

Protocol for Requesting Access to Personal Health Information in a York University Record for a Research Purpose

The Gorman/Shore Sport Injury Clinic, Counselling and Disability Services, and the York University Psychology Clinic all fall under the definition of a **Health Information Custodian “HIC”** according to the *Personal Health Information Protection Act* “PHIPA”. This document is designed to assist HICs in dealing with requests for access to Personal Health Information “PHI” for a research purpose in situations where it is impractical to seek consent from the individuals to whom the information relates. 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 Information and Privacy Office.

York University complies with [section 44\(1\) of PHIPA](#) which authorizes a HIC to disclose 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\(5\)](#).

Access to records containing personal health information that have been transferred to the University’s Archives and Special Collections will be coordinated by the [University Archivist](#).

Procedures

1. Researchers wishing to use records consisting of personal health information in the custody or control of the University for a research purpose will first consult with the HIC responsible for the records to discuss the project.
2. If anonymization of the personal health information is possible, then the anonymized data may be provided to the Researcher by the HIC.
3. If anonymization of the personal health information is not possible, the HIC will direct the Researcher to make a formal application based on requirements of section 44 of PHIPA as outlined above (the “Application”).
4. When the application has been completed with supporting documentation, the HIC will deliberate on the merits of the application, consulting other offices such as the Information and Privacy Office and the Office of Research Ethics as appropriate.
5. Approved agreements will be overseen and administered by the responsible HIC. The Researcher will submit a copy of the signed agreement to the Office of Research Ethics in order to satisfy conditional research ethics approval.

Researcher type	Risk for research involving human participants	York University Requirements	Relevant PHIPA citation	Additional PHIPA requirement
Student:				
York Undergraduate and/or Graduate course-related research; Undergraduate theses; Graduate major research paper (MRP) (All unfunded research)	Minimal	Departmental/Faculty level Research Ethics Board (REB) review and approval (delegated review process)	s.44	Signed Agreement
York Graduate – Unfunded* – thesis, dissertation	Minimal	Faculty of Graduate Studies/HPRC Ethics Review Committee approval	s. 44	Signed Agreement
York Graduate – Funded*	Minimal	Human Participants Review Sub-Committee (HPRC)	s. 44	Signed Agreement
York Undergraduate or Graduate – Funded or Unfunded	More than Minimal	Human Participants Review Sub-Committee (HPRC)	s. 44	Signed Agreement
Faculty & Staff:				
York Staff or Faculty Member (including contract, adjunct and seconded) – Funded or Unfunded – employed by or affiliated with the HIC	Minimal or More than Minimal	Human Participants Review Sub-Committee (HPRC)	s. 37(1)(j)	None
York Staff or Faculty Member (including contract, adjunct and seconded) – Funded or Unfunded – Not employed by or affiliated with the HIC	Minimal or More than Minimal	Human Participants Review Sub-Committee (HPRC)	s. 44	Signed Agreement
Other:				
External Researchers	Minimal or More than Minimal	REB approval from an outside institution as well as HPRC approval (Expedited)	s. 44	Signed Agreement

* The definition of “funded” does not include funding in the form of student OGS scholarships, SSHRC fellowships, NSERC scholarships, or CIHR studentships. These awards are intended to support students through their studies and do not require reports from students on the specific research activities conducted. The definition of “funded” does apply to grants awarded for specific research projects, whether those projects are the student’s own research or research being conducted as part of a faculty member’s funded research project. Typically, for funded research, granting agencies require reports of the research conducted. <http://www.yorku.ca/grads/policies/td2.pdf>.