

TO: Chair and members of the Board of Health

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Recommendations

It is recommended that the Board of Health:

1. **Receive this report for information.**

Key Points

- Increase of requests for information due to inspections driven by complaints from the public regarding regulated health professionals.
- Ontario government passed Bill 119, the *Health Information Protection Act, 2016* which makes significant amendments to *Personal Health Information and Protection Act* (PHIPA) which impacts Agencies that are health information custodians.
- Use of 'privacy by design' approach when implementing new software, reviewing and revising current processes, or acquiring any new system/software. This approach assists to identify potential privacy risks, address these risks in the early stages of a project and implement strategies to manage the risks.
- Wellington-Dufferin-Guelph Public Health's (WDGPH) focus on privacy and security compliance due to technology growth is enhancing the privacy culture for staff to recognize the importance and impact of privacy and security elements in a project.

Discussion

WDGPH acknowledges the requirements for privacy compliance, and continues to work towards a balanced approach to privacy and security initiatives. In 2017, staff were encouraged to use the 'privacy by design' approach. Staff recognized some of the benefits of using this approach to identify potential privacy risks, address these risks in the early stages of a project and implement strategies to manage the risks. WDGPH had an increase in requests to access information which encouraged a review of our current documentation and record storage processes. This review identified areas for improvement which can alternatively improve the processing of requests to decrease the time to process, enabling an assessment for the time and resources needed for large file requests, and determining if charges should occur for some of these requests. The amendments to PHIPA will require some changes in annual reporting to Information & Privacy Commissioner (IPC), updates to procedures and ensuring WDGPH is compliant of the new mandatory reporting requirements.

The following captures some of the accomplished and/or ongoing initiatives of the privacy program for 2017-2018:

Access to Information Process – Staff and Management

There was an increase in the access for information process in 2017 which was due to inspections induced by complaints from the public regarding regulated health professionals. In this case it was primarily dental offices and a medical imaging facility in relation to their Infection Prevention and Control (IPAC) practices. The reporting requirements caused some alarm with the public especially as one case initiated the Incident Management System (IMS). This case along with some other similar inspections created an increase in the requests for information process from members of the public for the related inspection records relevant to the practice.

Some of these requests were part of legal matters and many of the files were very large. In processing these files, it was recognized that there is a need to review the internal documentation practices to align with the release of information requirements of the privacy legislation. Some of the requests resulted in appeals with the Information and Privacy Commissioner office (IPC) which are still being addressed.

Privacy knowledge sharing and compliance

A privacy campaign was conducted for two weeks in March 2017 to encourage privacy and security practices. The initiative was called the "clean desk privacy star". Staff were informed of this initiative prior in an announcement released in the Stay Well news bulletin. The initiative was to encourage staff to lock their computers when not in use, and keep a clean desk. Privacy Committee members were asked to be privacy champions at the different offices. This required that they do some impromptu visual scans and use these moments to remind staff who were not in compliance of the clean desk protocol of the security risks associated with leaving equipment and desks with confidential information in open areas.

At the end of the period, privacy stars were chosen and they were recognized for their efforts. There were 20 employees rewarded for privacy compliance across the different locations. This was an excellent awareness initiative and a good reminder to staff of some of the basic principles of privacy and security which they are accountable for as an agent of WDGPH.

Technology Growth

WDGPH continues to identify and encourage the use of technology to be more efficient in accessing information, collecting, using and accessing information in a more efficient and timely manner. WDGPH executed the agreement to use the HCD ISCIS data base, after identifying privacy and confidentiality concerns and ensuring these were fully addressed before committing to use the system.

WDGPH worked on the review of the Immunization Connect Ontario (ICON) system which is a web-based service to enable the public to electronically submit and retrieve certain immunization information using a secure login and password. ICON is a service which WDGPH provides to the public but it is managed and maintained by the Ontario Ministry of Health and Long-Term Care (MOHLTC). This service was assessed for privacy and security risks by using our internal privacy assessment templates. Identified risks were provided to the service provider and changes were made to ensure the risks were addressed prior to WDGPH agreeing to participate and utilize this service.

WDGPH continues to encourage staff to explore the use of technology wherever possible to enhance the delivery of programs and services to the community. Staff are also reminded to use the simple privacy impact assessment for privacy and security when acquiring new software, creating new websites, online programs, and social media initiatives. These processes assist to determine the risk factors and recommendation for a full privacy impact assessment, and ensures privacy risks are identified proactively.

Amendments to PHIPA

There were significant amendments to PHIPA introduced through Bill 119 which are now in force, and have significant impacts for healthcare professionals as Health Information Custodians (HIC) that collect, use and maintain personal health information. This impacts WDGPH as policies will be reviewed and updated to ensure the amendments are captured and staff are aware of the changes and how it may impact them in their roles.

The following is a summary of some of the key provisions of Bill 119 which impacts WDGPH:

- Revised definition of “Use” - this now means “to view, handle or otherwise deal with the information”. This is aimed at preventing unauthorized snooping. Employees have been reminded of their responsibility as an agent of WDGPH and the privacy requirements for compliance when accessing personal health information. The case of the student fined 25K for snooping was shared with staff to bring to their awareness that accessing personal health information without authorization is an illegal practice.
- Increased Fines - The maximum fines for privacy offences have doubled from \$50,000 to \$100,000 for individuals and from \$250,000 to \$500,000 for organizations.
- Mandatory Reporting to IPC – Previously, privacy breaches only had to be reported to affected individuals. Health Information Custodians are now required to report privacy breaches to the IPC which involve theft, loss or unauthorized use or disclosure of personal health information.

- Mandatory reporting to Regulatory Colleges – HICs are now required to report to the appropriate health regulatory colleges in certain circumstances regarding privacy breaches. The Guidelines for the Health Sector provided by the IPC is being used to update WDGPH policies and procedures to reflect this change.
- Notice Requirements - HICs are required to notify affected individuals, at the first reasonable opportunity, and must now include a statement that the individual is entitled to make a complaint to the IPC.

Enhanced processes and preventive protocols

Privacy breaches are internal, to date, and trending less. The opportunity is taken with each breach to review the corrective actions and provide training to staff, if needed.

WDGPH continues its auditing practices for databases and electronic health record systems, as well as paper file systems, ensuring information is accessed on a need to know basis, and to prevent snooping or accessing information for personal gain.

Conclusion

WDGPH's focus on privacy for 2017 concentrated on the Agency's Access and Release of Information process, and staff using the tools and resources available to encourage and support "Privacy by Design" in projects. WDGPH complies with the provisions of the Health Protection and Promotion Act (HPPA), Municipal Freedom of Information and Protection of Privacy Act (MFFIPA) and PHIPA.

WDGPH acknowledges the requirements for privacy compliance, and continues to work towards a balanced approach to privacy and security initiatives using the privacy by design approach. In 2017 staff demonstrated in their roles the knowledge gained over the recent years from privacy training and development initiatives. Staff were open and willing to use the resources available to address privacy in the early stages of their initiatives recognizing the return on investment not only on their initiatives but in ensuring compliance with privacy requirements. The amendments to PHIPA identified above requires the Agency to review and ensure staff are aware of the privacy changes and the impact it may have in their roles. Some of these have been addressed in 2017 but others will be completed in 2018.

Ontario Public Health Standard

In keeping with section 6.2 of the Ontario Public Health Organizational Standards an effective privacy program will address emerging issues and potential privacy threats to WDGPH as it delivers its programs and services and fulfills its obligations.

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

N/A.

References

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Appendices

None.