

## WDGPH Annual Privacy Program Update

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**To:** Chair and Members of the Board of Health

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**Medical Officer of Health & CEO**

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## Recommendations

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It is recommended that the Board of Health:

1. Receive this report for information.

## Key Points

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- The Agency response to COVID-19 has significantly impacted Wellington-Dufferin-Guelph Public Health's (WDGPH) privacy program, including the continued temporary pause of yearly training.
- Privacy Breaches in 2021 were significantly higher than 2020. This is likely attributed to staff working in unfamiliar roles as part of the pandemic response and workload volume.

- Information requests in 2021 were higher than normal. Timelines for responding to requests were longer than normal due to the impact of the COVID-19 response.

## Discussion

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### Privacy Breaches

In 2021, WDGPH had twenty-two (22) documented privacy breaches. Privacy breaches in 2021 included faxes/emails that were sent to the incorrect destination, vaccination records sent to incorrect persons, and external call centre information disclosures.

The twenty-two (22) breaches that occurred in 2021 represents a significant increase from the 2020 total of nine (9) breaches and an upward deviation from the six-year average of 9.8 breaches per year. In 2021, WDGPH saw many new and existing staff working with new processes and systems, while in unfamiliar roles as part of the pandemic response, dealing with significant workloads. This is likely the explanation for why the number of privacy breaches is higher than average.

Year	Number of Privacy Breaches
2021	22
2020	9
2019	8
2018	4
2017	7
2016	9

**Figure 1:** Number of documented privacy breaches experienced by WDGPH in each year over the period of 2016 to 2021.

There has been a significant increase in the number of breaches at WDGPH. This increase is expected to decrease over time as the Agency moves back to a pre-pandemic state. It is logical that the number of privacy breaches would be higher in 2021, due to both the increased workload and stress from the pandemic response and the significant increase and the actual number of staff working for WDGPH. WDGPH staffing had almost doubled at the peak of the pandemic when compared to pre-pandemic levels and many of these new staff had not had access to the years of privacy training that is the culture at WDGPH.

On a positive note, there were no major breaches that occurred in 2021. This means that no immediate reporting to the IPC was necessary and only the typical electronic annual report submission was 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 2021, WDGPH received sixteen (16) formal MFIPPA requests. While the volume of requests in 2021 were slightly higher than normal, several requests were complicated or for many records. In 2021, half of the requests were related to COVID-19.

Year	Number of MFIPPA Requests
2021	16
2020	6
2019	11
2018	5
2017	12
2016	3

**Figure 2:** Number of formal MFIPPA requests received by WDGPH in each year over the period of 2014-2021

## 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.

No Privacy Impact Assessments were initiated and completed in 2021. The low number of Privacy Impact Assessments in 2021 is attributed to the Agency focus on responding to COVID-19 and not implementing any new processes or projects with substantial changes.

## The Effects of COVID-19

The privacy program was significantly impacted by the Agency response to COVID-19. Staff in the Privacy Office were assigned duties to assist with the COVID-19 response. This has greatly curtailed the amount of time available to respond to privacy issues. Combined with the increased workload placed on WDGPH by the COVID-19 response, this has generally increased the amount of time required to respond to information requests and other privacy issues. However, privacy staff have remained able to promptly respond to urgent privacy issues and support Agency operations throughout the COVID-19 pandemic response.

The pre-COVID yearly training for staff has been suspended during the COVID-19 response. New staff continue to receive privacy training when they are on-boarded to the Agency. Privacy staff have continued to generate privacy reminders for distribution through staff communications. The Privacy Team plans to re-start the yearly training this year in fall of 2021.

COVID-19 has significantly changed the way that WDGPH conducts its operations, supporting a workforce that is largely working from home has created new privacy challenges for the Agency. WDGPH has had to rapidly adapt to more remote interactions and communications with our clients. In the past year, WDGPH has seen many more interaction with clients occurring through email and video chat systems. Fortunately, privacy work had already been completed on the systems needed for these interactions in 2018 and 2019 and so WDGPH was in a strong position to pivot to using these systems.

## Privacy Trends

2021 saw some key developments in privacy across the country. The Government of Ontario released its White Papers that outlines its commitment to privacy and particularly digital privacy as part of its Digital and Data Strategy. These were released in response to the proposed federal Digital Charter Implementation Act and includes, among others, themes such as safe use of automated decision-making, enhanced consent and lawful uses of personal data and data transparency for Ontarians.

Federally Bill C-11, which includes several proposed changes to the Personal Information Protection and Electronic Documents Act (PIPEDA), remains with lawmakers awaiting its second reading. Meanwhile, Justice Canada held an online public consultation with respect to updating the federal Privacy Act to reflect the technological progression of personal information standards and practices.

## Conclusion

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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 prevent privacy breaches and a privacy breach response process that effectively responds to privacy breaches to minimize fallout, comply with legislative requirements, and utilizes a root cause analysis approach to assist in preventing future breaches.

In 2021, privacy programs were disrupted by the demands placed on the organization by the response to COVID-19. However, WDGPH has continued to uphold a high standard of privacy protection.

The privacy landscape continues to change. 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)

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**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

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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 to best serve the most vulnerable in the community.

## Appendices

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N/A

## References

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N/A