



Vistas

psychotherapy & wellness

Provincial Health Privacy Legislation Comparison

Province	Primary Health Privacy Law	Primary Oversight Body	Key Rule Differences for Ontario RPs
Ontario	PHIPA	IPC Ontario	The baseline for RPs. Focuses on "Health Information Custodians" (HICs).
Quebec	Bill 64 / Law 25	CAI Quebec	Highest strictness. Requires "Privacy Impact Assessments" for any data transferred outside Quebec. Strict "Right to be Forgotten."
Alberta	HIA	OIPC Alberta	Defines "Custodians" strictly. Requires mandatory reporting of breaches to the Commissioner if there is "risk of harm."

BC	FIPPA / PIPA	OIPC BC	Data Residency: Historically strict about data staying in Canada. Publicly funded RPs must ensure data is stored/accessed only in Canada.
New Brunswick	PHIPAA	Ombud NB	Similar to PHIPA. Declared "substantially similar" to federal PIPEDA.
Nova Scotia	PHIA	NS Privacy Review Officer	Explicit "Duty to Assist" individuals in accessing their records.
Manitoba	PHIA	Ombudsman MB	Mandatory "Pledge of Confidentiality" for all employees/agents handling data.
Saskatchewan	HIPA	Sask. OIPC	Strong emphasis on "comprehensive" security audits for electronic systems.

Critical "Cross-Border" Data Management Rules

If you are an Ontario-based RP treating a client in another province, keep these three "friction points" in mind:

1. Data Residency (Where is the data stored?)

While Ontario's PHIPA is relatively flexible about cloud storage (as long as it is secure), **British Columbia** and **Nova Scotia** have historically had much stricter "sovereignty" rules for public bodies. If your client's care is funded through a provincial program, you may be legally required to use servers located **exclusively in Canada**.

Tip: Use a Canadian-hosted platform (e.g., Jane App, Owl Practice) to minimize this risk across all provinces.

2. Breach Notification Requirements

If a data breach occurs (e.g., you lose a laptop or a hacked email), your reporting window varies:

- **In Ontario:** You must notify the IPC and the client.
- **In Alberta:** You must notify the Commissioner if the breach creates a "real risk of significant harm."
- **In Quebec:** Recent updates (Law 25) require keeping a "Breach Register" and reporting "Serious Incidents" immediately to the CAI and the client.

3. The "Substantially Similar" Status

The federal law (**PIPEDA**) applies to commercial activities unless a province has its own "substantially similar" law.

- **Regulated Provinces (ON, QC, NB, NS, NL, PEI):** Use the provincial health act.
- **Unregulated Provinces/Territories:** You must follow **PIPEDA** in addition to your CRPO standards.

When practicing cross-border from Ontario, you are governed by the **Ontario College of Registered Psychotherapists (CRPO)** standards, but you must also comply with the specific statutes of the province where your **client** is located.

While the "Duty to Report" child abuse is universal across Canada, the age of protection and the specific reporting triggers for elder abuse or self-harm vary significantly.

Mandatory Reporting Requirements by Province/Territory

Province / Territory	Child Protection Age	Mandatory Elder/Adult Abuse Reporting?	Mandatory Health Professional Breach/Misconduct?
Ontario	Under 16 (Mandatory)	Yes, if in Long-Term Care or	Yes. Must report sexual abuse or incompetence of

	16–17 (Permitted)	Retirement Home.	another HCP to their College.
BC	Under 19	No , but "Duty to Assist" exists for vulnerable adults.	Yes . Duty to report if another professional's practice puts the public at risk.
Alberta	Under 18	Yes , under <i>Protection for Persons in Care Act</i> (publicly funded care).	Yes . Mandatory reporting of "unfit to practice" colleagues.
Quebec	Under 18	Yes , mandatory for anyone to report abuse of "vulnerable persons."	Very Strict . Law 25 requires reporting privacy breaches within 72 hours.
Manitoba	Under 18	No (unless in specific care facilities).	Yes , if a colleague's health/conduct compromises safety.
Nova Scotia	Under 16 (Mandatory)	Yes , under the <i>Adult Protection Act</i> (if victim lacks capacity).	Yes , per PHIA and professional regulations.

	16–18 (Permitted)		
Saskatchewan	Under 16	No (general duty).	Yes , specifically regarding "unfit" practitioners.
Yukon / NWT / Nunavut	Under 18 (YT/NWT) Under 16 (NU)	Varies , generally mandatory for "adults in need of protection."	Follows PIPEDA for privacy breaches (Real Risk of Significant Harm).

Critical Practical Differences for Ontario RPs

1. The "Age of Protection" Gap

In Ontario, your legal **mandatory** duty ends at age 16 (though you may still report 16 and 17-year-olds). However, if you are treating a 17-year-old in **Alberta, BC, or Quebec**, you are legally mandated to report suspected abuse because their provincial age of protection is 18 (or 19 in BC).

2. Elder and Vulnerable Adult Abuse

Ontario's mandatory reporting for elders is largely confined to residents of **Long-Term Care or Retirement Homes**.¹ If your client is in **Nova Scotia or New Brunswick**, the *Adult Protection Act* may require you to report abuse of *any* adult who is unable to care for themselves due to physical or mental infirmity, regardless of where they live.

3. Privacy Breach Reporting ("Mandatory Reporting to the Commissioner")

If you lose a client's data:

- **In Ontario:** You must notify the Ontario IPC and the client.
- **In Alberta/Federal (PIPEDA):** You only report if it meets the "Real Risk of Significant Harm" (RROSH) threshold.
- **In Quebec:** You must report to the CAI if there is a "risk of serious injury"—a threshold often interpreted more strictly than RROSH.

Clinical Impact

When starting with a cross-border client, your **Informed Consent** must reflect the laws of *their* jurisdiction. For example, your "Limits of Confidentiality" section should specify: *"If you are located in British Columbia, I am required by BC law to report concerns regarding any youth under the age of 19."*

As a Registered Psychotherapist (RP) in Ontario, navigating the "patchwork" of provincial laws is a complex professional task. The following disclaimer is designed to protect your professional boundaries by clarifying that this information does not constitute a legal opinion.

Legal & Professional Disclaimer

Purpose and Scope

The information provided in the charts and summaries above is for **informational and educational purposes only**. It is intended to offer a general overview of provincial legislation and should not be construed as legal advice, a legal opinion, or a substitute for professional legal counsel.