provider's practice is located, **(xx)** provincial service provider identification number that is assigned to the health services provider by the Minister to identify the health services provider, but does not include information that is not written, photographed, recorded or stored in some manner in a record;		

Health Information Amendment Act, 2009, SA 2009, c 25, s 2(a)(ix)	**1(1)(v)** "research" means academic, applied or scientific health-related research that necessitates the use of individually identifying diagnostic, treatment and care information or individually identifying registration information, or both;	**Repeals and substitutes:** **1(1)(v)** "research" means academic, applied or scientific research that necessitates the use of individually identifying health information;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 2(b)		**Adds:** **1(3)** A custodian who is an affiliate of another custodian is deemed not to be a custodian while acting in the capacity of an affiliate. **1(4)** For the purposes of this Act, the information specified in subsection (1)(i)(ii) respecting a health services provider is deemed to be individually identifying health information about the individual who received the health service from the health services provider and not individually identifying health information about the health services provider.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 3		**Adds:** **22(2)** **(e.1)** where use of the information is authorized by section 27(1)(d); **(e.2)** where the custodian is conducting data matching for a purpose authorized under section 27;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 4	**27(1)** **(d)** conducting research **(i)** if the custodian has submitted a proposal to a research ethics board in accordance with section 49, **(ii)** if the research ethics board is satisfied as to the matters referred to in section 50(1)(b), **(iii)** if the custodian has complied with or undertaken to comply with the conditions, if any, suggested by the research ethics board, and **(iv)** where the research ethics board recommends that consents should be obtained from the individuals who are the subjects of the health information to be used in the research, if those consents have been obtained;	**Repeals and substitutes:** **27(1)** **(d)** conducting research or performing data matching or other services to facilitate another person's research **(i)** if the custodian or researcher has submitted a proposal to a research ethics board in accordance with section 49, **(ii)** if the research ethics board is satisfied as to the matters referred to in section 50(1)(b), **(iii)** if the custodian or researcher has complied with or undertaken to comply with the conditions, if any, suggested by the research ethics board, and **(iv)** where the research ethics board recommends that consents should be obtained from the	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		individuals who are the subjects of the health information to be used in the research, if those consents have been obtained;	
Health Information Amendment Act, 2009, SA 2009, c 25, s 5(a)	**35(1)** **(e)** to an official of a penal or other custodial institution in which the individual is being lawfully detained if the purpose of the disclosure is to allow the provision of health services to the individual,	**35(1)** **(e)** to an official of a penal or other custodial institution in which the individual is being lawfully detained if the purpose of the disclosure is to allow the provision of health services or continuing treatment and care to the individual,	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 5(b)		**Adds:** **35(5)** A custodian may disclose individually identifying diagnostic, treatment and care information to a health professional body for the purpose of lodging a complaint with the health professional body.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 6	**37(1)** A custodian may disclose individually identifying health services provider information without the consent of the individual who is the subject of the information **(a)** to a health professional body that requests the information for the purpose of an investigation, a discipline proceeding, a practice review or an inspection relating to the health services provider, or **(b)** if the disclosure is authorized or required by an enactment of Alberta or Canada. **(2)** A custodian may disclose the health services provider information described in section 1(1)(o)(i) to (iii), (vii), (xiv), (xv), (xviii), (xix) and (xx), other than home address, telephone number and licence number, to any person for any purpose without the consent of the individual who is the subject of the information, unless the disclosure **(a)** would reveal other information about the health services provider, or **(b)** could reasonably be expected to result in **(i)** harm to the health services provider's mental or physical health or safety, or **(ii)** undue financial harm to the health services provider. **(3)** Subsection (2) does not apply where the disclosure is to a police service or the Minister of Justice and Attorney General under section 37.1, 37.2 or 37.3.	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

Health Information Amendment Act, 2009, SA 2009, c 25, s 7(a)		**Adds:** **37.1(2)** **(h)** information specified in section 1(1)(i)(ii) about a health services provider who provided a health service to an individual referred to in subsection (1).	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 7(b)	**37.1(3)** If a custodian discloses individually identifying health information about an individual under subsection (1), the custodian may also disclose health services provider information about a health services provider from whom that individual sought or received health services if that information is related to the information that was disclosed under subsection (1). **37.1(4)** Health services provider information may be disclosed under subsection (3) without the consent of the health services provider who is the subject of the information.	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 8	**37.2(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the health services provider who is the subject of the information to a police service or the Minister of Justice and Attorney General where the custodian reasonably believes **(a)** that the information relates to the possible commission of an offence under a statute or regulation of Alberta or Canada by the health services provider, and **(b)** that the disclosure will detect or prevent fraud or limit abuse in the provision of health services. **(2)** A custodian may disclose the following information under subsection (1): **(a)** the name of the health services provider; **(b)** the business address of the health services provider; **(c)** the date on which the health services provider provided a health service; **(d)** the description of a health service provided by the health services provider; **(e)** the benefits that were paid or charged in relation to a health service provided by the health services provider.	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

	(3) If a custodian discloses information under subsection (1) about a health service, the custodian may also disclose individually identifying health information about the individual who received that health service if that information is related to that health service. **(4)** Individually identifying health information may be disclosed under subsection (3) without the consent of the individual who is the subject of the information.		
Health Information Amendment Act, 2009, SA 2009, c 25, s 9(a)		**Adds:** **37.3(2)** **(g)** information specified in section 1(1)(i)(ii) about a health services provider who provided a health service to an individual referred to in subsection (1).	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 9(b)	**37.3(3)** If a custodian discloses individually identifying health information about an individual under subsection (1), the custodian may also disclose health services provider information about a health services provider from whom that individual sought or received health services if that information is related to the information that was disclosed under subsection (1). **(4)** Health services provider information may be disclosed under subsection (3) without the consent of the health services provider who is the subject of the information.	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 10	**41(1.1)** The requirement to make a note under subsection (1) does not apply to a custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1)(a) by permitting access to the information stored in the computer database of the custodian if, when the information is accessed, the database automatically keeps an electronic log of the following information: **(a)** the user identification of the custodian that accesses the information; **(b)** the date and time that the information is accessed; **(c)** a description of the information that is accessed.	**Repeals and substitutes:** **41(1.1)** The requirement to make a note under subsection (1) does not apply to a custodian that permits other custodians electronic access to individually identifying diagnostic, treatment and care information stored in a database if, when the information is disclosed, the database automatically keeps an electronic log of the following information: **(a)** a name or number that identifies the custodian to whom the information is disclosed; **(b)** the date and time that the information is disclosed; **(c)** a description of the information that is disclosed.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

Health Information Amendment Act, 2009, SA 2009, c 25, s 11(a)	**46(1)** The Minister or the Department may request another custodian to disclose individually identifying health information for any of the purposes listed in section 27(2)	**46(1)** The Minister or the Department may request another custodian to disclose to the Minister or the Department individually identifying health information for any of the purposes listed in section 27(2)	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 11(b)	**46(3)** On receipt of information under this section, the Minister or the Department, as the case may be, may disclose the information to a custodian referred to in section 1(1)(f)(iii), (iv) or (vii) for any of the purposes listed in section 27(2).	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, 11(c)	**46(5)** **(b)** must consider the comments of the Commissioner, if any, made in response to the privacy impact assessment before disclosing the health information under subsection (3).	**Repeals and substitutes:** **46(5)** **(b)** must consider the comments of the Commissioner, if any, made in response to the privacy impact assessment before disclosing the health information to a custodian referred to in section 1(1)(f)(iii) or (iv).	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 12	**47(5)** On receipt of information under this section, the requesting custodian may disclose the information **(a)** to a custodian referred to in section 1(1)(f)(iii), (iv) or (vii), **(b)** to the Minister, and **(c)** to the Department for any of the purposes listed in section 27(2).	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 13	**48** In this Division, "health information" means individually identifying diagnostic, treatment and care information or individually identifying registration information, or both.	**Repealed**	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 14	**49** A person who intends to conduct research may submit a proposal to a research ethics board for review by that board.	**Repeals and substitutes:** **49** A person who intends to conduct research using health information in the custody or under the control of a custodian or health information repository must submit a proposal to a research ethics board for review by that board containing **(a)** the information specified by the regulations, and **(b)** any other information required by the research ethics board.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

Health Information Amendment Act, 2009, SA 2009, c 25, s 15	**51** If the research ethics board is not satisfied as to any of the matters referred to in section 50(1)(b), the researcher may not apply to a custodian under section 52.	**51** If the research ethics board is not satisfied as to any of the matters referred to in section 50(1)(b), the researcher may not apply to a custodian or health information repository under section 52.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 16	**52** If the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians **(a)** the response of the research ethics board to the researcher's proposal, and **(b)** a written application for disclosure of the health information to be used in the research.	**Repeals and substitutes:** **52** If the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians or health information repositories **(a)** the researcher's proposal referred to in section 49, **(b)** the response of the research ethics board to the researcher's proposal, and **(c)** a written application for one or more of the following: **(i)** disclosure of the health information to be used in the research; **(ii)** performance of data matching; **(iii)** performance of any other service to facilitate the research.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 17	**53(1)** A custodian who has received the documents referred to in section 52 may, but is not required to, disclose the health information applied for. **(2)** If the custodian decides to disclose the health information, **(a)** the custodian **(i)** must impose on the researcher any conditions suggested by the research ethics board, and **(ii)** may impose other conditions on the researcher, and **(b)** the researcher must obtain the consents referred to in section 50(1)(a), if recommended by the research ethics board, prior to the disclosure.	**Repeals and substitutes:** **53(1)** A custodian who has received the documents referred to in section 52 may, but is not required to, disclose the health information or perform data matching or other services to facilitate the research. **(2)** If the custodian decides to disclose the health information or perform data matching or other services to facilitate the research, **(a)** the custodian **(i)** must impose on the researcher the conditions suggested by the research ethics board, and **(ii)** may impose other conditions on the researcher, and **(b)** if the research ethics board recommended that consents referred to in section 50(1)(a) be obtained, the researcher must obtain the consents before the disclosure of the health information or performance of data matching or other services. **(3)** A health information repository that has received the documents referred to in section 52 may disclose the	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		health information or perform data matching or other services to facilitate the research only in accordance with the regulations.	
Health Information Amendment Act, 2009, SA 2009, c 25, s 18	**54(1)** If the custodian decides to disclose health information to a researcher, the researcher must enter into an agreement with the custodian in which the researcher agrees … **54(2)** When an agreement referred to in subsection (1) has been entered into, the custodian may disclose to the researcher the health information requested under section 52 … **54(3)** The custodian may set the costs of **(a)** preparing information for disclosure,	**54(1)** If the custodian decides to disclose health information to a researcher or perform data matching or other services to facilitate the research, the researcher must enter into an agreement with the custodian in which the researcher agrees … **54(2)** When an agreement referred to in subsection (1) has been entered into, the custodian may disclose to the researcher the health information requested under section 52 or perform data matching or other services to facilitate the research … **54(3)** The custodian may set the costs of **(a)** preparing information for disclosure, or performing data matching or other services	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 19	**56(1)** If a researcher refuses to allow a custodian to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian may apply to the Court of Queen's Bench by notice of motion for an order under subsection (2). … **56(3)** Where authorized to do so by an order under subsection (2), a custodian may … **56(5)** The custodian must return any documents seized pursuant to a court order within 60 days after the conclusion of the investigation that gave rise to the seizure, including any hearing or appeal.	**56(1)** If a researcher refuses to allow a custodian or health information repository to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian or health information repository may apply to the Court of Queen's Bench by notice of motion for an order under subsection (2). … **56(3)** Where authorized to do so by an order under subsection (2), a custodian or health information repository may … **56(5)** The custodian or health information repository must return any documents seized pursuant to a court order within 60 days after the conclusion of the investigation that gave rise to the seizure, including any hearing or appeal.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 20		**Adds:** **Part 5.1** **Alberta Electronic Health Record** **Definitions** **56.1** In this Part, **(a)** "Alberta EHR" means the integrated electronic health information system established to provide	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		shared access by authorized custodians to prescribed health information in a secure environment as may be further defined or described in the regulations; **(b)** "authorized custodian" means **(i)** a custodian referred to in section 1(1)(f)(iii), (iv), (vii), (xii) or (xiii), other than the Health Quality Council of Alberta, and **(ii)** any other custodian that meets the eligibility requirements of the regulations to be an authorized custodian; **(c)** "prescribed health information" means health information about an individual that is of a class or type prescribed by the regulations that a regulated health profesional or an authorized custodian may or must make accessible to authorized custodians via the Alberta EHR; **(d)** "regulated health professional" means **(i)** a regulated member under the *Health Professions Act*, **(ii)** a person registered as a medical practitioner under the *Medical Profession Act*, **(iii)** a person registered as a podiatrist under the *Podiatry Act*, **(iv)** a person registered as a physical therapist under the *Physical Therapy Profession Act*, **(v)** a person registered as an optician under the *Opticians Act*, or **(vi)** a person registered under the *Health Disciplines Act*. **Purpose** **56.2** The purpose of this Part is to enable the sharing and use, via the Alberta EHR, of prescribed health information among authorized custodians. **Making prescribed health information accessible** **56.3(1)** The health professional body of a regulated health professional may in writing direct the regulated health professional to make prescribed health information that is in the custody or under the control of the regulated health professional accessible to authorized custodians via the Alberta EHR in accordance with the regulations. **(2)** If **(a)** the Minister determines that it is in the public interest to have certain prescribed health information	

		that is in the custody or under the control of one or more regulated health professionals made accessible to authorized custodians via the Alberta EHR, and **(b)** the health professional body of the regulated health professionals has not directed the regulated health professionals to make that prescribed health information accessible via the Alberta EHR, the Minister may, subject to subsection (3), in writing direct the regulated health professionals to make the prescribed health information accessible to authorized custodians via the Alberta EHR in accordance with the regulations. **(3)** Before giving a direction under subsection (2), the Minister must **(a)** consult with the health professional body referred to in subsection (2)(b), **(b)** prepare a privacy impact assessment describing how disclosure of the health information may affect the privacy of the individual who is the subject of the information and submit the privacy impact assessment to the Commissioner for review and comment, and **(c)** consider the comments of the Commissioner, if any, made in response to the privacy impact assessment. **(4)** A failure by a regulated health professional to comply with a direction of the health professional body under subsection (1) or of the Minister under subsection (2) constitutes **(a)** in the case of a regulated member under the *Health Professions Act*, unprofessional conduct; **(b)** in the case of a person registered as a medical practitioner under the *Medical Profession Act*, unbecoming conduct; **(c)** in the case of a person registered as a podiatrist under the *Podiatry Act*, professional misconduct; (**d)** in the case of a person registered as a physical therapist under the *Physical Therapy Profession Act*, professional misconduct; **(e)** in the case of a person registered as an optician under the *Opticians Act*, professional misconduct; **(f)** in the case of a person registered under the *Health Disciplines Act*, professional misconduct. **(5)** An authorized custodian may make prescribed health information in its custody or under its control accessible to	

		authorized custodians via the Alberta EHR in accordance with the regulations. **(6)** An authorized custodian, other than a regulated health professional, must, if the Minister requests in writing, make prescribed health information in its custody or under its control accessible to authorized custodians via the Alberta EHR in accordance with the regulations. **(7)** For greater certainty, the making of prescribed health information accessible pursuant to this section does not **(a)** constitute a disclosure of that information, or **(b)** require the consent of the individual who is the subject of the information. **Duty to consider expressed wishes of individual who is the subject of prescribed health information** **56.4** In deciding how much prescribed health information to make accessible via the Alberta EHR, a regulated health professional or an authorized custodian must consider as an important factor any expressed wishes of the individual who is the subject of the prescribed health information relating to access to that information, together with any other factors the regulated health professional or authorized custodian considers important. **Using prescribed health information** **56.5(1)** Subject to the regulations, **(a)** an authorized custodian referred to in section 56.1(b)(i) may use prescribed health information that is accessible via the Alberta EHR for any purpose that is authorized by section 27; **(b)** an authorized custodian referred to in section 56.1(b)(ii) may use prescribed health information that is accessible via the Alberta EHR, and that is not otherwise in the custody or under the control of that authorized custodian, only for a purpose that is authorized by **(i)** section 27(1)(a), (b) or (f), or **(ii)** section 27(1)(g), but only to the extent necessary for obtaining or processing payment for health services. **(2)** For greater certainty, the use pursuant to subsection (1) of prescribed health information that is accessible via the Alberta EHR does not constitute collection of that information under this Act.	

		(3) For greater certainty, the use pursuant to subsection (1) of prescribed health information that is accessible via the Alberta EHR does not constitute a disclosure of that information by **(a)** the regulated health professional or authorized custodian who originally made that information accessible via the Alberta EHR pursuant to section 56.3, **(b)** any other authorized custodian, **(c)** the information manager of the Alberta EHR, or **(d)** any other person. **Maintaining record of Alberta EHR information** **56.6(1)** If an authorized custodian uses prescribed health information pursuant to section 56.5, the authorized custodian must keep an electronic log of the following information: **(a)** a name or number that identifies the custodian who uses the information; **(b)** the date and time that the information is used; **(c)** a description of the information that is used. **(2)** The information referred to in subsection (1) must be retained by the authorized custodian for a period of 10 years following the date of the use. **(3)** An individual who is the subject of information referred to in subsection (1) may ask the authorized custodian or the information manager of the Alberta EHR for access to and a copy of the information, and Part 2 applies to the request. **(4)** If, pursuant to subsection (3), an individual asks the information manager of the Alberta EHR for access to and a copy of the information referred to in subsection (1), the information manager of the Alberta EHR must, in accordance with Part 2, provide that information in respect of all custodians who have used that individual's prescribed health information pursuant to section 56.5. **Multi-disciplinary data stewardship committee** **56.7(1)** The Minister shall establish a multi-disciplinary data stewardship committee whose function is to make recommendations to the Minister with respect to rules related to access, use, disclosure and retention of prescribed health information that is accessible via the Alberta EHR.	

		(2) At least 2 members of the multi-disciplinary data stewardship committee must be members of the public. **(3)** Section 7(2) to (5) of the *Government Organization Act* apply with respect to the multi-disciplinary data stewardship committee. **Regulations** **56.8** The Lieutenant Governor in Council may make regulations **(a)** defining or otherwise describing the Alberta EHR; **(b)** respecting the eligibility requirements for a custodian to become and remain an authorized custodian for the purposes of this Part, including, without limitation, regulations requiring an authorized custodian to enter into an agreement with respect to the authorized custodian's powers, duties and functions under this Part; **(c)** prescribing classes or types of health information as prescribed health information; **(d)** respecting the manner in which a regulated health professional or an authorized custodian must make prescribed health information in its custody or under its control accessible to an authorized custodian via the Alberta EHR; **(e)** respecting the purposes for which an authorized custodian may use prescribed health information; **(f)** respecting the governance, management and structure of the Alberta EHR, including, without limitation, regulations **(i)** designating an information manager of the Alberta EHR, and **(ii)** respecting the powers, duties and functions of the information manager; **(g)** respecting the procedures, systems and safeguards that an authorized custodian must maintain in respect of prescribed health information that is accessible via the Alberta EHR; **(h)** respecting the audit or monitoring of any matter related to the Alberta EHR; **(i)** respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.	

Health Information Amendment Act, 2009, SA 2009, c 25, s 21(a)	**66(1)** **(b)** in accordance with the regulations, strips, encodes or otherwise transforms individually identifying health information to create non-identifying health information, and	**66(1)** **(b)** in accordance with the regulations, strips, encodes or otherwise transforms individually identifying health information to create non-identifying health information, or	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 21(b)	**66(2)** A custodian may enter into an agreement with an information manager in accordance with the regulations for the provision of any or all of the services described in subsection (1).	**66(2)** A custodian must enter into a written agreement with an information manager in accordance with the regulations for the provision of any or all of the services described in subsection (1).	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 21(c)	**66(3)** A custodian that has entered into an agreement with an information manager may disclose health information to the information manager without the consent of the individuals who are the subjects of the information for the purposes authorized by the agreement.	**66(3)** A custodian that has entered into an agreement with an information manager may provide health information to the information manager without the consent of the individuals who are the subjects of the information for the purposes authorized by the agreement.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 21(d)	**66(4)** An information manager to which information is disclosed pursuant to subsection (3) may use or disclose that information only for the purposes authorized by the agreement. **(5)** An information manager must comply with **(a)** this Act and the regulations, and **(b)** the agreement entered into with a custodian in respect of information disclosed to it pursuant to subsection (3). **(6)** Despite subsection (5)(a), a custodian continues to be responsible for compliance with this Act and the regulations in respect of the information disclosed by the custodian to the information manager.	**66(4)** An information manager to which information is provided pursuant to subsection (3) may use or disclose that information only for the purposes authorized by the agreement. **(5)** An information manager must comply with **(a)** this Act and the regulations, and **(b)** the agreement entered into with a custodian in respect of information provided to it pursuant to subsection (3). **(6)** Despite subsection (5)(a), a custodian continues to be responsible for compliance with this Act and the regulations in respect of the information provided by the custodian to the information manager.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 21(e)		**Adds:** **66(7)** A custodian that is an information manager for another custodian does not become a custodian of the health information provided to it in its capacity as an information manager, but nothing in this section prevents the custodian from otherwise collecting, using or disclosing that same health information in accordance with this Act.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

Health Information Amendment Act, 2009, SA 2009, c 25, s 22		**Adds:** **Part 6.1** **Health Information Repository** **Designation** **72.1** The Minister may, in accordance with the regulations, designate an agency, corporation or other entity to act as a health information repository. **Disclosure of information** **72.2** A custodian may, in accordance with the regulations, disclose individually identifying health information to a health information repository. **Powers and duties of repository** **72.3** A health information repository has the powers, duties and functions given to it by this Act and the regulations. **Correction or amendment of health information by repository** **72.4(1)** Where a custodian has made a correction or amendment to health information pursuant to section 13, the custodian must notify a health information repository to which the custodian has disclosed the information that a correction or amendment has been made and advise the repository of the manner in which the health information must be corrected or amended. **(2)** A health information repository that is notified pursuant to subsection (1) must, within 30 days, **(a)** make the correction or amendment according to the advice of the custodian, and **(b)** provide written notice that the correction or amendment has been made to the custodian, and the custodian shall then notify the individual who is the subject of the health information. **(3)** An individual who is the subject of health information to which a correction or amendment is made pursuant to subsection (1) may ask the Commissioner to review a failure of a custodian to notify a health information repository of the correction or amendment or a failure of a health information repository to make the correction or amendment pursuant to subsection (2).	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		(4) Sections 74 to 82 apply with all necessary modifications to a request to the Commissioner for a review under subsection (3). **(5)** For greater clarity, the duties and responsibilities of a custodian as outlined in sections 74 to 82 also apply to a health information repository for the purposes of this section. **Consultation with Commissioner** **72.5** The Minister must consult with the Commissioner in the preparation of the regulations under this Part.	
Health Information Amendment Act, 2009, SA 2009, c 25, s 23(a)	**84** In addition to the Commissioner's powers and duties under Divisions 1 and 2 with respect to reviews, the Commissioner is generally responsible for monitoring how this Act is administered to ensure its purposes are achieved, and may	**84(1)** In addition to the Commissioner's powers and duties under Divisions 1 and 2 with respect to reviews, the Commissioner is generally responsible for monitoring how this Act is administered to ensure its purposes are achieved, and may	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 23(b)		**Adds:** **84(1)** **(j)** exchange information with an extra-provincial commissioner and enter into information sharing and other agreements with extra-provincial commissioners for the purpose of co-ordinating activities and handling complaints involving 2 or more jurisdictions.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 23(c)		**Adds:** **84(2)** For the purposes of subsection (1)(j), "extra-provincial commissioner" means a person who, in respect of Canada or in respect of another province or territory of Canada, has duties, powers and functions similar to those of the Commissioner.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 24		**Adds:** **107(6.1)** Despite subsection (6), a person who uses prescribed health information in contravention of section 56.4 is guilty of an offence and liable to a fine of not more than $100 000.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

Health Information Amendment Act, 2009, SA 2009, c 25, s 25(a)	**108(1)** The Lieutenant Governor in Council may make regulations **(a)** designating boards, councils, committees, commissions, panels, agencies or corporations or individuals as custodians; **(b)** describing registration information for the purposes of section 1(1)(u); **(c)** expressly providing that another Act or a regulation, or a provision of it, prevails despite this Act for the purposes of section 4; **(d)** authorizing persons other than custodians to require individuals to provide their personal health numbers; **(e)** respecting the requirements of a consent or a revocation of a consent that is provided electronically for the purposes of sections 34 and 59; **(f)** respecting the disclosure of individually identifying registration information by custodians to persons who are not custodians for the purposes of section 36(c); **(f.1)** prescribing information for the purposes of section 46(1)(b)(ii); **(g)** respecting the retention, disposal and archival storage of records for the purposes of section 60; **(h)** respecting the administrative, technical and physical safeguards that a custodian must maintain in respect of health information pursuant to section 60; **(i)** respecting the stripping, encoding or other transformation of individually identifying health information to create non-identifying health information pursuant to section 65 or an agreement referred to in section 66; **(j)** respecting fees payable for services provided under Part 2 and providing for circumstances in which applicants may be excused from paying all or part of a fee; **(k)** defining terms that are used but not defined in this Act.	**Repeals and substitutes:** **108(1)** The Lieutenant Governor in Council may make regulations (a) respecting the designation of an affiliate for the purposes of section 1(1)(a)(v); (b) designating a health information repository as an affiliate for the purposes of section 1(1)(a)(vii); (c) designating a health services provider as a custodian, or a class of health services providers, the members of which are to be custodians, for the purposes of section 1(1)(f)(ix); (d) designating individuals, boards, councils, committees, commissions, panels, agencies, corporations or other entities as custodians for the purposes of section 1(1)(f)(xiv); (e) designating a Community Board as a custodian for the purposes of section 1(1)(f)(xvi); (f) specifying information respecting a health services provider for the purposes of section 1(1)(i)(ii)(L); (g) excluding a service from the definition of health service for the purposes of section 1(1)(m); (h) describing registration information for the purposes of section 1(1)(u); (i) for the purposes of section 4, expressly providing that another Act or a regulation, or a provision of it, prevails despite this Act; (j) authorizing persons other than custodians to require individuals to provide their personal health numbers; (k) respecting the requirements of a consent or a revocation of a consent that is provided electronically for the purposes of section 34; (l) respecting the disclosure of individually identifying registration information by custodians to persons who are not custodians for the purposes of section 36(c); (m) prescribing information for the purposes of section 46(1)(b)(ii); (n) respecting the disclosure of health information or the performance of data matching or other services by a health information repository under section 53(3); (o) respecting the retention, disposal and archival storage of records for the purposes of section 60;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

		(p) respecting the administrative, technical and physical safeguards that a custodian must maintain in respect of health information pursuant to section 60; (q) respecting the stripping, encoding or other transformation of individually identifying health information to create non-identifying health information pursuant to section 65; (r) respecting an agreement referred to in section 66; (s) respecting the designation of an agency, corporation or other entity as a health information repository; (t) respecting the disclosure of individually identifying health information by a custodian to a health information repository under section 72.2; (u) respecting the powers, duties and functions of a health information repository; (v) respecting fees payable for services provided under Part 2 and providing for circumstances in which applicants may be excused from paying all or part of a fee; (w) defining terms and phrases that are used but not defined in this Act.	
Health Information Amendment Act, 2009, SA 2009, c 25, s 25(b)		**Adds:** **108(2)** **(a.1)** specifying the information that is to be included in a research proposal under section 49;	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)
Health Information Amendment Act, 2009, SA 2009, c 25, s 26	**68** A custodian must not **(a)** collect the health information to be used in data matching, or **(b)** use or disclose the health information to be used in data matching or created through data matching in contravention of this Act. **69** A custodian may perform data matching using information that is in its custody or under its control. **70(1)** A custodian may perform data matching by combining information that is in its custody or under its control with information that is in the custody or under the control of another custodian. **(2)** Before performing data matching under this section, the custodian in whose custody and control the information	**68** A custodian or health information repository must not **(a)** collect the health information to be used in data matching, or **(b)** use or disclose the health information to be used in data matching or created through data matching in contravention of this Act. **69** A custodian or health information repository may perform data matching using information that is in its custody or under its control. **70(1)** A custodian or health information repository may perform data matching by combining information that is in its custody or under its control with information that is in the custody or under the control of another custodian or health information repository.	4 Jun 2009 (RA) 1 Sep 2010 (proclamation)

	that is created through data matching will be stored must prepare a privacy impact assessment and submit the assessment to the Commissioner for review and comment. **71(1)** A custodian may perform data matching by combining information that is in its custody or under its control with information that is in the custody or under the control of a person that is not a custodian. **(2)** Before performing data matching under this section, the custodian must prepare a privacy impact assessment and submit the assessment to the Commissioner for review and comment.	**(2)** Before performing data matching under this section, the custodian or health information repository in whose custody and control the information that is created through data matching will be stored must prepare a privacy impact assessment and submit the assessment to the Commissioner for review and comment. **71(1)** A custodian or health information repository may perform data matching by combining information that is in its custody or under its control with information that is in the custody or under the control of a person that is not a custodian or health information repository. **(2)** Before performing data matching under this section, the custodian or health information repository must prepare a privacy impact assessment and submit the assessment to the Commissioner for review and comment.	
Rules of Court Statutes Amendment Act, 2009, SA 2009, c 53, s 77	**56(1)** If a researcher refuses to allow a custodian or health information repository to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian or health information repository may apply to the Court of Queen's Bench by notice of motion for an order under subsection (2).	**56(1)** If a researcher refuses to allow a custodian or health information repository to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian or health information repository may apply to the Court of Queen's Bench for an order under subsection (2).	26 Nov 2009 (RA) 1 Nov 2010 (proclamation)
Health Quality Council of Alberta Act, SA 2011, c H-7.2, s 26(4)(a)		**Adds:** **1(1)(f)** **(ix.1)** the Health Quality Council of Alberta;	
Health Quality Council of Alberta Act, SA 2011, c H-7.2, s 26(4)(a)	**27(2)** A custodian referred to in section 1(1)(f)(iii), (iv), (vii), (xii) or (xiii) may, in addition, use individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible:	**27(2)** A custodian referred to in section 1(1)(f)(iii), (iv), (vii), (ix.1), (xii) or (xiii) may, in addition, use individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible:	8 Dec 2011 (RA) 1 Feb 2012 (proclamation)
Statutes Amendment Act, 2013, SA 2013, c 10, s 34	**37.1(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the	**37.1(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the	27 May 2013 (RA)

	information to a police service or the Minister of Justice and Attorney General where the custodian reasonably believes … **37.3(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice and Attorney General where the custodian reasonably believes … **42(2)** **(d)** to a police service or the Minister of Justice and Attorney General under section 37.1, 37.2 or 37.3, or … **91(4)** The Commissioner may disclose to the Minister of Justice and Attorney General information relating to the commission of an offence under an enactment of Alberta or Canada if the Commissioner considers there is evidence of an offence.	information to a police service or the Minister of Justice and Solicitor General where the custodian reasonably believes … **37.3(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice and Solicitor General where the custodian reasonably believes … **42(2)** **(d)** to a police service or the Minister of Justice and Solicitor General under section 37.1, 37.2 or 37.3, or … **91(4)** The Commissioner may disclose to the Minister of Justice and Solicitor General information relating to the commission of an offence under an enactment of Alberta or Canada if the Commissioner considers there is evidence of an offence.	
Children First Act, SA 2013, c C-12.5, s 15	**35(1)** **(m)** to any person if the custodian believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person,	**Repeals and substitutes:** **35(1)** **(m)** to any person if the custodian believes, on reasonable grounds, that the disclosure will avert or minimize (i) a risk of harm to the health or safety of a minor, or (ii) an imminent danger to the health or safety of any person,	27 May 2013 (RA) 1 Nov 2013 (proclamation)
Building Families and Communities Act, SA 2013, c B-7.5, s 11(a)	**1(1)(f)** **(xiv)** an individual or board, council, committee, commission, panel, agency, corporation or other entity designated in the regulations as a custodian, but does not include	**1(1)(f)** **(xiv)** an individual or board, council, committee, commission, panel, agency, corporation or other entity designated in the regulations as a custodian,	11 Dec 2013 (RA) 1 Jan 2014 (proclamation)
Building Families and Communities Act, SA 2013, c B-7.5, s 11(b)	**1(1)(f)** **(xvi)** a Community Board as that term is defined in the *Persons with Developmental Disabilities Community Governance Act* other than a Community Board that is designated in the regulations as a custodian;	**Repealed**	11 Dec 2013 (RA) 1 Jan 2014 (proclamation)

Statutes Amendment Act, 2014, SA 2014, c 8, s 4(7)		**Adds:** **91(3.1)** The Commissioner may disclose any information to the Minister if in the opinion of the Commissioner the disclosure is necessary to enable the Minister to exercise the powers or carry out the duties or functions of the Minister in respect of any matter under the Minister's administration. **91(3.2)** The Commissioner may disclose any information to any person where the Commissioner reasonably believes the disclosure of the information to that person **(a)** is necessary to protect the privacy, health or safety of an individual, or **(b)** is in the public interest.	14 May 2014 (RA) 17 Jun 2014 (section proclaimed)
Health Professions Amendment Act, 2016, SA 2016, c 9, s 26(2)	**56.1** In this Part **(d)** "regulated health professional" means **(i)** a regulated member under the Health Professions Act, **(ii)** a person registered as a medical practitioner under the *Medical Profession Act*, **(iii)** a person registered as a podiatrist under the *Podiatry Act*, **(iv)** a person registered as a physical therapist under the *Physical Therapy Profession Act*, (**v)** a person registered as an optician under the *Opticians Act*, or **(vi)** a person registered under the *Health Disciplines Act*.	**Repeals and substitutes:** **56.1** In this Part **(d)** "regulated health professional" means **(i)** a regulated member under the *Health Professions Act*, or **(ii)** a person registered under the *Health Disciplines Act*.	27 May 2016 (RA)
Health Professions Amendment Act, 2016, SA 2016, c 9, s 26(3)	**56.3(4)** A failure by a regulated health professional to comply with a direction of the health professional body under subsection (1) or of the Minister under subsection (2) constitutes **(a)** in the case of a regulated member under the *Health Professions Act*, unprofessional conduct; **(b)** in the case of a person registered as a medical practitioner under the *Medical Profession Act*, unbecoming conduct;	**Repeals and substitutes:** **56.3(4)** A failure by a regulated health professional to comply with a direction of the health professional body under subsection (1) or of the Minister under subsection (2) constitutes **(a)** in the case of a regulated member under the *Health Professions Act*, unprofessional conduct; **(b)** in the case of a person registered under the *Health Disciplines Act*, professional misconduct.	27 May 2016 (RA)

	(c) in the case of a person registered as a podiatrist under the *Podiatry Act*, professional misconduct; **(d)** in the case of a person registered as a physical therapist under the *Physical Therapy Profession Act*, professional misconduct; **(e)** in the case of a person registered as an optician under the *Opticians Act*, professional misconduct; **(f)** in the case of a person registered under the *Health Disciplines Act*, professional misconduct.		
Miscellaneous Statutes Amendment Act, 2016, SA 2016, c 18, s 8(2)	**35(1)** **(s)** to the College of Physicians and Surgeons of Alberta for the purpose of administering the Triplicate Prescription Program.	**35(1)** **(s)** to the College of Physicians and Surgeons of Alberta for the purpose of administering the Physician Prescribing Practices Program or any program to monitor prescribing practices that replaces it.	13 Jun 2016 (RA)
Miscellaneous Statutes Amendment Act, 2016, SA 2016, c 18, s 8(3)	**41(1)** Subject to subsection (1.1), a custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1) or (4) must make a note of the following information:	**41(1)** Subject to subsection (1.1), a custodian that discloses a record containing individually identifying diagnostic, treatment and care information under section 35(1), (4) or (5) must make a note of the following information:	13 Jun 2016 (RA)
Miscellaneous Statutes Amendment Act, 2016, SA 2016, c 18, s 8(4)	**56.1** **(c)** "prescribed health information" means health information about an individual that is of a class or type prescribed by the regulations that a regulated health profesional or an authorized custodian may or must make accessible to authorized custodians via the Alberta EHR;	**56.1** **(c)** "prescribed health information" means health information about an individual that is of a class or type prescribed by the regulations that a regulated health professional or an authorized custodian may or must make accessible to authorized custodians via the Alberta EHR;	13 Jun 2016 (RA)
Miscellaneous Statutes Amendment Act, 2016, SA 2016, c 18, s 8(5)	**56.3(3)** **(b)** prepare a privacy impact assessment describing how disclosure of the health information may affect the privacy of the individual who is the subject of the information and submit the privacy impact assessment to the Commissioner for review and comment, and	**56.3(3)** **(b)** prepare a privacy impact assessment describing how making the information accessible may affect the privacy of the individual who is the subject of the information and submit the privacy impact assessment to the Commissioner for review and comment, and	13 Jun 2016 (RA)
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(2)		**Adds:** **60.1(1)** Subject to the regulations, an affiliate of a custodian must as soon as practicable notify the custodian in accordance with the regulations of any loss of	

		individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian. **(2)** Subject to the regulations, subsections (4) and (5) and section 85.1, a custodian must as soon as practicable give notice in accordance with the regulations and subsection (3) of any loss of individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian if there is a risk of harm to an individual as a result of the loss or unauthorized access or disclosure. **(3)** The notice required by subsection (2) must be given to **(a)** the Commissioner, **(b)** the Minister, and **(c)** the individual who is the subject of the individually identifying health information. **(4)** A custodian must consider all relevant factors, including the factors prescribed by the regulations, in assessing for the purposes of subsection (2) whether there is a risk of harm to an individual. **(5)** If a custodian considers that giving notice under subsection (2) to an individual who is the subject of individually identifying health information could reasonably be expected to result in a risk of harm to the individual's mental or physical health, the custodian may decide not to give notice to the individual, in which case the custodian must immediately give notice to the Commissioner of the decision not to give notice to the individual, and the reasons for the decision, in accordance with the regulations.	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(3)	**82(1)** Subject to subsection (2), not later than 50 days after being given a copy of an order of the Commissioner, the custodian concerned must comply with the order. **(2)** A custodian must not take any steps to comply with a Commissioner's order until the period for bringing an application for judicial review under subsection (3) ends. **(3)** An application for judicial review of a Commissioner's order must be made not later than 45 days after the person making the application is given a copy of the order.	**82(1)** Subject to subsection (2), not later than 50 days after being given a copy of an order of the Commissioner, other than an order made under section 85.1, the custodian concerned must comply with the order. **(2)** A custodian must not take any steps to comply with a Commissioner's order, other than an order made under section 85.1, until the period for bringing an application for judicial review under subsection (3) ends. **(3)** An application for judicial review of a Commissioner's order, other than an order made under section 85.1, must be made not later than 45 days after the person making the application is given a copy of the order.	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed

Statutes Amendment Act, 2014, SA 2014, c 8, s 4(4)		**Adds:** **85.1(1)** On receiving a notice under section 60.1(5), the Commissioner may require the custodian to provide any additional information the Commissioner considers necessary to determine whether to make an order under subsection (2)(b). **(2)** On considering the notice under section 60.1(5), the reasons the custodian provided for the decision not to notify the individual and any information provided under subsection (1), the Commissioner may **(a)** confirm the decision of the custodian, or **(b)** by order require the custodian to provide a notice that contains the information specified in the order, in the form, manner and within the time specified in the order. **(3)** The Commissioner may **(a)** specify any terms or conditions in an order made under subsection (2)(b), and **(b)** amend an order made under subsection (2)(b). **(4)** The custodian must comply with a requirement to provide information under subsection (1), and if the custodian does not comply, the Commissioner may apply to the Court of Queen's Bench for an order to compel the custodian to provide the information. **(5)** On the application of the Commissioner under subsection (4), the Court of Queen's Bench may make an order requiring the custodian to provide information to the Commissioner in accordance with a requirement under subsection (1). **(6)** The Commissioner must give a copy of an order made under subsection (2)(b) **(a)** to the custodian, and **(b)** to the Minister. **(7)** After being given a copy of an order under subsection (2)(b) the custodian must comply with the order. **(8)** An order under subsection (2)(b) may only be stayed by an order of the Court of Queen's Bench. **(9)** A copy of an order made by the Commissioner under subsection (2)(b) may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court.	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed

Statutes Amendment Act, 2014, SA 2014, c 8, s 4(5)(a)	**89(1)** A statement made or an answer given by a person during an investigation or inquiry by the Commissioner is inadmissible in evidence in court or in any other proceeding, except	**89(1)** A statement made or an answer given by a person to the Commissioner under section 85.1 or during an investigation or inquiry by the Commissioner is inadmissible in evidence in court or in any other proceeding, except	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(5)(b)	**89(1)** **(b)** in a prosecution for an offence under this Act, or **(c)** in an application for judicial review or an appeal from a decision with respect to that application.	**Adds:** **89(1)** **(b)** in a prosecution for an offence under this Act, **(c)** in an application for judicial review or an appeal from a decision with respect to that application, or **(d)** in an application for a stay of an order made under section 85.1(2)(b).	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(6)	**90** Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the Commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.	**90** Anything said, any information supplied or any record produced by a person to the Commissioner under section 85.1 or during an investigation or inquiry by the Commissioner is privileged in the same manner as if the matter, investigation or inquiry were a proceeding in a court.	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(8)(a)		**Adds:** **107(1.1)** No custodian shall **(a)** fail to take reasonable steps in accordance with the regulations to maintain administrative, technical and physical safeguards that will protect against any reasonably anticipated threat or hazard to the security or integrity of health information or of loss of health information, **(b)** fail to comply with section 60.1(2), (3), (4) or (5), or **(c)** fail to comply with an order made by the Commissioner under section 85.1(2)(b). **(1.2)** No affiliate of a custodian shall fail to comply with section 60.1(1).	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(8)(b)	**107(6)** A person who contravenes this section, except subsection (5.1), is guilty of an offence and liable to a fine of not more than $50 000. … **(7)** A person who contravenes subsection (5.1) is guilty of an offence and liable	**107(6)** A person who contravenes this section, except subsection (1.1), (1.2) or (5.1), is guilty of an offence and liable to a fine of not more than $50 000. … **(7)** A person who contravenes subsection (1.1), (1.2) or (5.1) is guilty of an offence and liable	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed

Statutes Amendment Act, 2014, SA 2014, c 8, s 4(8)(c)	**107(8)** A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards.	**107(8)** A prosecution under this Act, except a prosecution referred to in subsection (9), may be commenced within 2 years after the commission of the alleged offence, but not afterwards.	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(8)(d)		**Adds:** **107(9)** A prosecution for an offence under subsection (1.1)(b) or (c) or (1.2) may be commenced within 2 years after the day on which evidence of the alleged offence first came to the attention of the Commissioner, but not afterwards.	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
Statutes Amendment Act, 2014, SA 2014, c 8, s 4(9)		**Adds:** **108(1)** **(p.1)** respecting the duty to give notice and the giving of notice under section 60.1, including, without limitation, regulations **(i)** respecting which custodian is obligated to give notice with respect to individually identifying health information that is or was in the custody or control of more than one custodian, **(ii)** prescribing the factors that must be considered for the purposes of section 60.1(4), **(iii)** respecting the form and contents of notices under section 60.1(1), (2) and (5);	14 May 2014 (RA) 31 Aug 2018 (sections proclaimed
COVID-19 Pandemic Response Statutes Amendment Act, 2020, SA 2020, c 13, s 7		**Adds:** **56.51(1)** Despite any other provision of this Act or the regulations, the Department may access via the Alberta EHR, or may authorize one or more employees of the Office of the Chief Medical Examiner who are affiliates of the Department to access via the Alberta EHR, any prescribed health information that is accessible via the Alberta EHR regarding individuals who had or are suspected to have had COVID-19, if that information is required to be disclosed by the Department to the Chief Medical Examiner, medical examiners and the Fatality Review Board under the *Fatality Inquiries Act* or a regulation under that Act.	26 Jun 2020 (RA)

		(2) This section is repealed on December 31, 2021.[2]	
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 38	**11(2)** **(b)** if the health information sets out procedures or contains results of an investigation, a discipline proceeding, a practice review or an inspection relating to a health services provider,	**11(2)** **(b)** if the health information sets out procedures or contains results of an investigation, a discipline proceeding, a practice visit or an inspection relating to a health services provider,	9 Dec 2020 (RA)[3]
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 39		**Adds:** **22(2)** **(h)** where disclosure of the information is authorized by an enactment of Alberta or Canada.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 40	**23** A custodian that collects health information from an individual using a recording device or camera or any other device that may not be obvious to the individual must, before collecting the information, obtain the written consent of the individual to the use of the device or camera.	**Repeals and substitutes:** **23** A custodian that collects health information from an individual using any device that may not be visible to the individual must, before collecting the health information, obtain the written consent of the individual to use the device.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 41(a)	**27(1)** **(c)** conducting investigations, discipline proceedings, practice reviews or inspections relating to the members of a health profession or health discipline;	**27(1)** **(c)** conducting investigations, discipline proceedings, practice visits or inspections relating to the members of a health profession or health discipline;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 41(b)	**27(1)(d)** **(i)** if the custodian or researcher has submitted a proposal to a research ethics board in accordance with section 49,	**27(1)(d)** **(i)** if the custodian or researcher has submitted a proposed research protocol to a research ethics board in accordance with section 49,	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 42	**30** A person who is authorized to require an individual to provide a personal health number pursuant to section 21(1)(b) may use that information only for the purpose for which the information was collected.	**Renumbers and adds:** **30(1)** A person who is authorized to require an individual to provide a personal health number pursuant to section 21(1)(b) may use that information only for the purpose for which the information was collected.	9 Dec 2020 (RA)

[2] Section 56.51 is repealed on December 31, 2021.

[3] The following sections from SA 2020, c 35 which will amend the HIA are yet to be proclaimed: s51 amends s56.1; s52 amends s56.2; s53 adds s56.21; s54 amends s56.3; s55 repeals and substitutes s56.4; s56 repeals and substitutes s56.5; s57 repeals s56.51; s58 amends s56.6; s59 adds ss56.61 and 56.62; s60 repeals and substitutes s56.7(1); s61 adds s56.71(2)

		(2) If there is an inconsistency or conflict between subsection (1) and a provision of the *Freedom of Information and Protection of Privacy Act* or the *Personal Information Protection Act*, subsection (1) prevails to the extent of that inconsistency or conflict.	
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 43(a)	**35(1)(m)** **(ii)** an imminent danger to the health or safety of any person, **…** **35(1)** **(q)** to its successor where	**35(1)(m)** **(ii)** a significant risk of harm to the health or safety of any person, **…** **Repeals and substitutes:** **35(1)** **(q)** to its successor where the successor is a custodian,	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 43(a)	**35(4)** A custodian may disclose individually identifying diagnostic, treatment and care information to a health professional body for the purpose of an investigation, a discipline proceeding, a practice review or an inspection if	**35(4)** A custodian may disclose individually identifying diagnostic, treatment and care information to a health professional body for the purpose of an investigation, a discipline proceeding, a practice visit or an inspection if	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 44	**36(a)** for any of the purposes for which diagnostic, treatment and care information may be disclosed under section 35(1) or (4)	**36(a)** for any of the purposes for which diagnostic, treatment and care information may be disclosed under section 35(1), (4) or (5),	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 45	**41(1.1)** The requirement to make a note under subsection (1) does not apply to a custodian that permits other custodians electronic access to individually identifying diagnostic, treatment and care information stored in a database if, when the information is disclosed, the database automatically keeps an electronic log of the following information:	**41(1.1)** The requirement to make a note under subsection (1) does not apply to a custodian that permits other custodians electronic access to individually identifying diagnostic, treatment and care information stored in an electronic system if, when the information is disclosed, the electronic system automatically keeps an electronic log of the following information:	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 46	**47(1)** A custodian referred to in section 1(1)(f)(iii), (iv) or (vii) may request another custodian to disclose to the requesting custodian individually identifying health information for any of the purposes listed in section 27(2)	**47(1)** A custodian referred to in section 1(1)(f)(iii) or (iv) may request another custodian to disclose to the requesting custodian individually identifying health information for any of the purposes listed in section 27(2)	9 Dec 2020 (RA)
Health Statutes Amendment Act,	**Division 3** **Disclosure for Research Purposes**	**Repeals and substitutes:**	9 Dec 2020 (RA)

2020 (No. 2), SA 2020, c 35, s 47	**48** Repealed 2009 c25 s13. **Research proposal** **49** A person who intends to conduct research using health information in the custody or under the control of a custodian or health information repository must submit a proposal to a research ethics board for review by that board containing	**Division 3** **Research** **48** Repealed 2009 c25 s13. **Proposed research protocol** **49** A person who intends to conduct research using health information in the custody or under the control of a custodian or health information repository must submit a proposed research protocol to a research ethics board for review by that board containing	
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 48	**49** A person who intends to conduct research using health information in the custody or under the control of a custodian or health information repository must submit a proposal to a research ethics board for review by that board containing	**49** A person who intends to conduct research using health information in the custody or under the control of a custodian or health information repository must submit a proposed research protocol to a research ethics board for review by that board containing	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 49	**52** If the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians or health information repositories **(a)** the researcher's proposal referred to in section 49, **(b)** the response of the research ethics board to the researcher's proposal, and	**52** If the research ethics board is satisfied as to the matters referred to in section 50(1)(b), the researcher may forward to one or more custodians or health information repositories **(a)** the researcher's research protocol referred to in section 49, **(b)** the response of the research ethics board to the researcher's research protocol, and	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 50(a)	**54(1)** **(b)** to use the health information only for the purpose of conducting the proposed research,	**54(1)** **(b)** to use the health information only for the purpose of conducting the research in accordance with the research protocol,	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 50(b)		**Adds:** **54(3.1)** A researcher that enters into an agreement under this section must **(a)** comply with the terms and conditions of the agreement and the conditions set out in the research ethics board's response to the research protocol, and **(b)** collect, use and disclose health information only in accordance with the agreement and the research protocol.	9 Dec 2020 (RA)

Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 50(c)	**54(4)** If the researcher contravenes or fails to meet the terms and conditions of an agreement under this section, the agreement is cancelled.	**Repeals and substitutes:** **54(4)** If a researcher contravenes or fails to comply with the terms and conditions of an agreement under this section, or the conditions set out in the research ethics board's response to the research protocol, **(a)** the agreement is cancelled, and **(b)** the researcher is no longer authorized to use the health information for any purpose and must destroy the health information or return it to the custodian.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 61		**Adds:** **56.71(1)** Despite any other provision of this Act or regulations or any information manager agreements entered into under section 3(1)(d) of the *Alberta Electronic Health Record Regulation* (AR 118/2010) or entered into with custodians described in section 3(3) of that regulation or the Alberta Netcare Electronic Health Record Information Exchange Protocol referred to in those information manager agreements, the Department may access and use health information that is accessible via the Alberta EHR for any purpose or function that is authorized by section 27. **(2)** All information manager agreements entered into under section 3(1)(d) of the *Alberta Electronic Health Record Regulation* (AR 118/2010) or entered into with custodians described in section 3(3) of that regulation and the Alberta Netcare Electronic Health Record Information Exchange Protocol referred to in those information manager agreements are terminated effective on the coming into force of this subsection. **(3)** Subsection (1) is repealed on Proclamation.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(a)		**Renumbers s. 56.8 as 56.8(1)**	9 Dec 2020 (RA)

Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(i)	**56.8(c)** prescribing classes or types of health information as prescribed health information;	**56.8(1)(c)** prescribing classes or types of health information that may or must be made accessible via the Alberta EHR;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(ii)		**Adds:** **56.8(1)(c.1)** respecting administrative, technical and physical safeguards in respect of the health information accessible via the Alberta EHR;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(iii)	**56.8(d)** respecting the manner in which a regulated health professional or an authorized custodian must make prescribed health information in its custody or under its control accessible to an authorized custodian via the Alberta EHR;	**56.8(1)(d)** respecting the manner in which a regulated health professional or an authorized custodian may or must make health information prescribed in the regulations that is in its custody or under its control accessible via the Alberta EHR;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(iv)		**Adds:** **56.8(1)(d.1)** respecting the granting of access to the Alberta EHR, including, without limitation, respecting eligibility for access to the Alberta EHR;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(v)	**56.8(e)** respecting the purposes for which an authorized custodian may use prescribed health information;	**Repeals and substitutes:** **56.8(1)(e)** respecting the purposes and functions for which an authorized custodian may access and use health information via the Alberta EHR;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(vi)	**56.8(f)** respecting the governance, management and structure of the Alberta EHR, including, without limitation, regulations **(i)** designating an information manager of the Alberta EHR, and **(ii)** respecting the powers, duties and functions of the information manager;	**56.8(1)(f)** respecting the governance, operation, management and structure of the Alberta EHR, including, without limitation, regulations **(ii)** respecting the powers, duties and functions of the Department;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(vii)	**56.8(g)** respecting the procedures, systems and safeguards that an authorized custodian must maintain in respect of prescribed health information that is accessible via the Alberta EHR;	**56.8(1)(g)** respecting the procedures, systems and safeguards that an authorized custodian must maintain in respect of health information that is accessible via the Alberta EHR;	9 Dec 2020 (RA)
Health Statutes Amendment Act,		**Adds:**	9 Dec 2020 (RA)

2020 (No. 2), SA 2020, c 35, s 62(b)(viii)		**56.8(1)** **(g.1)** respecting the manner in which a regulated health professional or an authorized custodian may limit the health information that is to be made accessible via the Alberta EHR; **(g.2)** respecting access to the Alberta EHR by a medical examiner with the Office of the Chief Medical Examiner and staff working under the direction of a medical examiner or by a health services provider outside of Alberta to provide continuing treatment and care to an individual who is a resident of Alberta; **(g.3)** limiting, revoking or prohibiting **(i)** access to the Alberta EHR by an authorized custodian or its affiliate, a medical examiner with the Office of the Chief Medical Examiner or staff working under the direction of a medical examiner, or by a health services provider outside of Alberta providing continuing treatment and care to an individual who is a resident of Alberta, or **(ii)** use of health information accessible via the Alberta EHR by an authorized custodian or its affiliate, by a medical examiner with the Office of the Chief Medical Examiner or staff working under the direction of a medical examiner, or by a health services provider outside of Alberta providing continuing treatment and care to an individual who is a resident of Alberta; **(g.4)** respecting technical or security standards, specifications or requirements in respect of the Alberta EHR, including, without limitation, interoperability specifications and standards; (g.**5)** respecting electronic logging for the purposes of section 56.6 and reporting in respect of the logging; **(g.6)** respecting access requests under sections 56.6 and 56.61 for health information accessible via the Alberta EHR; **(g.7)** respecting the reasons for which an authorized custodian is unable to provide access to health information requested by an individual;	

Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(b)(ix)	**56.8(h)** respecting the audit or monitoring of any matter related to the Alberta EHR;	**Repeals and substitutes:** **56.8(1)** **(h)** respecting the audit or investigation of any matter related to the Alberta EHR, including, without limitation, regulations **(i)** setting out or establishing an auditing regime, and **(ii)** setting out powers and duties to be exercised concerning audits and investigations;	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 62(c)		**Adds:** **56.8(2)** A regulation made under subsection (1) may incorporate, adopt or declare in force a code, standard, guideline, schedule or body of rules, including a code, standard, guideline, schedule or body of rules developed by the Minister, relating to any matter in respect of which a regulation may be made under subsection (1). **(3)** Where a code, standard, guideline, schedule or body of rules is incorporated, adopted or declared in force by a regulation made under subsection (1), the Minister shall ensure that a copy of the code, standard, guideline, schedule or body of rules is readily available to the public. **(4)** The *Regulations Act* does not apply to a code, standard, guideline, schedule or body of rules incorporated, adopted or declared in force by a regulation made under subsection (1). **(5)** A code, standard, guideline, schedule or body of rules may be incorporated, adopted or declared in force by a regulation made under subsection (1) **(a)** in whole or in part or with modifications, and **(b)** as it reads on a specific day or as amended from time to time.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 63	**64(1)** Each custodian must prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information. **(2)** The custodian must submit the privacy impact assessment to the Commissioner for review and comment	**64(1)** Subject to subsection (3), each custodian must prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information. **(2)** Subject to subsection (3), the custodian must submit the privacy impact assessment to the Commissioner for	9 Dec 2020 (RA)

	before implementing any proposed new practice or system described in subsection (1) or any proposed change to existing practices and systems described in subsection (1).	review and comment before implementing any proposed new practice or system described in subsection (1) or any proposed change to existing practices and systems described in subsection (1). **Adds:** **64(3)** Subsections (1) and (2) do not apply to custodians described in section 1(1)(f)(iv), (ix.1) and (xii) in the collection, use or disclosure of health information between or among these custodians for a function set out in section 27(2), unless the custodians will implement a new information system or change an existing information system in conjunction with the collection, use or disclosure.	
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 64	**66(1)** In this section, "information manager" means a person or body that **(c)** provides information management or information technology services.	**Repeals and substitutes:** **66(1)** In this section, "information manager" means a person or body that **(c)** provides information management or information technology services in a manner that requires the use of health information but does not include an individual employed by a custodian who performs any of the functions listed in clauses (a) to (c).	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 65	**78** The Commissioner may refuse to conduct an inquiry pursuant to section 77 if in the opinion of the Commissioner the subject of a request for a review under section 73 has been dealt with in an order or investigation report of the Commissioner.	**Repeals and substitutes:** **78** The Commissioner may refuse to conduct an inquiry pursuant to section 77 if in the opinion of the Commissioner **(a)** the subject of the request for a review under section 73 has been dealt with in an order or investigation report of the Commissioner, or **(b)** the circumstances warrant deciding not to conduct an inquiry.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 66	**104(1)(d)** if the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the individual's estate,	**Repeals and substitutes:** **104(1)** **(d)** if the individual is deceased,	9 Dec 2020 (RA)

		(i) by the individual's personal representative, if the exercise of the right or power relates to the administration of the individual's estate, or **(ii)** by the individual's nearest relative as defined in the *Personal Directives Act*, if the exercise of the right or power is for the purpose of processing an insurance claim,	
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 67	**105** No action lies and no proceeding may be brought against the Crown, a custodian or any person acting for or under the direction of a custodian for damages resulting from anything done or not done by that person in good faith while carrying out duties or exercising powers under this Act including, without limitation, any failure to do something where a person has discretionary authority to do something but does not do it.	**105** No action lies and no proceeding may be brought against the Crown, a custodian or any person acting for or under the direction of a custodian for damages resulting from anything done or not done by that person in good faith while carrying out duties or exercising powers under this Act.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 67(a)	**107(4)** No information manager shall knowingly breach the terms and conditions of an agreement entered into with a custodian pursuant to section 66.	**107(4)** No information manager as defined in section 66(1) shall knowingly breach the terms and conditions of an agreement entered into with a custodian pursuant to section 66.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 67(b)	**107(6)** A person who contravenes this section, except subsection (1.1), (1.2) or (5.1), is guilty of an offence and liable to a fine of not more than $50 000.	**Repeals and substitutes:** **107(6)** A person who contravenes this section is guilty of an offence and is liable **(a)** in the case of an individual, to a fine of not more than $200 000, and **(b)** in the case of any other person, to a fine of not more than $1 000 000.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 67(c)	**107(6.1)** Despite subsection (6), a person who uses prescribed health information in contravention of section 56.4 is guilty of an offence and liable to a fine of not more than $100 000. **(7)** A person who contravenes subsection (1.1), (1.2) or (5.1) is guilty of an offence and liable **(a)** in the case of an individual, to a fine of not less than $2000 and not more than $10 000, and **(b)** in the case of any other person, to a fine of not less than $200 000 and not more than $500 000. **(8)** A prosecution under this Act, except a prosecution referred to in subsection (9), may be commenced within 2	**Repealed**	9 Dec 2020 (RA)

	years after the commission of the alleged offence, but not afterwards.		
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 67(d)	**107(9)** A prosecution for an offence under subsection (1.1)(b) or (c) or (1.2) may be commenced within 2 years after the day on which evidence of the alleged offence first came to the attention of the Commissioner, but not afterwards.	**107(9)** A prosecution for an offence under this section may be commenced within 2 years after the day on which evidence of the alleged offence first came to the attention of the Commissioner, but not afterwards.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 67(e)		**Adds:** **107(10)** In respect of offences other than those under subsection (1.1)(b) or (c) or (1.2), subsection (9) applies to offences committed after this subsection comes into force. **(11)** In respect of offences other than those under subsection (1.1)(b) or (c) or (1.2), notwithstanding the repeal of subsection (8), subsection (8) continues in effect and applies to offences committed before this subsection comes into force.	9 Dec 2020 (RA)
Health Statutes Amendment Act, 2020 (No. 2), SA 2020, c 35, s 68	**108(2)** The Minister may make regulations **(a.1)** specifying the information that is to be included in a research proposal under section 49; **(b)** respecting agreements to be entered into by custodians and information managers pursuant to section 66.	**108(2)** The Minister may make regulations **(a.1)** specifying the information that is to be included in a proposed research protocol under section 49;	9 Dec 2020 (RA)
Demise of the Crown (Statutes) Amendment Regulation, Alberta Reg, 2017/2022, s 100[4]	**56(1)** If a researcher refuses to allow a custodian or health information repository to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian or health information repository may apply to the Court of Queen's Bench for an order under subsection (2). … **80(6)** A copy of an order made by the Commissioner under this section may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court. … **82(4)** If an application for judicial review is made pursuant to subsection (3), the Commissioner's order is stayed until the application is dealt with by the Court of Queen's Bench.	**56(1)** If a researcher refuses to allow a custodian or health information repository to access or inspect its premises in accordance with the agreement referred to in section 54, the custodian or health information repository may apply to the Court of King's Bench for an order under subsection (2). … **80(6)** A copy of an order made by the Commissioner under this section may be filed with a clerk of the Court of King's Bench and, after filing, the order is enforceable as a judgment or order of that Court. … **82(4)** If an application for judicial review is made pursuant to subsection (3), the Commissioner's order is stayed until the application is dealt with by the Court of King's Bench.	16 Nov 2022

[4] Text of regulation not available for hyperlink access, instead it is attached in a separate document in response email.

	… **85.1(4)** The custodian must comply with a requirement to provide information under subsection (1), and if the custodian does not comply, the Commissioner may apply to the Court of Queen's Bench for an order to compel the custodian to provide the information. **85.1(5)** On the application of the Commissioner under subsection (4), the Court of Queen's Bench may make an order requiring the custodian to provide information to the Commissioner in accordance with a requirement under subsection (1). … **85.1(8)** An order under subsection (2)(b) may only be stayed by an order of the Court of Queen's Bench. **85.1(9)** A copy of an order made by the Commissioner under subsection (2)(b) may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court. … **96(1)** The Lieutenant Governor in Council may designate a judge of the Court of Queen's Bench of Alberta to act as an adjudicator … **101(4)** A copy of an order made by an adjudicator under this Act may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court.	… **85.1(4)** The custodian must comply with a requirement to provide information under subsection (1), and if the custodian does not comply, the Commissioner may apply to the Court of King's Bench for an order to compel the custodian to provide the information. **85.1(5)** On the application of the Commissioner under subsection (4), the Court of King's Bench may make an order requiring the custodian to provide information to the Commissioner in accordance with a requirement under subsection (1). … **85.1(8)** An order under subsection (2)(b) may only be stayed by an order of the Court of King's Bench. **85.1(9)** A copy of an order made by the Commissioner under subsection (2)(b) may be filed with a clerk of the Court of King's Bench and, after filing, the order is enforceable as a judgment or order of that Court. … **96(1)** The Lieutenant Governor in Council may designate a judge of the Court of King's Bench of Alberta to act as an adjudicator … **101(4)** A copy of an order made by an adjudicator under this Act may be filed with a clerk of the Court of King's Bench and, after filing, the order is enforceable as a judgment or order of that Court.	
Miscellaneous Statutes Amendment Act, 2022 (no. 2), SA 2022, c 21, s 37	**37.1(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice and Solicitor General where the custodian reasonably believes **…** **37.3(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice and Solicitor General where the custodian reasonably believes … **42(2)** **(d)** to a police service or the Minister of Justice and Solicitor General under section 37.1, 37.2 or 37.3, or **…**	**37.1(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice where the custodian reasonably believes **…** **37.3(1)** A custodian may disclose individually identifying health information referred to in subsection (2) without the consent of the individual who is the subject of the information to a police service or the Minister of Justice where the custodian reasonably believes … **42(2)** **(d)** to a police service or the Minister of Justice under section 37.1, 37.2 or 37.3, or **…**	15 Dec 2022 (RA)

	91(4) The Commissioner may disclose to the Minister of Justice and Solicitor General information relating to the commission of an offence under an enactment of Alberta or Canada if the Commissioner considers there is evidence of an offence.	**91(4)** The Commissioner may disclose to the Minister of Justice information relating to the commission of an offence under an enactment of Alberta or Canada if the Commissioner considers there is evidence of an offence.	
Miscellaneous Statutes Amendment Act, 2023, SA 2023, c 9, s 11(2)	**1(1)(f)(viii)** a board, council, committee, commission, panel or agency that is created by a custodian referred to in subclauses (i) to (vii), if all or a majority of its members are appointed by, or on behalf of, that custodian, but does not include a committee that has as its primary purpose the carrying out of quality assurance activities within the meaning of section 9 of the *Alberta Evidence Act*;	**1(1)(f)(viii)** a board, council, committee, commission, panel or agency that is created by a custodian referred to in subclauses (i) to (vi), if all or a majority of its members are appointed by, or on behalf of, that custodian, but does not include a committee that has as its primary purpose the carrying out of quality assurance activities within the meaning of section 9 of the *Alberta Evidence Act*;	7 Dec 2023 (RA)
Miscellaneous Statutes Amendment Act, 2023, SA 2023, c 9, s 11(3)	**11(1)(d)** if the disclosure could reasonably be expected to reveal advice, proposals, recommendations, analyses or policy options developed by or for a custodian referred to in section 1(1)(f)(iii), (iv) or (vii), or	**11(1)(d)** if the disclosure could reasonably be expected to reveal advice, proposals, recommendations, analyses or policy options developed by or for a custodian referred to in section 1(1)(f)(iii), or (iv), or	7 Dec 2023 (RA)
Miscellaneous Statutes Amendment Act, 2023, SA 2023, c 9, s 11(4)	**27(2)** A custodian referred to in section 1(1)(f)(iii), (iv), (vii), (ix.1), (xii) or (xiii) may, in addition, use individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible:	**27(2)** A custodian referred to in section 1(1)(f)(iii), (iv), (ix.1), (xii) or (xiii) may, in addition, use individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible:	7 Dec 2023 (RA)
Miscellaneous Statutes Amendment Act, 2023, SA 2023, c 9, s 11(5)	**56.1(b)** **(i)** a custodian referred to in section 1(1)(f)(iii), (iv), (vii), (xii) or (xiii), other than the Health Quality Council of Alberta, and **…** **56.1(d)** "regulated health professional" means (i) a regulated member under the *Health Professions Act*, or (ii) a person registered under the *Health Disciplines Act*.	**56.1(b)** **(i)** a custodian referred to in section 1(1)(f)(iii), (iv), (xii) or (xiii), other than the Health Quality Council of Alberta, and **…** **56.1(d)** "regulated health professional" means a regulated member under the *Health Professions Act*.	7 Dec 2023 (RA)
Miscellaneous Statutes Amendment	**56.3(4)** A failure by a regulated health professional to comply with a direction of the health professional body	**Repeals and substitutes:**	7 Dec 2023 (RA)

Act, 2023, SA 2023, c 9, s 11(6)	under subsection (1) or of the Minister under subsection (2) constitutes **(a)** in the case of a regulated member under the *Health Professions Act*, unprofessional conduct; **(b)** in the case of a person registered under the *Health Disciplines Act*, professional misconduct.	**56.3(4)** A failure by a regulated health professional to comply with a direction of the health professional body under subsection (1) or of the Minister under subsection (2) constitutes unprofessional conduct by the regulated health professional under the *Health Professions Act*.	
Continuing Care Act, SA 2022, c C-26.7, s 70	**1(1)(f)(ii)** the operator of a nursing home as defined in the *Nursing Homes Act* other than a nursing home that is owned and operated by a regional health authority established under the *Regional Health Authorities Act*;	**1(1)(f)(ii)** the operator of a continuing care home as defined in the *Continuing Care Act* other than a continuing care home that is owned and operated by a regional health authority established under the *Regional Health Authorities Act*;	31 May 2022 (RA) 1 Apr 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(2)	**1(1)(f)** "custodian" means (i) the board of an approved hospital as defined in the *Hospitals Act* other than an approved hospital that is (A) owned and operated by a regional health authority established under the *Regional Health Authorities Act*, or (B) repealed 2008 cH-4.3 s18; (ii) the operator of a nursing home as defined in the *Nursing Homes Act* other than a nursing home that is owned and operated by a regional health authority established under the *Regional Health Authorities Act*; (iii) a provincial health board established pursuant to regulations made under section 17(1)(a) of the *Regional Health Authorities Act*; (iv) a regional health authority established under the *Regional Health Authorities Act*; (v) a community health council as defined in the *Regional Health Authorities Act*;	**Repeals and substitutes:** **1(1)(f)** (i) the board of an approved hospital as defined in the *Hospitals Act* other than an approved hospital that is owned and operated by a provincial health agency or regional health authority under the *Provincial Health Agencies Act*; (ii) the operator of a nursing home as defined in the *Nursing Homes Act* other than a nursing home that is owned and operated by a provincial health agency or regional health authority under the *Provincial Health Agencies Act*; (iii) a provincial health board established pursuant to regulations made under section 17(1)(a) of the *Provincial Health Agencies Act;* **Repeals and substitutes** (iv) a provincial health agency or regional health authority under the *Provincial Health Agencies Act*; (v) a community health council as defined in the *Provincial Health Agencies Act*;	30 May 2024 (RA) 21 Jun 2024 (proclamation)

	(vi) a subsidiary health corporation as defined in the *Regional Health Authorities Act*;	(vi) a subsidiary health corporation as defined in the *Provincial Health Agencies Act* **Adds:** (ix.2) the Canadian Centre of Recovery Excellence; … (xii.1) the Department of Mental Health and Addiction; … (xiii.1) the Minister of Mental Health and Addiction;	
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(3)	**27(2)** A custodian referred to in section 1(1)(f)(iii), (iv), (ix.1), (xii) or (xiii) may, in addition, use individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible	**27(2)** A custodian referred to in section 1(1)(f)(iii), (iv), (ix.1), (ix.2), (xii), (xii.1), (xiii) and (xiii.1) may, in addition, use individually identifying health information in its custody or under its control to carry out the following functions within the geographic area in which the custodian has jurisdiction to promote the objectives for which the custodian is responsible	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(4)	**39(1)** The Minister or the Department may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information to another Minister of the Government of Alberta for the purpose of developing public policy. **(2)** The Minister or the Department may enter into an agreement with (a) another Minister of the Government of Alberta or a Minister of the Government of Canada or of any other province or territory, or (b) a person or entity in accordance with the regulations made pursuant to the *Alberta Health Care Insurance Act*, respecting the disclosure to the person referred to in clause (a) or (b), as the case may be, of individually identifying registration information without the consent of the individual who is the subject of the information.	**39(1)** The Minister, Minister of Mental Health and Addiction, Department or Department of Mental Health and Addiction may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information to another Minister of the Government of Alberta for the purpose of developing public policy. **(2)** The Minister, Minister of Mental Health and Addiction, Department or Department of Mental Health and Addiction may enter into an agreement with (a) another Minister of the Government of Alberta or a Minister of the Government of Canada or of any other province or territory, or (b) a person or entity in accordance with the regulations made pursuant to the *Alberta Health Care Insurance Act*, respecting the disclosure to the person referred to in clause (a) or (b), as the case may be, of individually identifying registration information without the consent of the individual who is the subject of the information.	30 May 2024 (RA) 21 Jun 2024 (proclamation)

Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(5)	**40** A custodian other than the Minister may disclose individually identifying health information to the Minister without the consent of the individual who is the subject of the information if the disclosure is necessary or desirable in the opinion of the custodian to enable the Minister to carry out the duties of the Minister.	**Repeals and substitutes** **40** A custodian other than the Minister or the Minister of Mental Health and Addiction may disclose individually identifying health information to the Minister or the Minister of Mental Health and Addiction without the consent of the individual who is the subject of the information if the disclosure is necessary or desirable in the opinion of the custodian to enable the Minister or the Minister of Mental Health and Addiction to carry out the duties of the Minister or the Minister of Mental Health and Addiction.	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(6)	**42(2)** Subsection (1) does not apply where the disclosure is … (b) to the Minister or the Department under section 46,	**42(2)** Subsection (1) does not apply where the disclosure is … (b) to the Minister, Minister of Mental Health and Addiction, Department or Department of Mental Health and Addiction under section 46,	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(7)	**46(1)** The Minister or the Department may request another custodian to disclose to the Minister or the Department individually identifying health information for any of the purposes listed in section 27(2) (a) if the Minister or the Department, as the case may be, is authorized by an enactment of Alberta or Canada to obtain the information from the other custodian, or (b) if the information requested relates to a health service provided by the other custodian and (i) the health service is fully or partially paid for by the Department or is provided using financial, physical or human resources provided, administered or paid for by the Department, or (ii) the information is prescribed in the regulations as information the Minister or the Department may request under this section. **(2)** If the requirements of subsection (1) are met, the custodian must disclose the information to the Minister or the Department, as the case may be. …	**Repeals and substitutes:** **46(1)** The Minister, Minister of Mental Health and Addiction, Department or Department of Mental Health and Addiction may request another custodian to disclose individually identifying health information to them for any of the purposes listed in section 27(2) if (a) the Minister, Minister of Mental Health and Addiction, Department or Department of Mental Health and Addiction, as the case may be, is authorized by an enactment of Alberta or Canada to obtain the information from the other custodian, or (b) the information requested relates to a health service provided by the other custodian and (i) the health service is fully or partially paid for by the Department or the Department of Mental Health and Addiction, as the case may be, or is provided using financial, physical or human resources provided, administered or paid for by the Department or the Department of Mental Health and Addiction, as the case may be, or (ii) the information is prescribed in the regulations as information the Minister, Minister of Mental Health and Addiction, Department or Department	30 May 2024 (RA) 21 Jun 2024 (proclamation)

	(5) Where health information is requested under subsection (1)(b), the Department	of Mental Health and Addiction may request under this section. **(2)** If the requirements of subsection (1) are met, the custodian must disclose the information to the Minister, Minister of Mental Health and Addiction, Department or Department of Mental Health and Addiction, as the case may be. … **(5)** Where health information is requested under subsection (1)(b), the Department or the Department of Mental Health and Addiction	
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(8)	**56.1** In this Part, (b) "authorized custodian" means (i) a custodian referred to in section 1(1)(f)(iii), (iv), (xii) or (xiii), and	**56.1** In this Part, (b) "authorized custodian" means (i) a custodian referred to in section 1(1)(f)(iii), (iv), (xii), (xii.1), (xiii) or (xiii.1), and	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(9)	**56.3** **(2)** If (a) the Minister determines that it is in the public interest to have certain prescribed health information that is in the custody or under the control of one or more regulated health professionals made accessible to authorized custodians via the Alberta EHR, and (b) the health professional body of the regulated health professionals has not directed the regulated health professionals to make that prescribed health information accessible via the Alberta EHR, the Minister may, subject to subsection (3), in writing direct the regulated health professionals to make the prescribed health information accessible to authorized custodians via the Alberta EHR in accordance with the regulations. **(3)** Before giving a direction under subsection (2), the Minister must (a) consult with the health professional body referred to in subsection (2)(b), (b) prepare a privacy impact assessment describing how making the information accessible may affect the privacy of the individual who is the subject of the	**56.3** **(2)** If (a) the Minister or the Minister of Mental Health and Addiction determines that it is in the public interest to have certain prescribed health information that is in the custody or under the control of one or more regulated health professionals made accessible to authorized custodians via the Alberta EHR, and (b) the health professional body of the regulated health professionals has not directed the regulated health professionals to make that prescribed health information accessible via the Alberta EHR, the Minister or the Minister of Mental Health and Addiction may, subject to subsection (3), in writing direct the regulated health professionals to make the prescribed health information accessible to authorized custodians via the Alberta EHR in accordance with the regulations. **(3)** Before giving a direction under subsection (2), the Minister or the Minister of Mental Health and Addiction must (a) consult with the health professional body referred to in subsection (2)(b),	30 May 2024 (RA) 21 Jun 2024 (proclamation)

	information and submit the privacy impact assessment to the Commissioner for review and comment, and (c) consider the comments of the Commissioner, if any, made in response to the privacy impact assessment. **(4)** A failure by a regulated health professional to comply with a direction of the health professional body under subsection (1) or of the Minister under subsection (2) constitutes unprofessional conduct by the regulated health professional under the *Health Professions Act*. … **(6)** An authorized custodian, other than a regulated health professional, must, if the Minister requests in writing, make prescribed health information in its custody or under its control accessible to authorized custodians via the Alberta EHR in accordance with the regulations.	(b) prepare a privacy impact assessment describing how making the information accessible may affect the privacy of the individual who is the subject of the information and submit the privacy impact assessment to the Commissioner for review and comment, and (c) consider the comments of the Commissioner, if any, made in response to the privacy impact assessment. **(4)** A failure by a regulated health professional to comply with a direction of the health professional body under subsection (1) or of a Minister under subsection (2) constitutes unprofessional conduct by the regulated health professional under the *Health Professions Act*. … **(6)** An authorized custodian, other than a regulated health professional, must, if the Minister or the Minister of Mental Health and Addiction requests in writing, make prescribed health information in its custody or under its control accessible to authorized custodians via the Alberta EHR in accordance with the regulations.	
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(10)	**64(3)** Subsections (1) and (2) do not apply to custodians described in section 1(1)(f)(iv), (ix.1) and (xii) in the collection, use or disclosure of health information between or among these custodians for a function set out in section 27(2), unless the custodians will implement a new information system or change an existing information system in conjunction with the collection, use or disclosure.	**64(3)** Subsections (1) and (2) do not apply to custodians described in section 1(1)(f)(iv), (ix.1), (ix.2), (xii) and (xii.1) in the collection, use or disclosure of health information between or among these custodians for a function set out in section 27(2), unless the custodians will implement a new information system or change an existing information system in conjunction with the collection, use or disclosure.	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(11)	**72.1** The Minister may, in accordance with the regulations, designate an agency, corporation or other entity to act as a health information repository.	**Repeals and substitutes:** **72.1(1)** The Minister may, in accordance with the regulations, designate an agency, corporation or other entity to act as a health information repository. **(2)** The Minister of Mental Health and Addiction may, in accordance with the regulations, designate the Canadian Centre of Recovery Excellence to act as a health information repository.	30 May 2024 (RA) 21 Jun 2024 (proclamation)

Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(12)	**72.5** The Minister must consult with the Commissioner in the preparation of the regulations under this Part.	**Repeals and substitutes:** **72.5(1)** Subject to subsection (2), the Minister must consult with the Commissioner in the preparation of the regulations under this Part. **(2)** The Minister of Mental Health and Addiction must consult with the Commissioner in respect of the regulations under section 72.1(2).	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Health Statutes Amendment Act, 2024, SA 2024, c 10, s 20(13)	**91(3.1)** The Commissioner may disclose any information to the Minister if in the opinion of the Commissioner the disclosure is necessary to enable the Minister to exercise the powers or carry out the duties or functions of the Minister in respect of any matter under the Minister's administration.	**Repeals and substitutes:** **91(3.1)** The Commissioner may disclose any information to the Minister or the Minister of Mental Health and Addiction if in the opinion of the Commissioner the disclosure is necessary to enable the Minister or the Minister of Mental Health and Addiction to exercise the powers or carry out the duties and functions of the Minister or the Minister of Mental Health and Addiction in respect of any matter under that Minister's administration.	30 May 2024 (RA) 21 Jun 2024 (proclamation)
Red tape reduction implementation Act, 2021 (no. 2), SA 2021, c 25, s 7	**1(1)(a)** **(vi)** an agent as defined in the *Health Insurance Premiums Act*, or	**1(1)(a)** **(vi)** an agent as defined in the *Part 1.1 of the Alberta Health Care Insurance Act*, or	14 Dec 2021 (RA) Section not yet proclaimed