

WDGPH Annual Privacy Program Update

To: Chair and Members of the Board of Health

Meeting Date: March 1, 2023

Report No. **BH.01.MAR0123.R07** Pages: 5

Prepared By: Ryan Ochocki, Privacy and Health Information Analyst

Approved By: Dr. Kyle Wilson, Director, Information Systems & Chief Privacy Officer

Submitted By & Signature: *Original signed document on file.*

Dr. Nicola J. Mercer, MD, MBA, MPH, FRCPC
Medical Officer of Health & CEO

Recommendations

It is recommended that the Board of Health:

1. Receive this report for information.

Key Points

- Following the Agency response to COVID-19 Wellington-Dufferin-Guelph Public Health (WDGPH) staff have returned to regular duties.
- Privacy breaches in 2022 were significantly lower than 2021. This is likely attributed to staff returning to familiar roles and reduced temporary contract staff following the pandemic response.
- Information requests in 2022 were the same as the previous year.

Discussion

Privacy Breaches

In 2022, WDGPH had five (5) documented privacy breaches. Privacy breaches in 2022 included faxes that were sent to the incorrect destination, vaccination records sent to incorrect persons, a prescription consisting of incorrect information being issued, and employee personal information being incorrectly uploaded onto an internal shared drive.

The five (5) breaches in 2022 are a significant decrease from the 2021 total of twenty-two (22) breaches and a downward deviation from the six-year average of 9.2 breaches per year. Following a three-year increasing trend, 2022 represents a large drop to a below-average number of breaches. This can likely be attributed to the Agency’s pandemic response shifting with staff returning to their primary roles and workloads lessening from the previous two years. There are also a greater percentage of permanent, full-time employees and fewer temporary contract staff attempting to learn new systems in a short period of time.

Year	Number of Privacy Breaches
2022	5
2021	22
2020	9
2019	8
2018	4
2017	7

Figure 1: Number of documented privacy breaches experienced by WDGPH in each year over the period of 2017 to 2022.

There were also no major breaches that occurred in 2022. This means that no ‘point-in-time’ reporting to the Information and Privacy Commissioner of Ontario (IPC) was necessary and simply the standard annual report submissions were required.

Access Requests

Under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) WDGPH is required to provide access to information at the request of clients and members of the public. In 2022, WDGPH received sixteen (16) formal MFIPPA requests, identical to the previous year.

Year	Number of MFIPPA Requests
2022	16
2021	16
2020	6
2019	11
2018	5
2017	12

Figure 2: Number of formal MFIPPA requests received by WDGPH in each year over the period of 2017-2022.

Privacy Impact Assessments

Any new projects or substantial changes to ongoing processes involving personal information or personal health information are subject to the Privacy Impact Assessment (PIA) process. PIAs are a central tool used to analyze projects from a privacy perspective and are an important part of ensuring WDGPH's compliance with applicable legislation and privacy standards. By conducting PIAs, WDGPH demonstrates a commitment to protecting the privacy of the public.

Three (3) Privacy Impact Assessments were initiated and completed in 2022. The relatively low number of Privacy Impact Assessments in 2022 can likely be attributed to the Agency focus on returning to pre-pandemic levels and staff refamiliarizing themselves with their primary roles.

Following COVID-19

The privacy program was able to operate at regular capacity once again following the Agency response to COVID-19. While over the previous two years Privacy staff had been reassigned to assist with that response, in 2022 focus was returned full-time to normal duties and as a result full completion of information requests was able to be performed 94% of the time within the 30 day initial window; there was one exception in which an extension letter was issued within the 30-day window because the request was dealing with a significantly large amount of records.

The annual privacy event was done pre-COVID, will be re-instated for 2023. Also, ongoing intra-year privacy training will be enhanced and provided to several teams within the Agency by request throughout 2023. Individualized departmental privacy training sessions will be conducted in 2023 in order to help ensure a 'privacy-by-design'

culture at the Agency. New staff continue to receive privacy training when they are onboarded to the Agency.

Privacy Trends

2022 saw some key developments in privacy across the country. The Government of Ontario passed Bill 88, Working For Workers Act which made amendments to the Employment Standards Act. The most significant aspect of this legislation was the introduction of policy mandating that organizations that employ 25 or more people must have a written policy concerning electronic monitoring of employees. This is consistent with trends following the onset of the COVID-19 pandemic towards an increasingly digital workplace. WDGPH is in compliance with this new legislation.

Federally Bill C-27, which includes several proposed changes to the Personal Information Protection and Electronic Documents Act, is in the midst of its second reading in the House of Commons. The Act seeks to, among other things, increase Canadians' ability to control their personal information in the custody of organizations and provide more security when transferring data between organizations.

Conclusion

Privacy is an ongoing focus for WDGPH - privacy breaches constitute the potential for serious financial and reputational risk to any company. WDGPH has responded to this challenge with a robust privacy program that utilizes the privacy impact assessment process as a proactive measure to mitigate privacy breaches and a breach response process that effectively responds to breaches to minimize fallout, comply with legislative requirements, and utilizes a root cause analysis approach to assist in preventing future occurrences.

Following a year in which the privacy program, like all others, was greatly disrupted by the demands placed on the organization following the response to COVID-19, 2022 saw a return to levels of efficiency more consistent with the regular operating standard. Number of breach incidents sharply decreased and only 1 MFIPPA response needed an extension in order to be completed outside the initial 30-day time period.

The privacy landscape continues to change and WDGPH will need to continually adapt and adopt new methods of carrying out its work. As the Agency continues to adjust to changes in the technical and legal landscape, privacy continues to be of the utmost importance for WDGPH.

WDGPH Strategic Direction(s)

- Health Equity:** We will provide programs and services that integrate health equity principles to reduce or eliminate health differences between population groups.
- Organizational Capacity:** We will improve our capacity to effectively deliver public health programs and services.
- Service Centred Approach:** We are committed to providing excellent service to anyone interacting with WDG Public Health.
- Building Healthy Communities:** We will work with communities to support the health and well-being of everyone.

Health Equity

A core part of delivering WDGPH's mandate to protect the health of the public is retaining the trust of the public in providing health care. Maintaining the trust of the public allows WDGPH to effectively and efficiently deliver the mandatory health programs and services outlined in the Health Protection and Promotion Act (HPPA).

Breaches of privacy are an all too common occurrence that can greatly erode the trust of the public. Erosion of trust could cause members of the public to lose faith in WDGPH and create an environment where they are less likely to seek out services. Such an erosion would be likely to disproportionately affect marginalized and vulnerable populations who are already less likely to seek out services from WDGPH. This makes it essential for WDGPH to maintain a responsible and transparent privacy program in order to best serve the most vulnerable in the community.

References

N/A.