

A Trustee's Guide to:
Information Manager Agreements
Required by The Personal Health Information Act

An Information Manager is defined in *The Personal Health Information Act* (PHIA) as a person or body that processes, stores or destroys personal health information for a trustee, or provides information management or information technology services to a trustee. Whenever a trustee contracts with an outside organization to provide such a service, subsection 25(3) of PHIA requires that the two persons or organizations enter into a formal Information Manager Agreement.

PHIA imposes obligations on trustees, including health facilities, health professionals and government bodies, when collecting, retaining, sharing, and destroying personal health information. The purpose of the Agreement is to extend these obligations to information managers, thus ensuring that personal health information remains confidential once released to these outside bodies.

There is no template for Information Manager Agreements as each agreement will be specific to the persons and/or organizations involved, and the services to be provided. The following guidelines may be helpful in drafting your own unique document. As such an agreement is a legally binding document, you should involve your lawyer in the drafting process.

An Information Manager Agreement should include:

- the date the information manager will begin to provide services under the agreement and, if applicable, the expiry date of the agreement;
- a provision limiting the use and disclosure of personal health information to those employees and agents of the information manager who need to know the information to carry out the agreement;
- a provision outlining the security measures in place to protect the information while it is in the custody or under the control of the information manager;
- a provision stating that the information manager will ensure that its employees and agents comply with the Act and the regulations, as well as the trustee's policies concerning personal health information; and,
- a provision permitting the trustee to amend or terminate the agreement if the trustee is of the opinion that security of the personal health information is or may be compromised.

Please note that this document should be viewed as a guide only. *It is not comprehensive and should not be considered a substitute for the legislation.* Copies of PHIA and its regulation are available via: <http://www.gov.mb.ca/health/phia/index.html>. For more information specific to Information Manager Agreements, refer to section 25 of the Act.