Protocol for Requesting Access to Personal Health Information in a Queen’s University Record for a Research Purpose

The Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans—known as TCPS2 (2018)—requires the approval of a Research Ethics Board (REB) for secondary use of information for a research purpose. Secondary use means using information collected originally for a purpose other than the current research purpose, such as records created for administration or operations, or records created for a different research project. Article 5.5 requires that REB approval be sought for the secondary use of both identifiable information and de-identified/anonymized information. Article 5.5A specifically permits the use of identifiable information without consent under certain circumstances.

Personal health information is, by definition, identifiable information.* The Personal Health Information Protection Act (“PHIPA”) permits the disclosure of personal health information by a Health Information Custodian, or HIC, for a research purpose in situations where it is impractical for the researcher to seek consent from the individuals to whom the information relates.

In accordance with section 44(1) of PHIPA, Queen’s University’s HICs (see Schedule A below) may authorize disclosure of personal health information for a research purpose if the researcher:

1) submits to the University:
   (a) an application in writing,
   (b) a research plan that meets the requirements of section 44(2) of PHIPA, and
   (c) a copy of the decision of a research ethics board that approves the research plan; and

2) enters into the agreement required by section 44(5).

The flow chart below outlines the process for accessing records containing personal health information from a Queen’s University HIC. Researchers with a connection to Queen’s University will follow the normal process for approval through a research ethics board with the goal of obtaining a data transfer agreement. Researchers without a connection to Queen’s University will apply through the University’s Privacy Office with the goal of obtaining a research agreement.

Access to records containing personal health information that have been transferred to the Queen’s University Archives will be coordinated by the University Archivist.

N.B. Requests from individuals for access to their own PHI can be treated in accordance with normal unit access procedures or as a FIPPA request through the Records Management and Privacy Office.

* If information is not identifiable (e.g., if it has been de-identified or anonymized), then it is not personal health information and this protocol does not apply.

13 February 2020
Procedure

Researcher will first consult with the HIC responsible for the records to discuss the feasibility of the project. If the PHI can be anonymized or is already de-identified, then the data may be provided to the Researcher by the HIC through a signed data transfer agreement or research agreement (after obtaining REB approval), and this protocol does not apply. If anonymization is not possible, the HIC will direct the Researcher as follows:

**Researcher with a Queen’s connection** (Queen’s faculty, staff or students, or external researchers with a Queen’s co-investigator) will make an application for REB approval and preparation of a data transfer agreement.

Upon clearance by an appropriate REB, the Research Contracts Unit will draft a data transfer agreement, including any supplemental terms and conditions of the responsible HIC.

Once the agreement is signed by the appropriate parties, the Researcher will work with the HIC to obtain the data.

**Researcher with no Queen’s connection** will be directed to the Privacy Office for guidance on where to seek REB approval before entering into a research agreement.

Upon clearance by an appropriate REB, a standard research agreement will be prepared by the Privacy Office, including any supplemental terms and conditions of the responsible HIC.
<table>
<thead>
<tr>
<th>Health Information Custodian</th>
<th>Contact</th>
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| Department of Family Medicine  
School of Medicine  
Faculty of Health Sciences | Clinic Manager |
| The Physical Therapy Clinic at Queen’s University  
School of Rehabilitation Therapy  
Faculty of Health Sciences | Clinic Manager |
| Psychology Clinic at Queen’s University  
Department of Psychology  
Faculty of Arts and Science | Clinic Director |
| Student Wellness Services  
- Health Services  
- Counselling Services  
Division of Student Affairs | Executive Director |
| Regional Assessment and Resource Centre  
Division of Student Affairs | Clinical Director |
| Q Sports Medicine  
Athletics and Recreation  
Division of Student Affairs | Coordinator |