

HIV SELF-TESTING

In the past, HIV testing was only accessible through a health care provider or a designated testing site. Recently, some people have been able to get HIV self-testing kits that allow them to test on their own or with the help of others such as community organizations. Doing the test on your own, in private, means that only you will know the result. If you are using HIV self-testing kits with the help of others such as community organizations, it will be less private than doing it on your own. For privacy reasons, if you are testing with the assistance of others, including community organizations, we advise you to ask the following questions before the test and before you share any health information:

- Will the result of the self-test (a kind of health information) be kept?
- What other information will be collected and kept?
- How and where will my information be stored (e.g., inside and/or outside the organization)?
- Will my health information be shared with or accessible to others, including Public Health authorities?

Confirmatory testing (nominal or anonymous)

If you test positive for HIV using a self-testing kit, you will have to get a confirmatory nominal (using your name) or anonymous (not using your name) test before you can get medical care for HIV. The key difference between getting a nominal or anonymous test is that your name will automatically be reported to your local Public Health Unit if you test positive nominally.

You might need an Ontario Health Insurance Plan (OHIP) card or number to get a nominal test. Anonymous testing is only offered at designated testing sites. You do not need an OHIP card or number to get an anonymous test.

To find an anonymous testing site, you can contact the free, anonymous and confidential [Sexual Health Infoline Ontario](https://sexualhealthontario.ca/en/home) (English, French, and some other languages) at 1-800-668-2437:
<https://sexualhealthontario.ca/en/home>

For more information about nominal and anonymous HIV testing, you can read our [guide](https://www.cleo.on.ca/en/publications/hivtest) (English or French): <https://www.cleo.on.ca/en/publications/hivtest>

More information about reporting of positive test results to Public Health

[The guide](#) includes details about what gets reported to Public Health authorities if you test positive for HIV. The guide also provides information about reducing the possibility of your name being reported to Public Health authorities if you test positive for HIV anonymously and access HIV-related medical care.

HIV Disclosure: Legal Rights and Obligations

If you have HIV, it is important to understand your rights and how the law impacts you before you tell others (disclose) that you are living with HIV. Most of the time, whether you disclose is up to you. You may choose not to disclose that you have HIV because you are not sure how to tell people, or because of stigma and discrimination against people living with HIV. You may also choose not to disclose because of homophobia, racism, transphobia, or discrimination against Two-Spirit people.

However, the situation is different when it comes to sex partners. In Canada, the criminal law says that, in certain circumstances, you must tell your sex partners that you have HIV before you have sex. This is sometimes referred to as a “legal duty to disclose.”

Not all situations will require disclosure to sexual partners but knowing when the law does require disclosure will help you make decisions about your sexual activity. That is why it is important to get accurate legal information. See [here](#) for more about information about HIV disclosure and the criminal law: http://www.halco.org/wp-content/uploads/2023/10/HIV-and-the-Criminal-Law-in-Ontario_Update_September-2023-002.pdf

It is important to remember that the criminal law will likely apply if you test positive for HIV using a self-test even if you do not get a confirmatory test.

Please [contact](#) us (416-340-7790, 1-888-705-8889, talklaw@halco.org) if you have questions about HIV testing and/or HIV disclosure and the law: <https://www.halco.org/contact-us>