

Guest Editorial

PRIVACY, PLEASE



Mr. Andrew Jones

According to its mission statement, the Canadian Dental Association is the authoritative national voice of dentistry, dedicated to representing and advancing the profession, nationally and internationally, and to achieving optimal oral health for all Canadians. Our advocacy on the issue of protection of personal health information exemplifies how CDA strives to achieve these lofty objectives.

On January 1, 2004, the *Personal Information Protection and Electronic Documents Act (PIPEDA)* will be fully implemented and apply to health information. In September 2003, CDA's immediate past president Dr. Tom Breneman wrote to all dentists, updating them on CDA's input in the drafting of *PIPEDA* and the parliamentary debate surrounding the legislation, and how CDA plans to assist member-dentists to comply with it.

In September 1997, CDA's Board of Governors approved *Guidelines on Personal Data Protection* that state: "It is the patients' right to control disclosure of their dental records to others.

Release of information must be informed, specific and for a one-time event; must afford the patient an opportunity to review the information requested for release prior to the transfer and with an opportunity to withdraw prior consent; must not be used for any purpose other than the primary and specific use requested; and must be with the patient's permission, preferably in writing." In the process that led to the passing of *PIPEDA*, CDA had many opportunities to use these guidelines as the basis for advocacy with the federal government on the issue of privacy.

In 1998, CDA responded to a discussion paper on privacy that led directly to the drafting and introduction of *PIPEDA*. During the parliamentary process, CDA appeared as an expert witness before 2 standing committees of Parliament and held numerous meetings with members of Parliament and senators, always supporting strong privacy legislation and advocating for health information to be specifically addressed by *PIPEDA*. At the end of the day, we achieved the passing of strong privacy legislation that unfortunately does not separate or distinguish personal health information from all other forms of personal information.

I'm certain that some Canadian dentists question why their national association takes such an active role on the issue of privacy. I again return to our mission statement and draw attention to the following passage: "CDA is dedicated to the achievement of optimal oral health." Canadians want to have control of their own personal health information. Citizens are willing to share the most intimate details of their lives with their caregivers to ensure continued good health, but they do not want to see such information used by others without their consent. CDA argues that

Canadians deserve to know and to control who has access to their personal health records and for what purposes such access is granted.

During our representations to government, we always connected the sharing of personal health information with the provision of optimal care. CDA supports a legislative framework that protects information sharing between a patient and a dentist. Dentists need patients to disclose illnesses and medications without the fear that others will use this information inappropriately.

Without the strong voice of CDA during the *PIPEDA* debates, the legislation may not have been passed or the federal government may have given in to those in the health community who did not want *PIPEDA* to apply to health information. I believe *PIPEDA* protects my personal health information from inappropriate secondary use, while allowing regulated health professionals to deliver primary patient care without incurring a huge additional administrative burden.

Our work on *PIPEDA* and the privacy issue is ongoing. This fall, we will send our members a simple "privacy primer kit." It will include CDA's *Guidelines on Personal Data Protection* and advice on how to comply with the Canadian Standards Association's *Privacy Principles* that are entrenched in *PIPEDA*. Also, we will continue to press the federal government to develop guidelines for the application of *PIPEDA* to patient- and provider-specific health information, in order to remove any uncertainties before the legislation comes into effect.

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