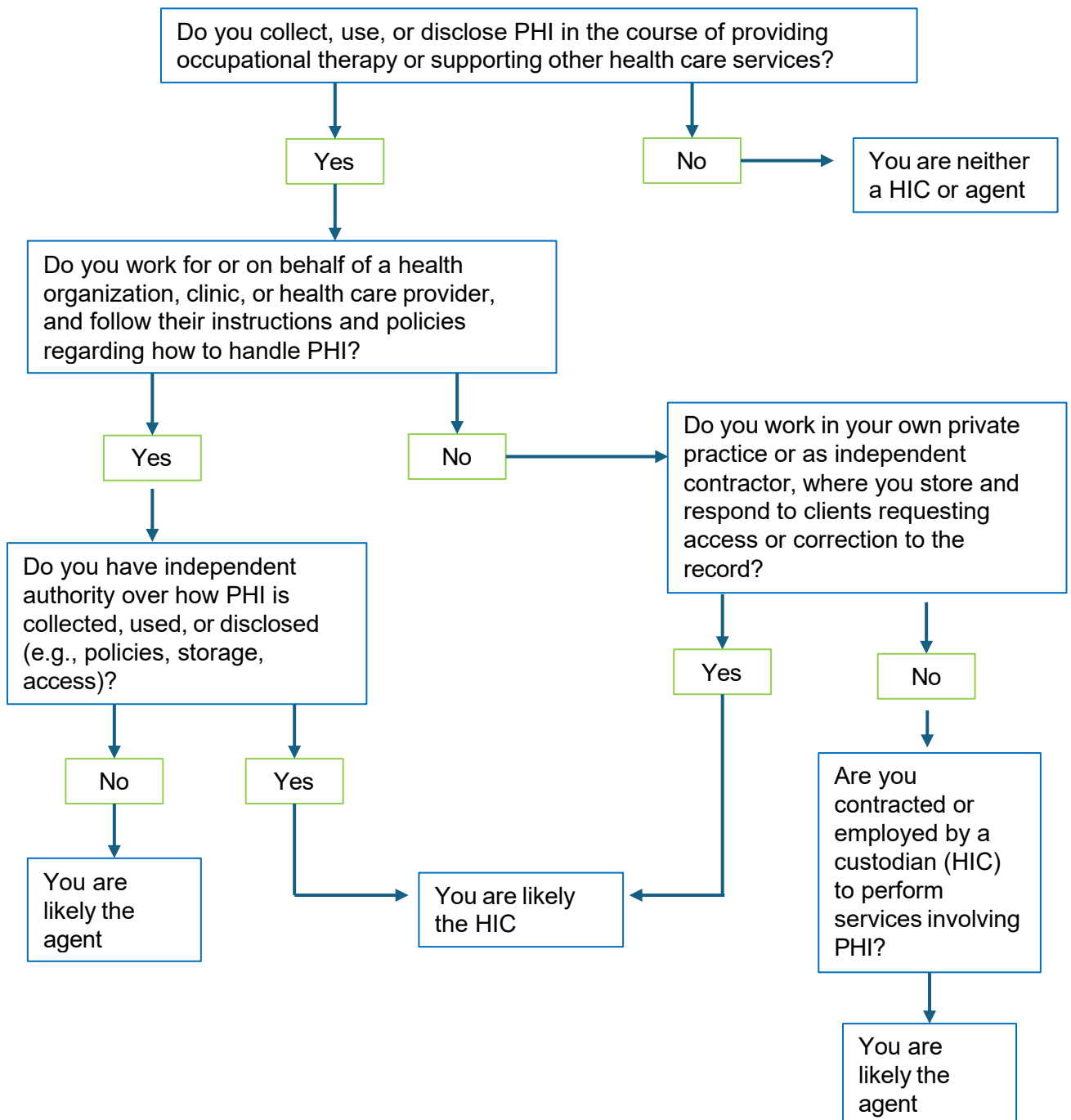


Am I a Health Information Custodian or Agent?

Occupational therapists need to collect, use, and disclose personal health information (PHI) about their clients to carry out their own work, and complete and retain records according to applicable privacy laws and organization-specific policies and procedures. For more information about privacy legislation, refer to COTO's guidance document on [Privacy Legislation and Occupational Therapy Practice | College of Occupational Therapists of Ontario](#).

As defined in PHIPA (s. 3 [1]), a **“health information custodian”** (HIC) is an individual or organization that has “custody or control of personal health information” because of their professional role and/or responsibilities. Under PHIPA, **“an agent”** is a person who is authorized to perform services or activities on behalf of a health information custodian (HIC).

The following decision tree can help OTs determine if they are a HIC or agent.



Note: Other privacy laws may apply depending on whether (1) the services provided (such as workplace evaluations or independent assessments) are considered healthcare or non-healthcare; and (2) the type of organization through which services are funded or delivered (municipal, provincial, or federal government or services to Indigenous communities). OTs should familiarize themselves with the privacy laws applicable to their practice to determine who is the custodian of the information.