



Personal Information Protection Act

PERSONAL INFORMATION PROTECTION
ACT REGULATIONS

B.C. Reg. 473/2003

Deposited December 12, 2003 and effective January 1, 2004
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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 473/2003 (O.C. 1234/2003), deposited December 12, 2003 and effective January 1, 2004, is made under the *Personal Information Protection Act*, S.B.C. 2003, c. 63, s. 58.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Prepared by:
Office of Legislative Counsel
Ministry of Attorney General
Victoria, B.C.

Personal Information Protection Act

**PERSONAL INFORMATION PROTECTION ACT
REGULATIONS
B.C. Reg. 473/2003**

Contents

- 1 Definitions
- 2 Who may act for minors and others
- 3 Who may act for deceased persons
- 4 Determination of nearest relative
- 5 Disclosure of health care information
- 6 Prescribed source of public information

Definitions

- 1** In this regulation:

“**Act**” means the *Personal Information Protection Act*;

“**committee**” means a committee under the *Patients Property Act*;

“**health care professional**” means a medical practitioner, psychologist, registered nurse or registered psychiatric nurse;

“**nearest relative**” means the first person in the following order of priority:

- (a) spouse;
- (b) adult child;
- (c) parent;
- (d) adult brother or sister;
- (e) other adult relation by birth or adoption;

“**spouse**” means a person who

- (a) is married to another person, or
- (b) is living with another person in a marriage-like relationship for at least one year immediately before the death of the other person.

[am. B.C. Reg. 377/2012, s. 1.]

Who may act for minors and others

- 2** (1) In this section, “**representative**” means any of the following persons:

- (a) a committee under the *Patients Property Act*;
- (b) an attorney acting under an enduring power of attorney;
- (c) a litigation guardian;
- (d) a representative under the *Representation Agreement Act*.

- (2) Subject to subsection (3), the guardian of a minor may

- (a) exercise the rights of the minor under section 23 of the Act, if the minor is incapable of exercising the minor’s rights under that section,

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- (b) make a request for the minor under section 24 of the Act, if the minor is incapable of exercising the minor's rights under that section, and
 - (c) give or refuse consent to the collection, use and disclosure of personal information of the minor under the Act, if the minor is incapable of exercising that right.
- (3) If an individual has a representative, the representative may
- (a) exercise the rights of the individual under section 23 of the Act,
 - (b) make a request for the individual under section 24 of the Act, and
 - (c) give or refuse consent to the collection, use and disclosure of personal information of the individual under the Act.

[am. B.C. Regs. 377/2012, s. 2; 64/2021, s. 3.]

Who may act for deceased persons

- 3 (1) In this section:

“**estate**” means an estate within the meaning of the *Wills, Estates and Succession Act*;

“**representation grant**” means a representation grant within the meaning of the *Wills, Estates and Succession Act*;

“**will**” means a will within the meaning of the *Wills, Estates and Succession Act*.

- (2) The rights of a deceased individual under section 23 of the Act may be exercised by
- (a) the personal representative of the deceased individual, or
 - (b) if there is no personal representative,
 - (i) the nearest relative of the deceased individual, or
 - (ii) a lawyer retained to make an application to the court for a representation grant in respect of all or part of the estate of the deceased individual.
- (3) For greater certainty, and for the purposes of subsection (2) (a), a personal representative includes a person named as executor in the will of the deceased individual, whether or not a representation grant has been issued in respect of that will.
- (4) If an individual is deceased, the personal representative of the deceased individual or, if there is no personal representative, the nearest relative of the deceased individual may
- (a) make a request for the deceased individual under section 24 of the Act, and
 - (b) give or refuse consent to the collection, use and disclosure of personal information of the deceased individual under the Act.

[en. B.C. Reg. 298/2016.]

PERSONAL INFORMATION PROTECTION ACT REGULATIONS

Determination of nearest relative

- 4** (1) If the person who is referred to at the top of the order of the priority list of the definition of “nearest relative” is unavailable or unwilling to make a decision, then the right to act under sections 2 and 3 passes to the person who is next in priority.
- (2) If the right to act under section 2 or 3 passes to persons of equal rank in the list of persons in the definition of “nearest relative” then the right passes to the person who is eldest of the persons and descends in order of age.

Disclosure of health care information

- 5** (1) Subject to this section, before disclosing information to an individual under section 23 of the Act, an organization may disclose information relating to the mental or physical health of the individual to a health care professional for the purpose of obtaining an assessment from the health care professional as to whether the disclosure of that information could reasonably be expected to result in grave and immediate harm to the individual’s safety or mental or physical health.
- (2) A health care professional to whom information is disclosed under subsection (1) must not use or disclose the information except for the purposes of making an assessment described in subsection (1).
- (3) An organization must not disclose information to a health care professional under subsection (1), unless the health care professional has entered into a confidentiality agreement in the form provided by the organization.
- (4) If a copy of personal information is provided to a health care professional under subsection (1), the health care professional must return the copy to the organization as soon as possible after providing the health care professional’s assessment of the personal information to the organization.

[am. B.C. Reg. 64/2021, s. 3.]

Prescribed source of public information

- 6** (1) Subject to subsection (2), the following are sources of information available to the public, which are prescribed for the purposes of sections 12 (1) (e), 15 (1) (e) and 18 (1) (e) of the Act:
- (a) the name, address, telephone number and other personal information of a subscriber that appears in a telephone directory or is available through Directory Assistance if
- (i) the directory or the directory assistance service is available to the public, and
- (ii) the subscriber is permitted to refuse to have the subscriber’s personal information included in the directory or made available by directory assistance;

- (b) personal information of an individual that appears in a professional or business directory, listing or notice that is available to the public, if the individual is permitted to refuse to have the individual's personal information included in the directory;
 - (c) personal information appearing in a registry to which the public has a right of access, if the personal information is collected under the authority of an enactment, the laws of the government of Canada or a province or the bylaws of a municipality or other similar local authority in Canada;
 - (d) personal information that appears in a printed or electronic publication that is available to the public, including a magazine, book or newspaper in printed or electronic form.
- (2) An organization must not collect, use or disclose personal information about an individual from a source referred to in subsection (1) (d) if
- (a) a court has prohibited the publication or the continued publication of that personal information by the source, or
 - (b) the commissioner has made an order stating that the personal information from the source has been published contrary to the Act.

[am. B.C. Reg. 64/2021, s. 3.]

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