

For immediate release

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OIPC releases guidance on protecting patient privacy when using AI scribes

VICTORIA – The Office of the Information and Privacy Commissioner (OIPC) for British Columbia has released guidance to help healthcare organizations navigate privacy requirements when using artificial intelligence (AI) scribes in clinical settings.

The guidance applies to healthcare organizations subject to the *Personal Information Protection Act* (PIPA), including healthcare providers running their own practices, most primary care clinics, and other organizations providing health services outside of public bodies. It does not apply to public healthcare bodies in BC, which are subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA). The OIPC is preparing guidance on AI scribes for public sector organizations under FIPPA.

AI scribes use generative AI to transcribe and summarize conversations between healthcare providers and patients and produce notes for patients' medical records.

While the OIPC appreciates the benefits of this technology, it raises privacy concerns beyond those of traditional notetaking: AI scribes may be used to collect personal biometric data, such as voice recordings, and patients may not be aware of what happens to their personal information once it's collected and how AI vendors may be using their data. Commonly reported AI errors, including hallucinations, omissions, and misspellings, could also have catastrophic consequences in healthcare settings.

The guidance offers key considerations for the use of AI scribes, including the collection and use of patient and employee information, consent requirements, accuracy and security concerns, patient access rights, and risk assessment for cross-border data disclosures. The OIPC emphasizes that patients have the right to decline or withdraw consent, that healthcare organizations remain responsible for their obligations under PIPA when contracting with an AI scribe company, the importance of keeping a "human in the loop" in AI systems, and that they must remain alert to function creep as AI capabilities evolve.

The guidance includes a checklist for healthcare organizations that serves as a self-assessment tool for evaluating PIPA compliance when considering an AI scribe.

BC Information and Privacy Commissioner Michael Harvey said that the release of the guidance on Data Privacy Day 2026 is a reminder of the need for proactive privacy protections amid the rapid deployment of AI technologies across all sectors, including healthcare.

“The guidance has been developed following consultation with affected stakeholders and in discussion with our counterparts elsewhere in the country, some of whom have previously released similar guidance. Our office and the Office of the Information and Privacy Commissioner of Ontario have decided to release our respective guidance documents on Data Privacy Day to underline how important the protection of Canadians’ right to health privacy is in sustaining their trust in an increasingly digitized health system.”

“Patients share some of their most intimate and sensitive personal information in conversations with their healthcare providers. As healthcare organizations incorporate AI scribes into their practices, patients’ trust depends on this sensitive information being properly protected. This guidance document provides a roadmap to make sure that people can benefit from these technologies while trusting that their rights are protected,” said BC Information and Privacy Commissioner Michael Harvey.

The OIPC received valuable input in the process of developing this guidance and would like to thank everyone who provided their feedback, including experts working in the fields of privacy law and regulation, as well as representatives from the health sector.

Download: PIPA and AI scribes: best practices for healthcare organizations in BC:

<https://www.oipc.bc.ca/resources/guidance-documents/>

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