

Client confidentiality and record-keeping



Reporting obligations and potential interventions under public health laws

The information in this section is very general. The law may differ from one province and territory to another. Public Health authorities may also use their powers differently in different parts of one province or territory. For more information, see the section on “Public health laws,” also in this resource kit.

- **Health professionals (like physicians and registered nurses) and labs have an obligation under public health laws to report cases of HIV and AIDS.** Sometimes the name of the person tested is reported with the positive test result, but sometimes it is not. If your organization is a multi-service organization that provides HIV-antibody testing or other medical services, some staff members may have reporting obligations. Public health may keep a record or a database of people who have been infected with HIV or other sexually transmitted infections (STIs). The database may include each person’s name, date of birth, gender, infection(s) and contact information. The type of information that gets reported to public health, and perhaps stored in a database, depends on the law and practice in a province or territory.
- **If a person tests positive for HIV or certain other STIs, public health will probably require that the person’s sex partners be contacted.** This is known as contact-tracing, partner counselling or partner notification. Public health authorities will probably ask the person who tested positive for information about his or her sex and drug injecting partners, including the partners’ names. They may ask the positive person or that person’s doctor to contact sex partners to tell them that they may have been exposed to HIV or another STI, and to advise them to seek testing, and if necessary, get medical care. Or public health authorities may contact sex partners directly with or without the person’s consent, depending on the circumstances and the public health unit. Generally accepted principles of good practice mandate that the person doing the partner notification not reveal the name or other identifying information of the person who is HIV-positive, although in practice and depending on the circumstance, a partner who is contacted may suspect or be able to determine their identity.
- **Health professionals (like physicians or registered nurses) may be required or authorized to disclose client information to public health authorities (e.g., the Medical Officer of Health or MHO) to protect public health, depending on the applicable legislation.** For instance in British Columbia, if a physician believes

that a patient poses a risk of HIV infection to third parties, the physician *may* provide information about that person to the MHO, in accordance with the *Health Act Communicable Disease*.

For more information see the section on “Public health laws,” also in this resource kit..

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