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Province of Prince Edward Island
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(Bill No. 35)

An Act to Amend the Health Information Act

Hon. Cory Deagle
Minister of Health and Wellness

GOVERNMENT BILL

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AMENDMENTS

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TITLE: **An Act to Amend the Health Information Act**

#	SECTION	AMENDMENT	DATE

NOTED:

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COMMITTEE CLERK

CERTIFIED CORRECT:

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CHAIR, IN COMMITTEE

AN ACT TO AMEND THE HEALTH INFORMATION ACT

BILL NO. 35 **2026**

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Health Information Act* R.S.P.E.I. 1988, Cap. H-1.41, is amended

(a) by the repeal of clause (a) and the substitution of the following:

(a) "**access record**" means a record referred to in section 68 or 73.2;

(a.1) "**agent**", in relation to a custodian, means a person who, with the authorization of the custodian, acts on behalf of and for the purposes of the custodian in respect of personal health information, with or without remuneration or the authority to bind the custodian, and may include an employee, volunteer, contractor, information manager or other person prescribed as an agent;

(b) by the addition of the following after clause (g):

(g.1) "**DIS**" means the pharmacy network and database continued under Part 7.1;

(c) by the addition of the following after clause (h):

(h.1) "**electronic health information system**" means a system that uses electronic technology to collect, store, process, retrieve and disseminate personal health information;

(d) by the addition of the following after clause (s):

(s.1) "**PEI EHR**" means the electronic health information system established and continued under Part 7;

2. Section 9 of the Act is amended

(a) in clause (a), by the addition of the words "a record of**" after the words "**shall not permit**"; and**

(b) in clause (b), by the addition of the words "copy of a record of**" after the words "**ensure that any**".**

3. Subsection 10(1) of the Act is amended in the words before clause (a), by the addition of the words "a record of**" before the words "**the individual's personal health information**".**

4. Clause 13(10)(c) of the Act is amended by the deletion of the words "as set out in Part 7**".**

5. Section 18 of the Act is amended

(a) in clause (m), by the deletion of the words "as set out in Part 7**";**

(b) by the repeal of clause (n) and the substitution of the following:

(n) the custodian is collecting personal health information by means of the PEI EHR;

(c) in clause (o), by the deletion of the words "as set out in Part 7.1**"; and**

(d) by the repeal of clause (p) and the substitution of the following:

(p) the custodian is collecting personal health information by means of the DIS.

6. Section 24 of the Act is amended by the addition of the following after subsection (3):

Disclosure within 30 days

(3.1) A custodian shall disclose personal health information under clause (3)(a) within 30 days of receiving the written request.

7. Clause 25(1)(b) of the Act is repealed and the following substituted:

(b) the implementation or significant modification of health information or communications technology, including an electronic health information system;

8. Subsection 34(2) of the Act is amended

(a) in clause (a), by the deletion of the words "the information system of the custodian**" and the substitution of the words "**an electronic health information system established and maintained by the custodian**"; and**

(b) in clause (b), by the addition of the words "and retains for at least 10 years**" after the word "**keeps**".**

9. The Act is amended by the addition of the following after section 39:

39.1 Additional safeguards for electronic health information systems

A custodian who establishes and maintains an electronic health information system shall adopt any additional information practices required by the regulations.

10. **Subsections 50(1) and (2) of the Act are amended by the deletion of the words "**section 8 or 11**" and the substitution of the words "**section 8, 11, 68 or 73.2**".**

11. **Subsection 54(4) of the Act is amended by the deletion of the words "**Minister of Environment, Labour and Justice and Attorney General**" and the substitution of the words "**Minister of Justice and Public Safety and Attorney General**".**

12. (1) **Subsection 58(1) of the Act is amended by the addition of the words "**or access to an access record**" after the words "**personal health information**".**

(2) **Subsection 58(4) of the Act is amended by the addition of the words "**or an access record**" after the words "**personal health information**".**

13. **Subsection 63(1) of the Act is repealed and the following substituted:**

63. Onus of proof – custodian

(1) If an inquiry under section 61 relates to a decision by a custodian to refuse an applicant access to all or part of a record of personal health information or an access record, it is up to the custodian to prove that the applicant has no right of access to the record.

14. **Subsection 64(2) of the Act is repealed and the following substituted:**

Order – access to record

(2) If the inquiry relates to a decision to give or refuse to give access to all or part of a record of personal health information or an access record, the Commissioner may, by order, do the following:

(a) require the custodian to give the applicant access to all or part of the record, if the Commissioner determines that the custodian is not authorized or required to refuse access to the record;

(b) either confirm the decision of the custodian or require the custodian to reconsider it, if the Commissioner determines that the custodian is authorized to refuse access to the record;

(c) require the custodian to refuse access to all or part of the record, if the Commissioner determines that the custodian is required to refuse access to the record.

15. **Sections 67 to 73 of the Act are repealed and the following substituted:**

67. Minister may maintain

(1) The Minister may maintain and modify the electronic health information system, known as the PEI EHR, established and continued under this Part, which integrates data from multiple electronic health information systems, networks and databases for the purpose of facilitating

(a) the creation and maintenance of a comprehensive electronic record of an individual's prescribed personal health information;

(b) the shared access to and use of prescribed personal health information in a secure environment by custodians and other persons in accordance with the regulations;

(c) the provision of health care throughout the province, including financing, monitoring, evaluating and planning the provision of health care; and

(d) any other activity set out in the regulations.

Delegation by Minister

(2) The Minister may delegate the Minister's powers and duties under this Act and the regulations respecting establishing and maintaining the PEI EHR.

68. Username or number

(1) The Minister shall ensure that a unique username or number is assigned to each individual user who is granted access to the PEI EHR in accordance with the regulations.

Access record

(2) The Minister shall ensure that the PEI EHR automatically keeps and retains for at least 10 years an electronic record of the following information each time a user accesses the PEI EHR:

(a) the unique username or number of the user accessing the PEI EHR;

(b) a description of the personal health information accessed;

(c) the date and time the personal health information is accessed.

Right to access record

(3) Except as otherwise provided in this Act or the regulations, an individual has a right, on request, to examine or receive a copy of an access record, including the name attached to each username or number, respecting the individual's personal health information accessed by means of the PEI EHR.

Request to Minister

(4) An individual may make a request to the Minister in the manner required by the Minister to examine or receive a copy of an access record respecting access to the individual's personal health information at a specified time, during a specified period or by a specified user, or access to specified personal health information.

Assistance to clarify request

(5) The Minister shall, if necessary, offer to assist the individual to clarify the request.

Time to respond

(6) The Minister shall respond to a request within 60 days of receiving it and failure to do so is considered a refusal of the request.

Response to request

(7) In responding to a request, the Minister shall

(a) make the requested access record available to the individual for examination or provide a copy of the access record to the individual;

(b) advise the individual in writing that the Minister is unable to fulfill the request and the reason the Minister is unable to do so; or

(c) advise the individual in writing that the request is refused, in whole or in part, the reason for the refusal and that the individual has a right to request a review of the refusal under Part 6.

Assistance to review access record

(8) The Minister shall, on request, assist an individual to review an access record.

Protection of privacy

(9) The Minister shall

(a) confirm the identity of the individual making a request before making the requested access record available to the individual for examination or providing a copy of the access record to the individual; and

(b) take reasonable steps to ensure that an access record is made available or a copy provided in a secure manner to the intended individual.

69. Application of other Parts

Except as otherwise provided in the regulations, nothing in this Part affects the application or operation of any provision in another Part of this Act.

16. Sections 73.1 to 73.9 of the Act are repealed and the following substituted:

73.1 Minister may maintain

(1) The Minister may maintain and modify the pharmacy network and database, known as the DIS, continued under this Part for the purposes of

(a) maintaining medication profiles of individuals, monitoring beneficial and adverse effects of drug therapy, and preventing drug interactions;

(b) establishing and administering provincial drug programs;

(c) planning, evaluation and research related to drug therapy and drug programs;

(d) monitoring drug prescribing and dispensing practices for the purposes of the *Narcotics Safety and Awareness Act* R.S.P.E.I. 1988, Cap. N-.01; and

(e) any other purposes set out in the regulations.

Delegation by Minister

(2) The Minister may delegate the Minister's powers and duties under this Act and the regulations respecting establishing and maintaining the DIS.

73.2 Username or number

(1) The Minister shall ensure that a unique username or number is assigned to each individual user who is granted access to the DIS in accordance with the regulations.

Access record

(2) The Minister shall ensure that the DIS automatically keeps and retains for at least 10 years an electronic record of the following information each time a user accesses the DIS:

(a) the unique username or number of the user accessing the DIS;

(b) a description of the personal health information accessed;

(c) the date and time the personal health information is accessed.

Right to access record

(3) Except as otherwise provided in this Act or the regulations, an individual has a right, on request, to examine or receive a copy of an access record, including the name attached to each username or number, respecting the individual's personal health information accessed in the DIS.

Request to Minister

(4) An individual may make a request to the Minister in the manner required by the Minister to examine or receive a copy of an access record respecting access to the individual's personal health information at a specified time, during a specified period or by a specified user, or access to specified personal health information.

Assistance to clarify request

(5) The Minister shall, if necessary, offer to assist the individual to clarify the request.

Time to respond

(6) The Minister shall respond to a request within 60 days of receiving it and failure to do so is considered a refusal of the request.

Response to request

(7) In responding to a request, the Minister shall

(a) make the requested access record available to the individual for examination or provide a copy of the access record to the individual;

(b) advise the individual in writing that the Minister is unable to fulfill the request and the reason the Minister is unable to do so; or

(c) advise the individual in writing that the request is refused, in whole or in part, the reason for the refusal and that the individual has a right to request a review of the refusal under Part 6.

Assistance to review access record

(8) The Minister shall, on request, assist an individual to review an access record.

Protection of privacy

(9) The Minister shall

(a) confirm the identity of the individual making a request before making the requested access record available to the individual for examination or providing a copy of the access record to the individual; and

(b) take reasonable steps to ensure that an access record is made available or a copy provided in a secure manner to the intended individual.

73.3 Application of other Parts

Except as otherwise provided in the regulations, nothing in this Part affects the application or operation of any provision in another Part of this Act.

17. (1) Subsection 81(1) of the Act is amended by the addition of the following after clause (s):

(s.1) prescribing controls and safeguards to protect personal health information held in an electronic health information system from unauthorized access, use or disclosure;

(2) Subsection 81(2) of the Act is repealed and the following substituted:

Regulations respecting PEI EHR

(2) The Lieutenant Governor in Council may make regulations respecting the PEI EHR, including regulations

(a) respecting access to the PEI EHR, including

(i) limiting access to certain custodians or other persons,

(ii) requirements for access,

(iii) suspending or cancelling access, and

(iv) prohibiting access without authorization;

(b) respecting access records kept by the PEI EHR and access to them by individuals;

(c) respecting the collection, use and disclosure of personal health information or other information held in the PEI EHR;

(d) requiring or providing for custodians or other persons to be electronically linked to the PEI EHR;

(e) requiring custodians to record personal health information in the PEI EHR;

(f) respecting the circumstances, time and manner in which a custodian is required to record personal health information in the PEI EHR;

(g) prescribing the personal health information to be recorded in the PEI EHR by a custodian;

(h) respecting authorizing an individual to record personal health information about the individual in the PEI EHR, including the circumstances, time and manner in which an individual may do so;

(i) prescribing the personal health information an individual may record in the PEI EHR;

(j) requiring users to enter into an agreement with the Minister respecting access to the PEI EHR and the use and disclosure of personal health information held in the PEI EHR;

(k) respecting procedures, systems and safeguards to protect personal health information accessible by means of the PEI EHR from unauthorized access, use or disclosure;

(l) respecting the audit or monitoring of any matter related to the PEI EHR;

(m) respecting any other matter related to the PEI EHR that the Lieutenant Governor in Council considers necessary or advisable.

(3) Subsection 81(3) of the Act is amended by the deletion of the words "subsection (1) or (2)**" and the substitution of the words "**subsection (1), (2) or (5)**".**

(4) Subsection 81(5) of the Act is repealed and the following substituted:

Regulations respecting DIS

(5) The Lieutenant Governor in Council may make regulations respecting the DIS, including regulations

(a) respecting access to the DIS, including

(i) custodians or other persons who may access the DIS,

(ii) requirements for access,

(iii) suspending or cancelling access, and

(iv) prohibiting access without authorization;

(b) respecting access records kept by the DIS and access to them by individuals;

(c) respecting the collection, use and disclosure of personal health information or other information held in the DIS;

(d) requiring or providing for custodians to be electronically linked to the DIS;

(e) requiring custodians to collect and record personal health information in the DIS;

(f) respecting the circumstances, time and manner in which a custodian is required to collect and record personal health information in the DIS;

(g) prescribing the personal health information to be collected and recorded in the DIS by a custodian;

(h) respecting authorizing an individual to record personal health information about the individual in the DIS, including the circumstances, time and manner in which an individual may do so;

(i) prescribing the personal health information an individual may record in the DIS;

(j) requiring users to enter into an agreement with the Minister respecting access to the DIS and the use and disclosure of personal health information held in the DIS;

(k) respecting procedures, systems and safeguards to protect personal health information stored in the DIS from unauthorized access, use or disclosure;

(l) respecting the audit or monitoring of any matter related to the DIS;

(m) respecting any other matter related to the DIS that the Lieutenant Governor in Council considers necessary or advisable.

18. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Health Information Act* to add definitions of "access record", "DIS", "electronic health information system" and "PEI EHR".

SECTION 2 amends section 9 of the Act to refer to a record of personal health information in keeping with the rest of the Part.

SECTION 3 amends subsection 10(1) of the Act to refer to a record of personal health information in keeping with the rest of the Part.

SECTION 4 amends clause 13(10)(c) of the Act to reflect the definition of "DIS" added to the Act.

SECTION 5 amends clauses 18(m), (n), (o) and (p) of the Act to reflect new definitions added to the Act and amendments to Part 7 and Part 7.1 of the Act.

SECTION 6 adds subsection 24(3.1) to the Act requiring a custodian to disclose personal health information to a professional regulatory body under clause 24(3)(a) within 30 days of receiving the request for the information.

SECTION 7 repeals and replaces clause 25(1)(b) of the Act to improve the wording and ensure terminology used throughout the Act is consistent.

SECTION 8 amends clause 34(2)(a) of the Act to ensure terminology used throughout the Act is consistent and amends clause 34(2)(b) of the Act to require that an electronic log be retained for at least 10 years.

SECTION 9 adds section 39.1 to the Act requiring a custodian who establishes and maintains an electronic health information system to adopt any additional information practices required by the regulations.

SECTION 10 amends subsections 50(1) and (2) of the Act to include requests made respecting access to access records as requests that the Commissioner may authorize a custodian to disregard in specified circumstances.

SECTION 11 amends subsection 54(4) of the Act to update the name of the Minister of Justice and Public Safety and Attorney General.

SECTION 12 amends subsection 58(1) of the Act to provide for an individual to ask the Commission to review a decision, act or failure to act of a custodian respecting a request to access an access record.

It also amends subsection 58(4) of the Act to provide that the failure of a custodian to respond within the required time limit to a request for access to an access record is considered a refusal of the request.

SECTION 13 repeals and replaces subsection 63(1) of the Act to address the onus of proof in an inquiry respecting a refusal to provide access to either a record of personal health information or an access record.

SECTION 14 repeals and replaces subsection 64(2) of the Act to provide for the Commissioner to make an order respecting either a record of personal health information or an access record.

SECTION 15 repeals sections 67 to 73 of the Act and substitutes new sections 67 to 69 to facilitate moving most of the existing contents of Part 7 of the Act to the regulations for flexibility. The new section 68 sets out a clear right of an individual to examine or receive a copy of an access record respecting the individual's personal health information accessed by means of the PEI EHR and a process for making and responding to the request.

SECTION 16 repeals sections 73.1 to 73.9 of the Act and substitutes a new section 73.1 to facilitate moving most of the existing contents of Part 7.1 of the Act to the regulations for flexibility. The new section 73.2 sets out a clear right of an individual to examine or receive a copy of an access record respecting the individual's personal health information accessed in the DIS and a process for making and responding to the request.

SECTION 17 amends subsection 81(1) of the Act to add regulation-making powers related to electronic health information systems. It repeals and replaces subsection 81(2) of the Act to update the regulation-making powers related to the PEI EHR. It amends subsection 81(3) of the Act to include a reference to subsection 81(5) of the Act. It also repeals and replaces subsection 81(5) of the Act to update regulation-making powers related to the DIS.

SECTION 18 provides for the commencement of this Act.

(Bill No. 35)

An Act to Amend the Health Information Act

STAGE:	***DATE:***
1st Reading:	November 17, 2026
2nd Reading:	
To Committee:	
Reported:	
3rd Reading and Pass:	
Assent:	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Brad Trivers, Speaker

Joseph Jeffrey, Clerk

Hon. Cory Deagle
Minister of Health and Wellness

GOVERNMENT BILL

2026
3rd SESSION, 67th GENERAL ASSEMBLY