

WDGPH Annual Privacy Program Update

To: Chair and Members of the Board of Health

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Prepared By: Charles Wright, 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

- Wellington-Dufferin-Guelph Public Health (WDGPH) saw an increase in the number of privacy breaches in 2019 compared to 2018, although this number is in line with the six (6) year average. The direct causation is unclear, but it could be the result of increased reporting due to enhanced privacy awareness among staff.
- WDGPH saw an increase in the number of Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) requests in 2019. This is attributed to changes in privacy processes in regard to record searches.

- The effort to increase the level of privacy training continues. There were privacy training sessions delivered to the management team and all divisions across WDGPH.
- The privacy impact assessment process continues to provide assurance that new initiatives and changes comply with privacy law and respects the privacy of the populations served by WDGPH.

Discussion

Privacy Breaches

In 2019, WDGPH had eight (8) documented privacy breaches. Privacy breaches in 2019 included: a fax that was sent to an incorrect number, a letter sent home with the incorrect child after a screening clinic, and a breach that occurred during a training session for health professionals.

The eight (8) breaches in 2019 represents an increase from the 2018 total of four (4) breaches. However, the 2019 total falls in line with the six (6) year average of 8.2 breaches per year. The overall trend over the past six (6) years remains stable.

Year	Number of Privacy Breaches
2019	8
2018	4
2017	7
2016	9
2015	12
2014	9

Figure 1: Number of documented privacy breaches experienced by WDGPH in each year over the period of 2014 to 2018.

2019 is the second year that organizations covered by the Personal Health Information Protection Act (PHIPA) have been subject to mandatory privacy breach reporting requirements. There does not seem to be any single factor that would explain an increase in privacy breaches for 2019, when compared to 2018. It is possible that the recent push to increase privacy knowledge at WDGPH through education and outreach has resulted in staff being better able to recognize privacy breaches and more likely to report privacy breaches.

Access Requests

Under MFIPPA, WDGPH is required to provide access to information at the request of clients and members of the public. In 2019, WDGPH received eleven (11) formal MFIPPA requests. As in past years, requests were most commonly for rabies exposure reports or health inspection reports. As with the statistics on privacy breaches, 2019 saw a sharp increase in the number of formal MFIPPA requests. This increase is attributed to a change in the process of handling requests for “Record Searches”. “Record Searches” generally come from law firms who are conducting due diligence regarding real estate transactions and changes in how these are handled resulted in an increase in formal MFIPPA requests.

Year	Number of MFIPPA Requests
2019	11
2018	5
2017	12
2016	3
2015	2
2014	2

Figure 2: Number of formal MFIPPA requests received by WDGPH in each year over the period of 2014-2019

Ongoing Staff Training

Ongoing staff training is a key aspect of maintaining a high level of privacy protection at an organization such as WDGPH. In 2020, annual privacy training will be conducted in each program area. In 2019, WDGPH’s Privacy and Health Information Analyst conducted eight (8) separate training sessions in different program areas.

In addition to training at the program level, WDGPH also holds an annual privacy event focused at the leadership level. In 2019, the event was held in December and included a speaker from the Office of the Information and Privacy Commissioner of Ontario and presentations by the Privacy and Health Information Analyst. This year’s session focused on: privacy legislation specific to public health, privacy processes at WDGPH, consent, and the concept of Circle of Care.

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.

In 2019, twelve (12) separate Privacy Impact Assessments were conducted. Some of these twelve (12) PIAs included: the assessment of information sharing between WDGPH and EMS, the award-winning FAST Overdose Alert Platform, an assessment of the new vision screening clinics, the Well Water Kiosk initiative, and enhanced network security infrastructure software/hardware.

Privacy Trends

There were changes (that have not yet come into effect) made to PHIPA in the past year. Among, other things, these changes provided stronger protections for deidentified information. There were also minor changes (that have not yet come into effect) made to MFIPPA in the past year. These included changing the wording of sections on the disclosure of personal information related to laws or treaties and a slight broadening of disclosures related to law enforcement investigations. Broadening disclosures related to law enforcement will allow for disclosure not only to aid an investigation, but also allows disclosure where there is a reasonable basis to believe an offense has been committed and the disclosure is to enable a determination about whether to investigate.

Globally, organizations continue adapting to the adoption of Europe's General Data Protection Regulation (GDPR) and attempt to minimize the impact it is having on their operations. Additionally, Brexit is creating uncertainty over the United Kingdom's ability to transfer personal information to and from Europe. This is especially relevant for companies with European operations headquartered in the United Kingdom and is likely to be a contentious point in EU-UK trade negotiations.

In the United States, the California Consumer Privacy Act (CCPA), is expected to have wide ranging implications as companies struggle to comply with increased privacy rights for California residents. As with other regulations that started in California, the CCPA is likely to change the privacy landscape in the United States and creates more pressure for the adoption of a comprehensive federal consumer privacy law.

In Canada, efforts in 2019 were launched to amend the federal Privacy Act and the Personal Information Protection and Electronic Documents Act (PIPEDA). These efforts were paused due to uncertainty created by the federal election, but these efforts are expected to resume in 2020.⁽¹⁾ While these laws do not directly pertain to WDGPH, since provincial privacy laws are based on the same privacy principles as the federal privacy laws, changes at the federal level could impact the interpretation of privacy law at the provincial level and could also prompt provincial governments to amend legislation to mirror any changes.

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 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 2019, WDGPH continued to implement its expanded privacy education program for staff with targeted privacy education sessions for program teams adapted with specific examples for their job functions.

The privacy landscape continues to change. Looking forward to a new decade, there are likely to be new and exciting privacy legislation that will affect WDGPH. As WDGPH continues to adapt 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

1. Curry B. Liberals promise to make stronger privacy laws a priority [Online Article].; 2019 [cited 2019 December 12] Available from <https://www.theglobeandmail.com/politics/article-liberals-promise-to-make-stronger-privacy-laws-a-priority/>

Appendices

None.