


Information Sharing, Federalism, and Politics



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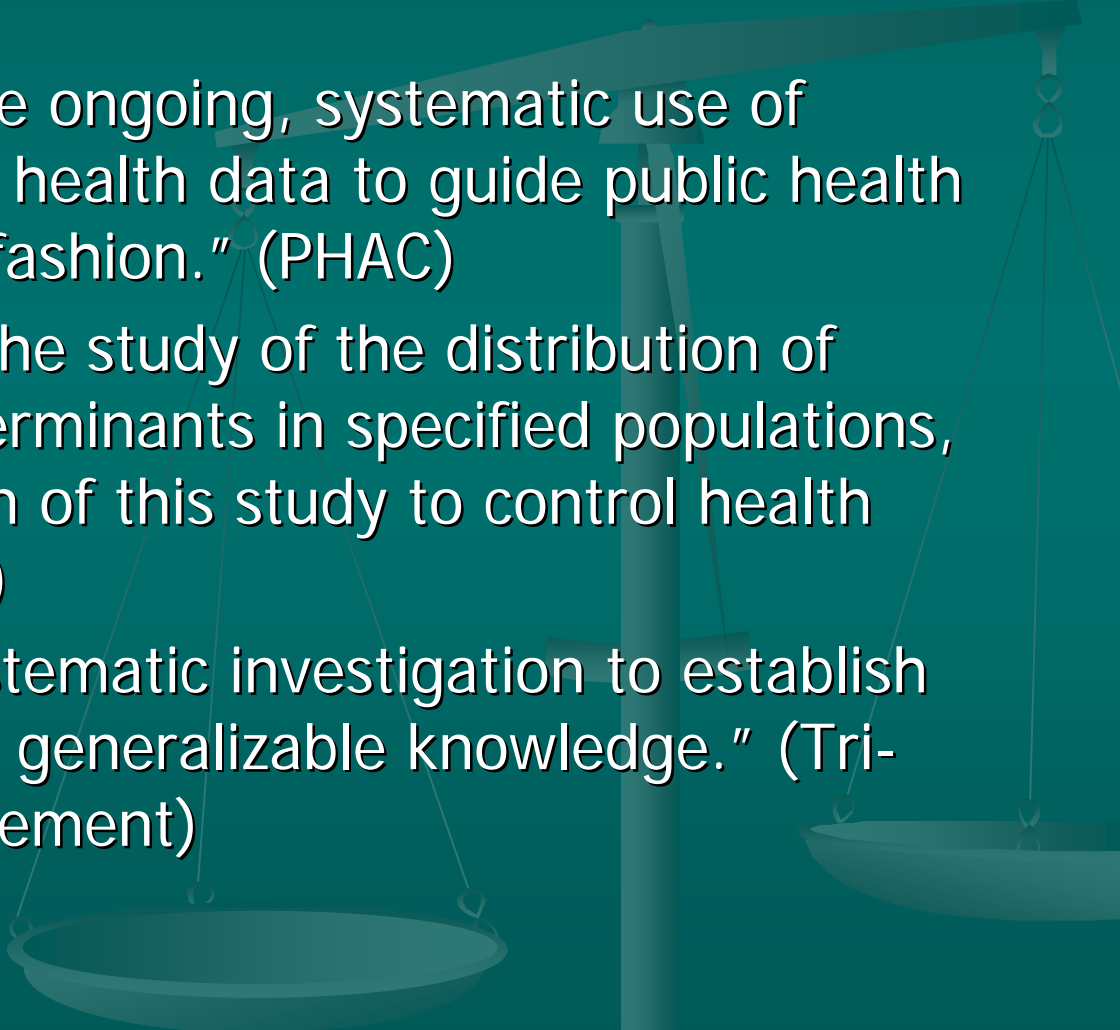
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Information Needs of Public Health System

- Health promotion
- Disease and injury prevention
- Health protection
- International obligations



Purposes

- Clinical
 - Surveillance: "...the ongoing, systematic use of routinely collected health data to guide public health action in a timely fashion." (PHAC)
 - Epidemiology: "...the study of the distribution of health and its determinants in specified populations, and the application of this study to control health problems." (PHAC)
 - Research: "...a systematic investigation to establish facts, principles or generalizable knowledge." (Tri-Council Policy Statement)
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Sources of Information


- Clinical
- Administrative databases
- Research studies, surveys
- Electronic health records



Types of Information

- Nominal
- Non-nominal
- Anonymized
- Aggregate

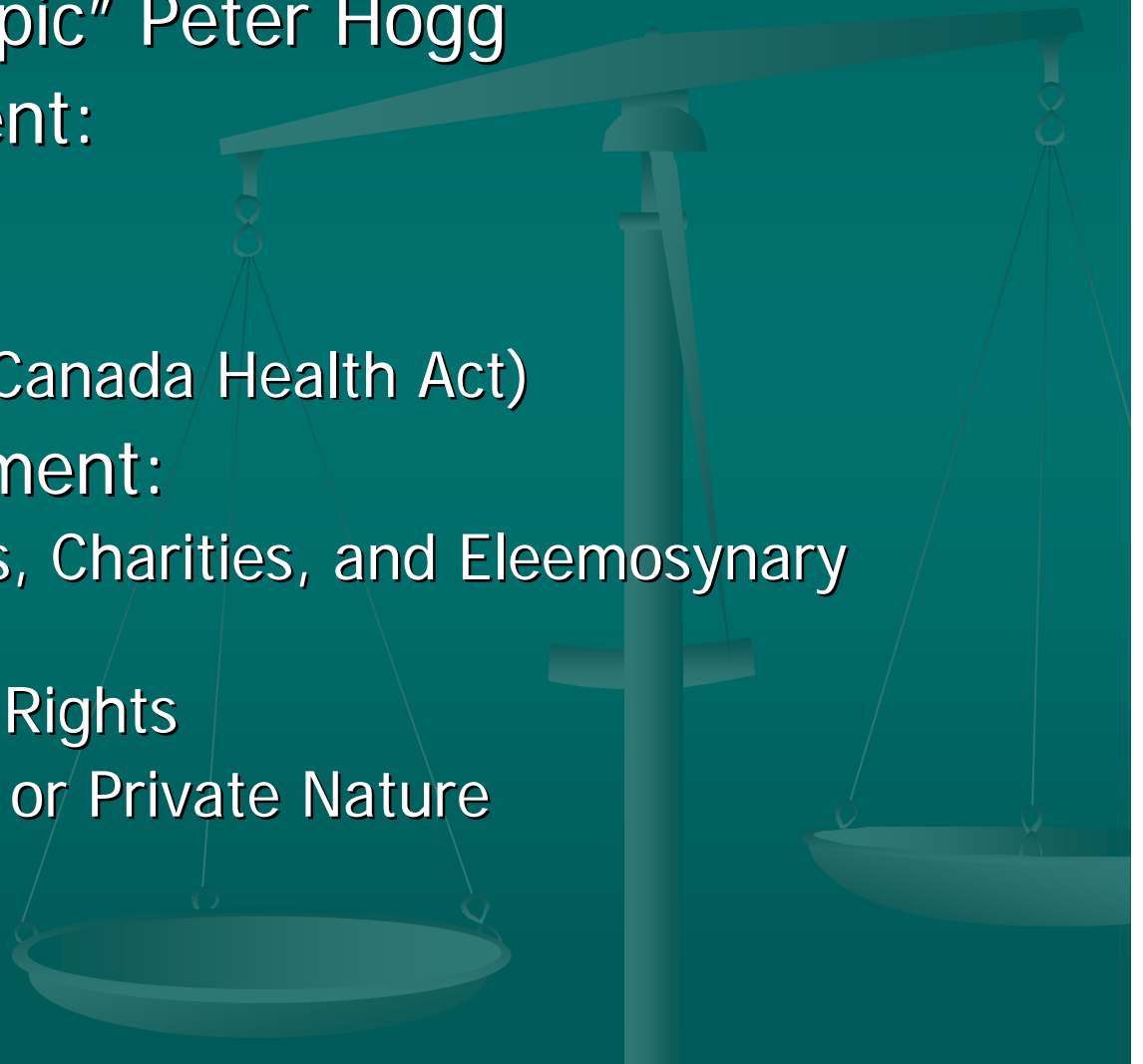


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- “What exists now are separate systems within each of the provinces and territories, as well as a federal system that operates primarily at Canada’s international borders.”

Naylor Report

Constitution Act, 1867: Health

- “an amorphous topic” Peter Hogg
- Federal Government:
 - Marine Hospitals
 - Quarantine
 - Spending Power (Canada Health Act)
- Provincial Government:
 - Hospitals, Asylums, Charities, and Eleemosynary Institutions
 - Property and Civil Rights
 - Matters of a Local or Private Nature



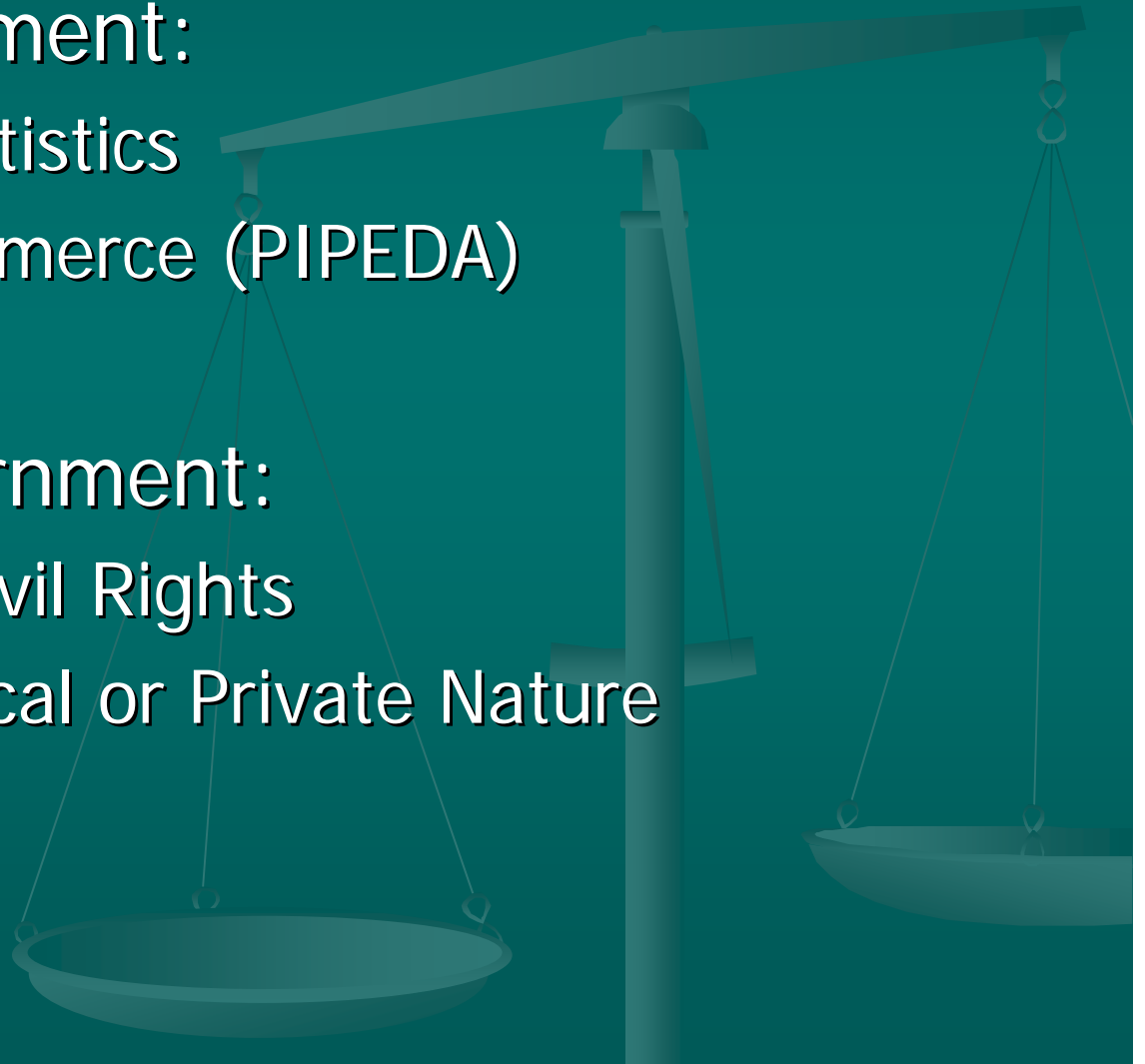
Constitution Act, 1867: Public Health

- Federal Government:
 - Criminal Law
 - Peace, Order, and Good Government
 - Gap
 - National Concern
 - Emergency



Constitution Act, 1867: Information

- Federal Government:
 - Census and Statistics
 - Trade and Commerce (PIPEDA)
- Provincial Government:
 - Property and Civil Rights
 - Matters of a Local or Private Nature

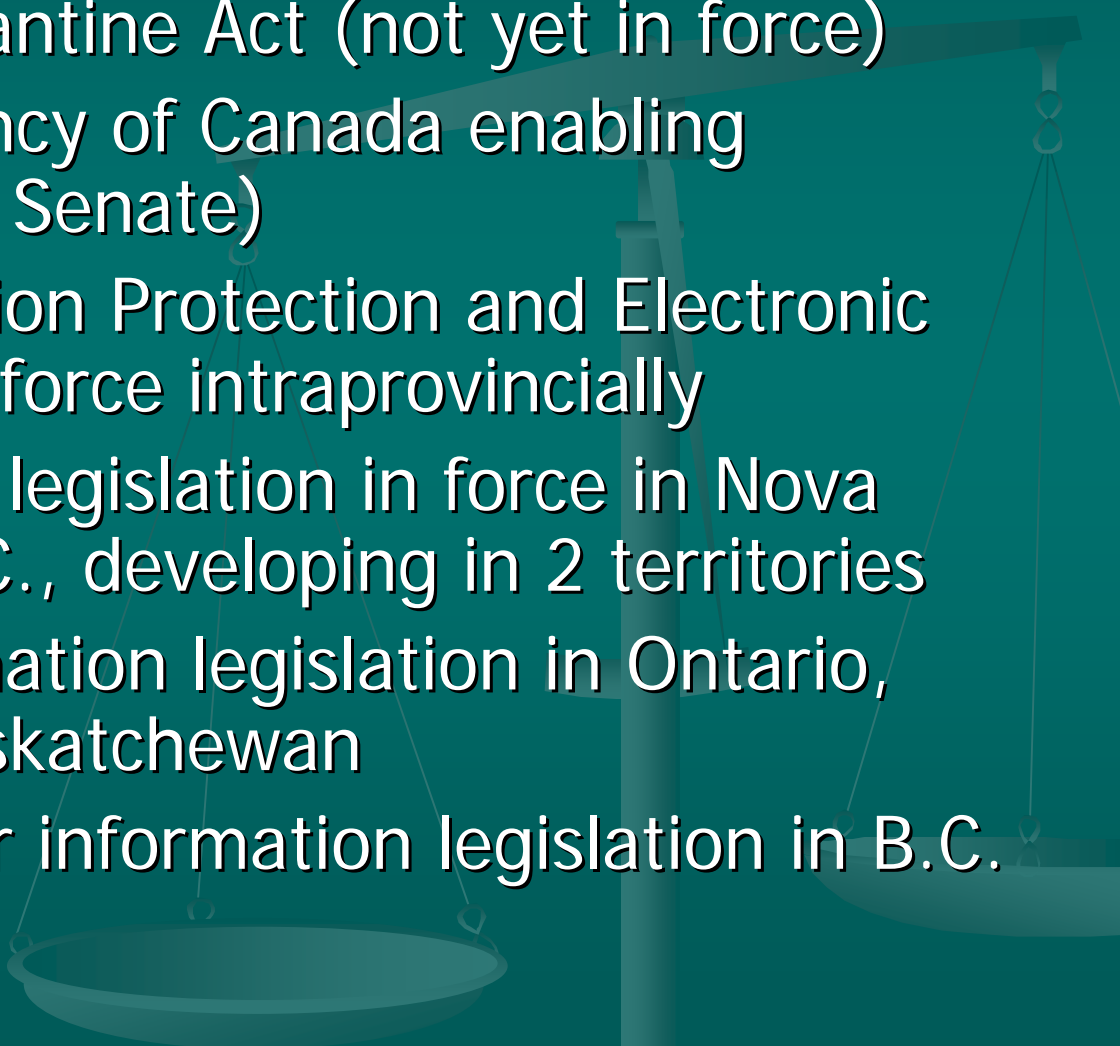


Legal Context




- Public health – jurisdiction split
- Information – jurisdiction split
- 8 federal statutes impacting directly
- 6 types of provincial statutes impacting directly
- Canadian Charter of Rights and Freedoms
- Quebec Charter of Human Rights and Freedoms

Legal Developments in Last Three Years

- New federal Quarantine Act (not yet in force)
 - Public Health Agency of Canada enabling legislation (before Senate)
 - Personal Information Protection and Electronic Documents Act in force intraprovincially
 - New public health legislation in force in Nova Scotia, draft in B.C., developing in 2 territories
 - New health information legislation in Ontario, and in force in Saskatchewan
 - New private sector information legislation in B.C.
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Critiques of Auditor General Canada (1999):

- Weak national surveillance system
 - Lack of legislation clarifying roles of levels of government
 - Provinces and territories not obliged to report most communicable diseases to feds or other provinces/territories
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Must the province report to other governments?

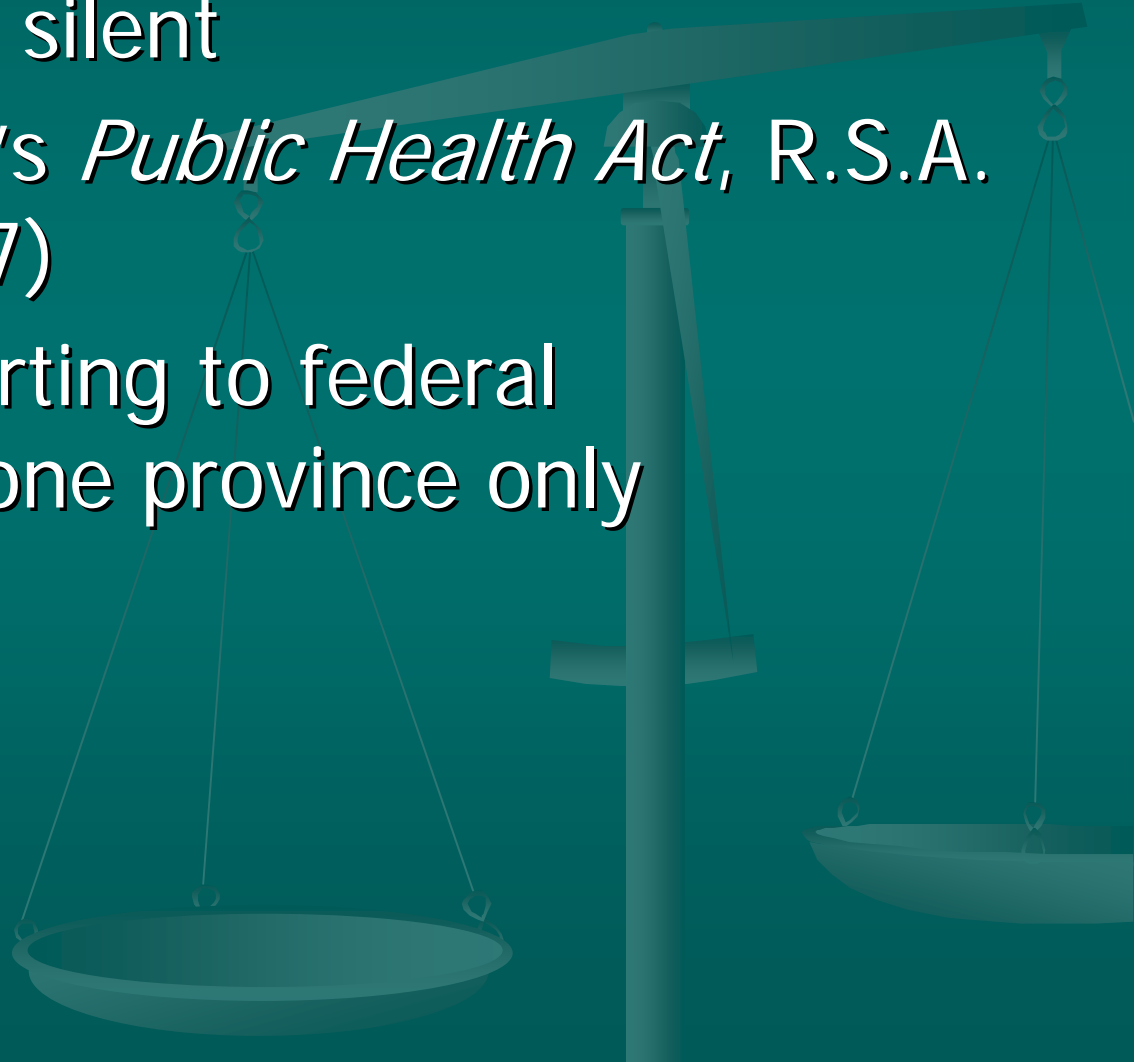
- Some provinces/territories provide permissively for reporting to other provinces/federal government:

The minister or chief medical officer of health is authorized to provide to and obtain information from a department or agency of the government of Canada or of another province or territory "for the purpose of preventing, controlling or dealing with a threat to public health."

Manitoba *Public Health Act*, C.C.S.M., c. P-201, s.12.2(1).

Must the province report to other governments?

- Some provinces silent
(e.g. Alberta's *Public Health Act*, R.S.A. 2000, c. P-37)
- Mandatory reporting to federal government in one province only

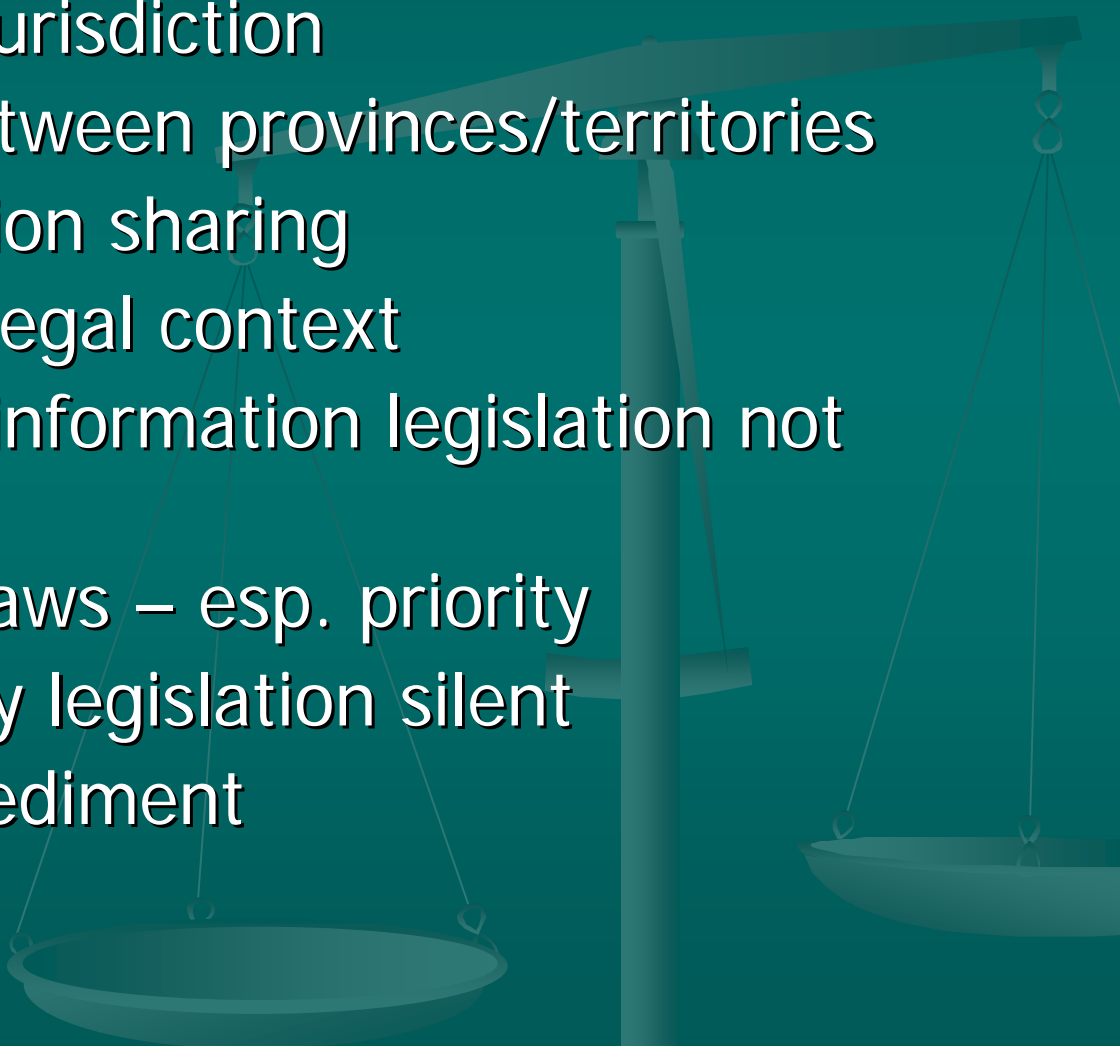


Must the province report to other governments?

- P.E.I. government must provide: "...a monthly compilation of all reports of notifiable diseases, with further information as may be required,...to the appropriate agencies of the Government of Canada for the purposes of national disease surveillance."

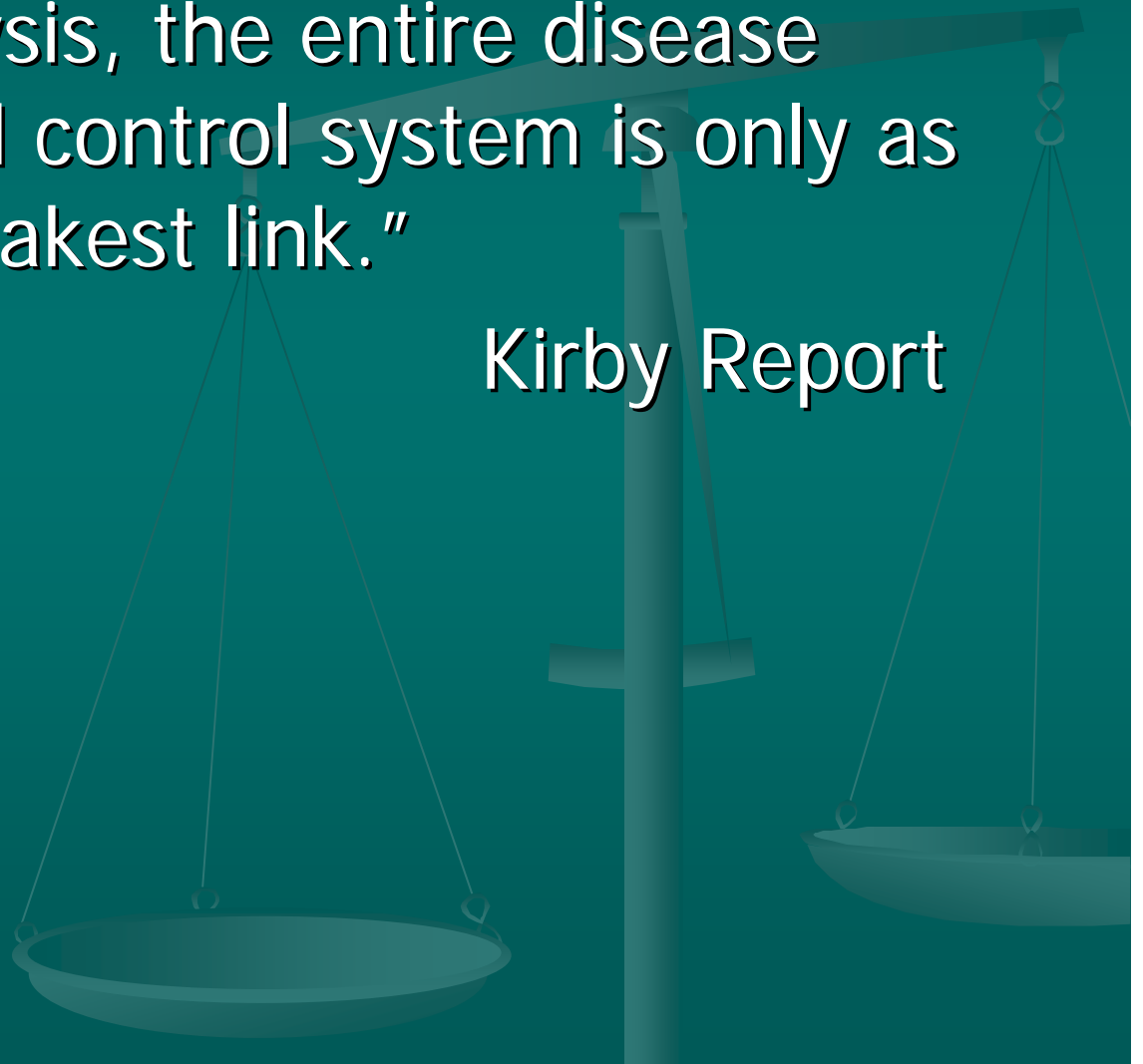
Notifiable and Communicable Diseases Regulations, P.E.I. Reg. 330/85, s. 9.

Problems w/in Canada - Summary

- Mostly provincial jurisdiction
 - Major variation between provinces/territories
 - Weak on information sharing
 - Rapidly changing legal context
 - Public health and information legislation not harmonized
 - Lack of clarity re laws – esp. priority
 - Federal emergency legislation silent
 - Laws seen as impediment
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“In the final analysis, the entire disease surveillance and control system is only as strong as its weakest link.”

Kirby Report

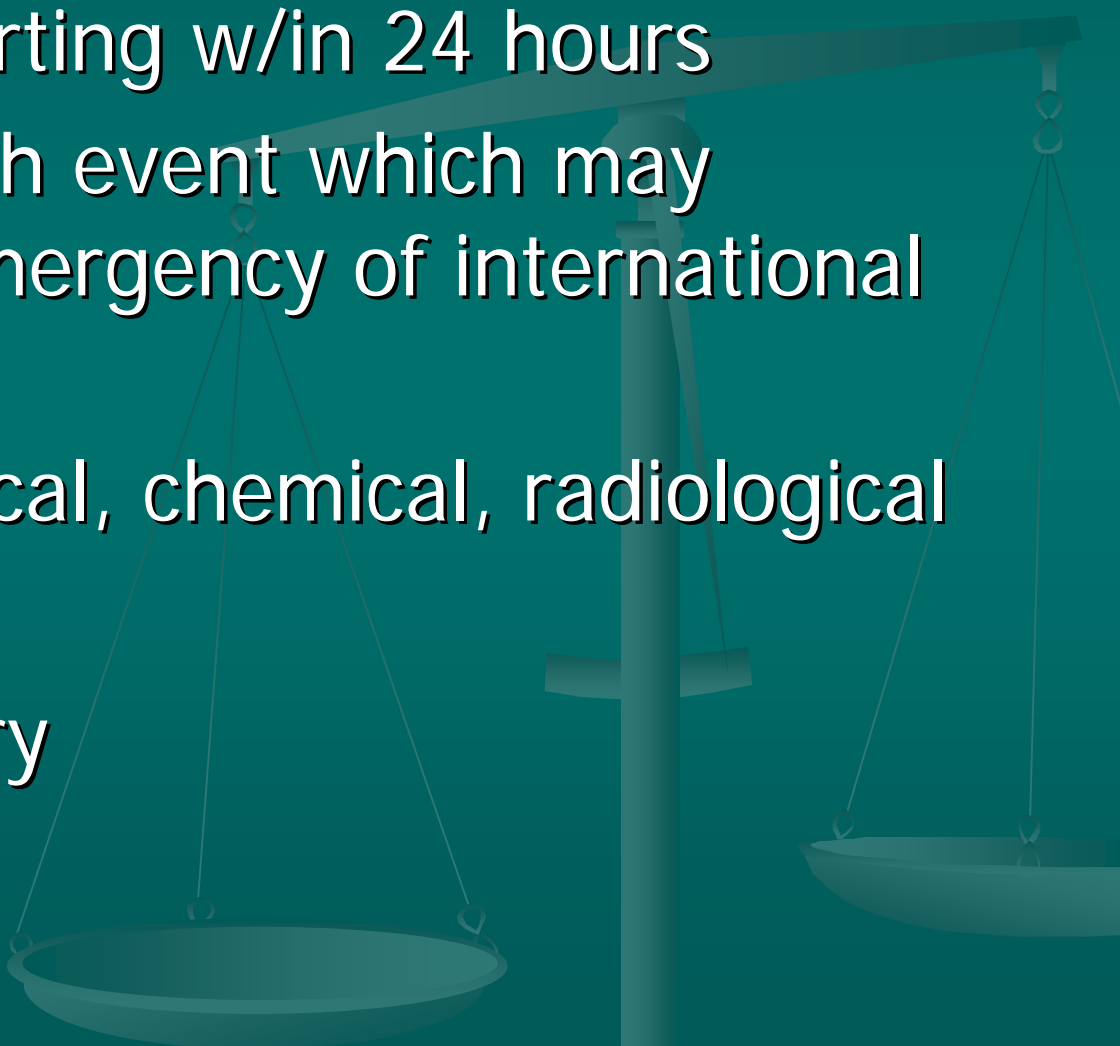


International Pressures/Obligations

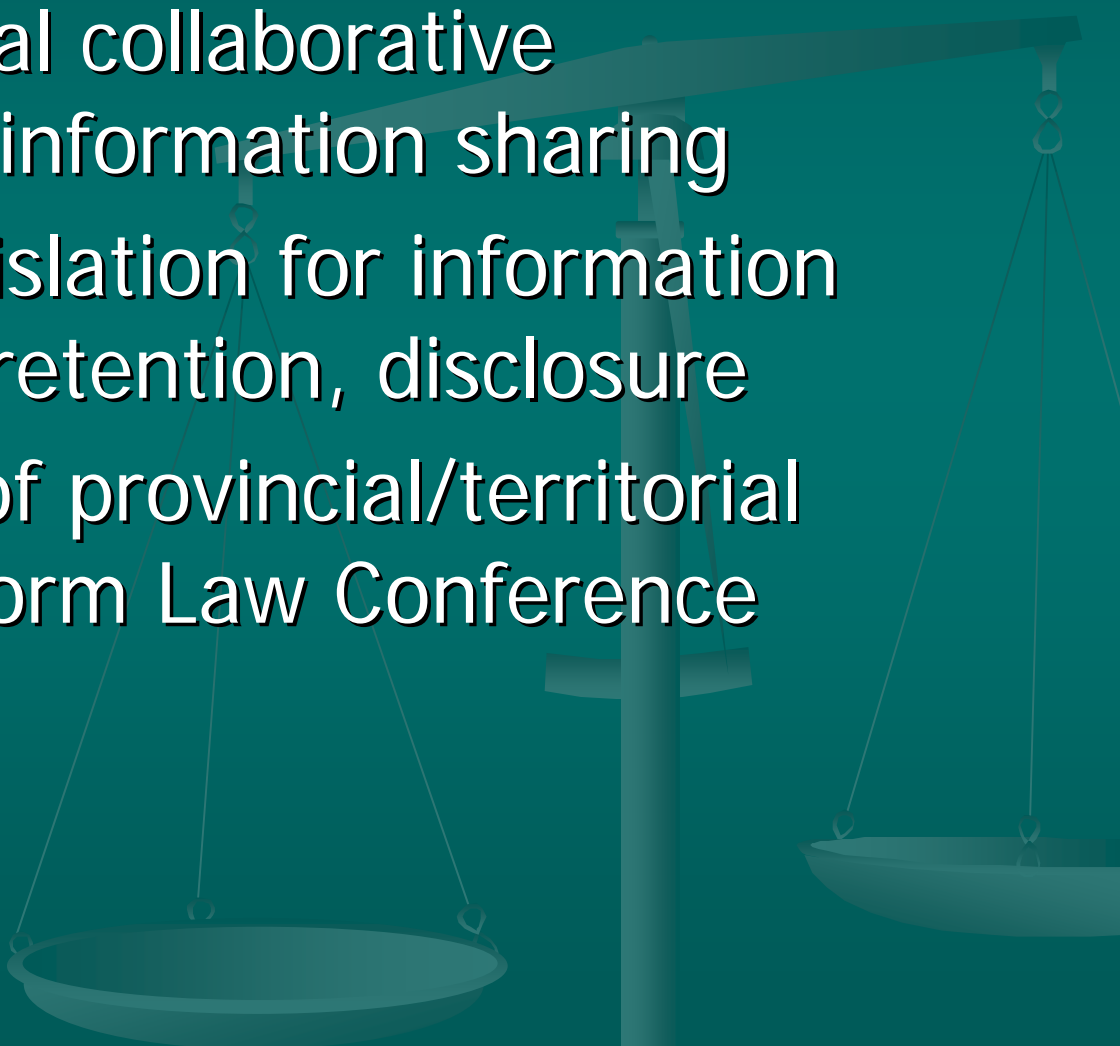
- European Union
- OECD Declaration 2004
- Patriot Act
- WHO International Health Regulations 2005



International Health Regulations 2005

- Mandatory reporting w/in 24 hours
 - Any public health event which may constitute an emergency of international concern
 - Includes biological, chemical, radiological
 - In force 2007
 - Canada signatory
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Ways Forward

- Interjurisdictional collaborative agreements for information sharing
 - New federal legislation for information collection, use, retention, disclosure
 - Harmonization of provincial/territorial legislation: Uniform Law Conference
 - GPhin
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The Challenge

- “There is a really strong need to have better protected but greater access to information ...” (emphasis added)

Campbell, quoting Public Health
Official

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