



Unifying Dubai's Healthcare

Policies and Standards

September 2020 (v1.0)

SECTION 2: Consent and Access Control

1. Purpose:

- 1.1. The purpose of this policy is to ensure accessing and sharing of PHI shall comply with all applicable UAE laws and DHA regulations.
- 1.2. This policy ensures that the Subject of Care or his / her agent understands and agrees to the sharing of PHI as well as the risks, benefits and alternatives.
- 1.3. This policy also defines the circumstances in which a Subject of Care can permit or withhold the use and disclosure of NABIDH accessible PHI.
- 1.4. Subject of care can be a UAE national, resident of UAE, or a Tourist.

2. Scope/Applicability:

This policy applies to everyone involved in the protection of PHI including:

- 2.1. DHA and their Business Associates or any subcontractors, who are responsible for oversight of NABIDH platform.
- 2.2. NABIDH and their Business Associates or any subcontractors who are responsible for exchange of Subject of Care PHI.
- 2.3. Healthcare Facilities and their Business Associates or any subcontractors who are responsible for submission, collection and use of Subject of Care PHI.
- 2.4. Subject of Care or the Subject of Care Agent who is responsible for providing appropriate consent to their PHI.

3. Policy Statement:

3.1. Dubai Health Authority shall:

- 3.1.1. Authorize Healthcare Facility to share and receive PHI through NABIDH.
- 3.1.2. Require Healthcare Facilities to obtain Subject of Care consent for sharing of PHI (both legacy and new data) via NABIDH in accordance with all applicable UAE laws and DHA regulations.

3.2. NABIDH shall:

- 3.2.1. Comply with DHA's mandate to share Subject of Care legacy and new PHI with Healthcare Facility.
- 3.2.2. Impose suitable measures on Healthcare Facility in order to prevent Very Important Person (VIP) Subject of care PHI from being exchanged or stored on the NABIDH Platform except in accordance with the directions of the DHA and as set out in the Participation Criteria if any.
- 3.2.3. Define Specific PHI that shall be made available by each Healthcare Facility.
- 3.2.4. Send circulars to Healthcare Facility to mandatorily capture subject of care address including the Emirate ID, name, and address. In addition to identify if the subject of care is a Tourist.

- 3.2.5. In the case where the Subject of Care has Opted Out of NABIDH then:
- a. Personal Health Information shall continue to be received by NABIDH from Healthcare Facility.
 - b. Subject of care identifiers shall be anonymized.
 - c. Clinical data shall be stored without anonymization.
 - d. Personal Health Information shall not be retrieved using break glass.
- 3.2.6. Verify and provide access to NABIDH Clinician portal to manage Health Information consent according to all applicable UAE laws and DHA regulations (Example: Subject of care provider relationship, through application programming interfaces (API), etc.).
- 3.2.7. Ensure systems providing access to information/documents enforce protections associated with content marked as sensitive data:
- a. Sensitive Health Information shall be restricted to care providers as identified by their role.
 - b. Sensitive Health Information shall be flagged to the care providers through special icons, different color etc.
 - c. Sensitive Health Information may be accessed with a “break glass” option for defined roles of health professionals as identified by NABIDH, which will trigger notification to the subject of care and Data Security and Privacy Officer, and after-the-fact review in accordance with the NABIDH Audit Policy (Section 4).

3.2.8. Ensure that all NABIDH individual users are associated with at least one standard healthcare role:

- a. Administrative personnel should only access administrative information.
- b. Clinical information is restricted to Healthcare professionals, defined by a set of roles in NABIDH authentication policy.
- c. For Regulated Health Professional, the role shall be defined by the role code associated with the license as maintained by DHA Sheryan.
- d. For Non-Regulated Health Professional, the role shall reflect one of the standard roles identified by NABIDH as determined by the Healthcare Facility responsible for the user's interactions with NABIDH system.

3.2.9. NABIDH will receive consent related requests from Healthcare Facility and will manage appropriately.

3.3. Healthcare Facilities shall:

3.3.1. Inform Subject of Care appropriately that sharing relevant PHI with NABIDH is part of their treatment through consent process.

3.3.2. Inform and initiate registration process of the Subject of care on the NABIDH subject of care portal registration.

3.3.3. Record the consent process in NABIDH when a Subject of Care chooses to Opt Out or opt in of the NABIDH.

- 3.3.4. Capture all mandatory demographics information required to support consent management process to Subject of Care (Emirates ID, Home address, Mobile number, etc.); and categorize subject of care if they are Tourists.
- 3.3.5. Implement necessary internal policies and procedures to prohibit sharing VIP Subject of care Health Information to the NABIDH Platform, except in accordance with the requirements of DHA or as set out in the Participation Criteria if any.
- 3.3.6. Establish organization policies to assure compliance with NABIDH policies. These policies are subject to review and audit in accordance with the NABIDH Audit Policy.
- 3.3.7. Ensure all relevant information flows to NABIDH, except where laws or policies of the Healthcare Facility prohibit it. Such Healthcare Facility policies that would be in effect shall be disclosed to NABIDH during the on-boarding process.
- 3.3.8. Mandatorily capture subject of care address including the Emirate ID, name, and categorize subject of care if they are Tourists.
- 3.3.9. Disclose all new policies established by Healthcare Facility to NABIDH after they join NABIDH. If the policy is not acceptable to NABIDH, then NABIDH may suspend access the system.
- 3.3.10. Allow only physicians to force access to all Health Information by “breaking the glass”, which shall trigger notification and after-the-fact review.
- 3.3.11. Allow Emergency Disclosures of Health Information when treating a Subject of Care with an Emergency Condition or “Breaking the Glass”.

3.3.12. A Consent is NOT required for NABIDH to Disclose Health Information to a Practitioner, an Authorized User that is acting under the direction of a Practitioner and those individuals may Break-the-Glass when the following conditions are met:

a. The Practitioner determines in his or her reasonable judgment that the Health Information, which may be available through the NABIDH System will be material to emergency treatment.

b. Healthcare Facility shall ensure that Break-the-Glass Disclosures of Health Information via the NABIDH System do not occur after completion of the emergency treatment.

- NABIDH does not require Consent for the uploading of Health Information to the NABIDH platform.

3.3.13. Enforce access control, including verification of consent status, at the time of use and disclosure of Health Information by healthcare providers.

3.3.14. Enforce that the individuals who access Health Information shall be responsible for protecting that information or preventing dissemination of that information.

3.3.15. Sensitive Health Information that require special protection above and beyond that of generic Health Information shall be marked as such.

3.3.16. A Healthcare Professional who agrees to a restriction requested by a Subject of Care must convey such restriction to the NABIDH team.

- 3.3.17. Ensure access to Health Information through clinician portal is permitted provided that:
- a. The portal user shall abide by all NABIDH policies.
 - b. Agreements with the portal user shall be executed either with NABIDH or with a Healthcare Facility that is already bound to these policies.
- 3.3.18. Healthcare Facility to request access to authorized users who will send or receive Health Information to the NABIDH at any time.
- 3.3.19. Obtain Consent Form from Subject of Care in paper or electronic form through an Affiliated healthcare provider of the Healthcare Facility provided that:
- a. Such Affiliated healthcare provider is providing healthcare services to the Subject of Care at the Healthcare Facility.
 - b. Such Affiliated healthcare provider is providing healthcare services to the Subject of Care in his or her capacity as an employee or contractor of the Healthcare Facility.
 - c. Such Affiliated healthcare provider is delivering healthcare services to the Subject of Care in the course of a cross coverage or on-call arrangement with the Healthcare Facility or one of its Affiliated facilities.
- 3.3.20. Each Healthcare Facility shall ensure that Subject of Care have the option, through the use of paper or electronic form, to deny consent

for all HealthCare Facilities in the NABIDH Platform to Access or receive the Subject of Care's information.

3.4. The Subject of Care or the Subject of Care Agent shall:

- 3.4.1. Provide their consent on sharing their newly generated or past Health Information via NABIDH to HealthCare Facilities.
- 3.4.2. Confirm portal registration through access point (Ex: Mobile, e-mail etc.).
- 3.4.3. Be recorded in the NABIDH, when a Subject of Care chooses to Opt Out or opt in for sharing of Health Information.
- 3.4.4. Be aware that in the case where the Subject of Care has Opted Out of the NABIDH platforms, all relevant information will continue to flow into NABIDH platforms anonymously and may be used for research or public health purposes as per NABIDH Primary and Secondary use policy.
- 3.4.5. Be entitled to revoke a Consent at any time. Any Healthcare Facility that has accessed or received Health Information via the NABIDH Platform prior to such revocation and incorporated such PHI into its records may retain such information in its records.

Contact Us

Still have questions?

For more information on NABIDH, please reach out through the following channels:



800 DHA (800 342)















info@dha.gov.ae



<https://nabidh.ae>

This document was last updated on **01 Sep 2020**

  800342 (DHA) |  dha.gov.ae |     @dha_dubai |    Dubai Health Authority |   DHA