



AT A GLANCE:

UNDERSTANDING HEALTH PRIVACY AND CONSENT IN ONTARIO: A GUIDE FOR CARE PROVIDERS

This resource provides an overview of health privacy rules in Ontario as they relate to caregivers, so providers have the information they need to work together with caregivers to support patients and work together as partners in care. Read [Understanding health privacy and consent in Ontario: a guide for caregivers and care providers](#) for more in depth information.

Having information about the patient's care and recovery can be an important part of the caregiving role, yet Ontario's health privacy laws and rules can make it difficult for both healthcare providers and caregivers to understand how they can communicate effectively while ensuring patient privacy. When the legal aspects of health privacy are misunderstood – or even feared – it can result in poor communication and get in the way of caregivers supporting patient needs.

It can be difficult for providers to respond to caregiver requests for information when:

- You're not sure whether the patient wants their information shared with that caregiver
- The patient says one thing and the caregiver says another thing
- You want to involve caregivers but receive instructions from the patient not to share information
- The patient seems uncomfortable in the presence of the caregiver or there may be signs of abuse

So what do you, as a provider, need to know to help you navigate these privacy and consent issues?

- You should ask patients throughout their care if there is anyone you are allowed to share their personal health information with, either verbally or by sharing the actual health records.
- When asking patients for consent to share personal health information with caregivers, avoid inviting automatic “no” responses with hard questions and try taking a softer, more supportive approach.
- If the patient seems uncomfortable with the presence of the caregiver, you should ask the patient if they give consent for information to be shared with, or collected from, the caregiver or to have the caregiver in the room. This may involve asking the caregiver to leave the room for this conversation.
- If the patient says “no” to sharing information the first time, repeat your request when you see an improvement in the patient's clinical status. If clinically appropriate, explore why they don't want you to share information.

- If you don't have consent, acknowledge the difficulty this poses for the caregiver. Be polite, supportive and sensitive to the caregiver's needs. Assure the caregiver that their loved one is OK and getting good medical treatment.
- Even without consent, you can listen to caregivers and collect health information about the patient if the information that the caregiver is offering is more timely, complete, or accurate than the patient can provide. Note though that if you collect information from someone other than the patient, the patient can later instruct you not to use that information.
- If the patient is deemed incapable for treatment decisions, you must turn to the patient's substitute decision-maker to make decisions on the patient's behalf. In that case, the substitute decision-maker can also make related information decisions, including giving consent for you to share the patient's personal health information with the caregiver.

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DISCLAIMER

This resource document is meant to provide general information to family caregivers and care providers on the privacy and health care consent requirements in Ontario. This resource is not intended to provide a comprehensive description of the privacy and consent legislation, nor to serve as a decision tool, or as legal or clinical guidance. For advice on particular situations—especially those that are complex—caregivers and providers should consult with privacy staff in local health or community care organizations or seek their own legal advice.