

**AMENDMENT IN COMMITTEE OF THE  
WHOLE HOUSE**

**BILL 7**

**AN ACT TO PROVIDE FOR THE PROTECTION OF  
PERSONAL HEALTH INFORMATION**

**1. (1) Clause 15 of the Bill is amended by adding immediately after proposed subsection (3) the following:**

(3.1) Where a custodian reasonably believes that there has been a material breach as defined in the regulations involving the unauthorized collection, use, or disclosure of personal health information, that custodian shall inform the commissioner of the breach.

(3.2) Notwithstanding a circumstance where, under subsection (5), notification of an individual by a custodian is not required, the commissioner may recommend that the custodian, at the first reasonable opportunity, notify the individual who is the subject of the information.

**(2) Clause 15(5) of the Bill is amended by deleting the phrase "Subsection (3) does not apply" and substituting the phrase "Subsection (3) and subsection 20(3) do not apply".**

**2. Clause 20 of the Bill is amended by adding immediately after subsection (3) the following:**

(4) Subsection (3) does not apply where, following an analysis under subsection 15(5), a custodian reasonably believes that the use or disclosure of personal health information will not have an adverse impact as described in that subsection.

**3. Subsection 90(1) of the Bill is amended by adding immediately after paragraph (e) the following:**

(e.1) prescribing what constitutes a material breach for the purpose of section 15;

**4. The Bill is amended by adding immediately after section 95 the following:**

NLR 18/08 Amdt.

**95.1 Section 6 of the *Regional Health Authorities Regulations, Newfoundland and Labrador Regulation 18/08, made under the authority of the *Regional Health Authority Act*, is repealed.***

EXPLANATORY NOTES

Clause 1 of this amendment would add a subsection to the Bill requiring a custodian to inform the Privacy Commissioner of a material breach involving the unauthorized collection, use or disclosure of personal health information.

The amendment would further provide that commissioner may recommend the notification of the individual who is the subject of the information in circumstances where notification of that individual would not otherwise be required.

Clause 2 of this amendment would add a provision to the Bill which would link the use or disclosure of information under that section to subsection 15(3) where disclosure would not be required.

In clause 3 of this amendment, the Lieutenant-Governor in Council would be authorized to make regulations prescribing what constitutes a material breach for the purpose of section 15 of the Act.

Clause 4 of this amendment would repeal a section of the *Regional Health Authorities Regulations* which would no longer be required on the coming into force of the *Personal Health Information Act*.