

Amendment to PHIA: Expanded authority to disclose personal health information to reduce danger to health or safety

NSRP Advisory: PHIA Amendment Regarding Risk Disclosure

Effective Date: April 1, 2026

Issued: March 2026

Overview

Incoming provincial legislation (**Bill 127, Protecting Nova Scotians**) will amend Section 38(1)(d) of Nova Scotia's *Personal Health Information Act* ("PHIA") to state:

A custodian may disclose personal health information without consent if they believe, on reasonable grounds, that it will avert or minimize a **significant danger** to the health or safety of any person or class of persons.

What has Changed

Previously, section 38(1)(d) of PHIA permitted (but did not require) a custodian to disclose an individual's personal health information without their consent if the custodian had reasonable grounds to believe that such disclosure would avert or minimize an **imminent and significant** danger to the health or safety of any person. Pursuant to this previous language, the danger had to be **both** imminent and significant.

The amendment to section 38(1)(d) **removes the word "imminent."** As a result, effective April 1, 2026, a custodian may choose to disclose personal health information where they have reasonable grounds to believe that doing so will avert or minimize a significant danger to the health or safety of any person. The custodian does not need to believe the danger is imminent.

Importantly, this amendment **does not create a mandatory duty to disclose**. Custodians continue to have discretion to decide whether disclosure is appropriate in the circumstances. The amendment affects only the threshold for when disclosure *may* be considered.

Scope of Authority

The permission to disclose applies to **custodians**, as defined under PHIA (such as solo private practitioners). The ability also applies to agents, where authorized by the custodian (which may include psychologists employed by health authorities or schools).

Does this legislative change impact school psychologists?

It is the regulator's understanding that, in general, PHIA does not apply to school psychologists because they are not considered "custodians" under the legislation. However, there may be limited circumstances in which PHIA does apply to a school psychologist's practice. School psychologists who have questions about whether PHIA applies in their specific circumstances are encouraged to seek independent legal advice.

Clinical Guidance

As of April 1, 2026, custodians may choose to disclose personal health information without consent where they have reasonable grounds to believe that disclosure will avert or minimize a **significant** danger to health or safety. The danger does not need to be imminent.

This change allows psychologists and other custodians to focus on the core clinical question: whether, based on reasonable grounds, disclosure is necessary to prevent or reduce serious harm. This approach aligns with existing ethical obligations relating to risks of self-harm or harm to others, while providing greater flexibility in situations where risk is serious but not immediate.

Further Resources

For a comprehensive framework on clinical decision-making and legal disclosures, please refer to the primary NSRP guidance document:

[Considerations when Disclosing Confidential Personal Information](#)