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**NEWFOUNDLAND AND LABRADOR
REGULATION 38/11**

Personal Health Information Regulations
under the
Personal Health Information Act
(O.C. 2011-095)

Amended by:

36/17
84/17

**NEWFOUNDLAND AND LABRADOR
REGULATION 38/11**

Personal Health Information Regulations
under the
Personal Health Information Act
(O.C. 2011-095)

(Filed March 31, 2011)

Under the authority of section 90 of the *Personal Health Information Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. Johns , March 30, 2011.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

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Short title

1. These regulations may be cited as the *Personal Health Information Regulations*.

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Definition

2. In these regulations

- (a) "Act" means the *Personal Health Information Act*; and
- (a) "affiliation agreement" means an agreement with a university, college or other centre of learning to provide instruction to post-secondary students.

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Health care service

3. Where a custodian has entered into an affiliation agreement to provide instruction to a student or other person in his or her course of study to become a health care provider or a health care professional, that instruction is a health care service within the meaning of paragraph 2(1)(h)(viii) of the Act.

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Custodian

4. (1) The following persons are designated as custodians for the purpose of paragraph 4(1)(p) of the Act:

- (a) a department of the Nunatsiavut government when engaged in a function related to the delivery or administration of health care in Nunatsiavut; and
- (b) the Canadian Blood Services.

(2) The Eastern Regional Integrated Health Authority in respect of the Newfoundland and Labrador Cancer Care Registry is designated as a custodian for the purposes of paragraph 39(4)(d) of the Act.

(3) The Newfoundland and Labrador Centre for Health Information in respect of the Newfoundland and Labrador Chronic Disease Registry is designated as a custodian for the purposes of paragraph 39(4)(d) of the Act.

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Material breach

5. The factors that are relevant to determining what constitutes a material breach for the purpose of subsection 15(4) of the Act include the following:

- (a) the sensitivity of the personal health information involved;
- (b) the number of people whose personal health information was involved;
- (c) whether the custodian reasonably believes that the personal health information involved has been or will be misused; and
- (d) whether the cause of the breach or the pattern of breaches indicates a systemic problem.

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Entity prescribed

6. The Centre for Health Information is an entity to which information may be disclosed under the authority of paragraph 39(1)(h) of the Act.

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Designation of network

7. The

- (a) picture archiving and communication system; and
- (b) laboratory information system

as administered by the Centre for Health Information are designated as information networks for the purpose of paragraph 39(4)(c) of the Act.

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