



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

Personal Health Information Protection Act

REPORT

FILE NO. HI-050027-1

A Public Hospital



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INVESTIGATOR: Nancy Ferguson

HEALTH INFORMATION CUSTODIAN: A Public Hospital

SUMMARY OF INFORMATION GIVING RISE TO THIS REVIEW:

An Ontario Provincial Police (OPP) officer reported finding patient records in the street while walking near a public hospital. The records were forwarded to the Office of the Information and Privacy Commissioner/Ontario (the IPC). The hospital was contacted and advised about the incident. The hospital undertook a consideration of its obligations under the *Personal Health Information Protection Act* (the *Act*) including its obligation to provide notice to the affected patients.

The OPP officer confirmed to the IPC that he had not made any copies of the records or disclosed them to anyone, and that all the records he found were turned over to the IPC.

RESULTS OF THE REVIEW:

The hospital reviewed the records and determined they contained very sensitive information relating to four patients.

The hospital carefully considered how it would carry out notification, taking into account the situations of each of the patients involved and the very sensitive nature of the personal health information at issue. One patient had specified “no contact” and the hospital was faced with determining whether this likely contemplated contact to provide notice of such a loss. One patient had an illness that made the hospital concerned that notification might negatively impact the patient, particularly if the patient did not have any support at the time of receiving the news.

The hospital reviewed each patient’s situation and determined that, in all the circumstances, the best approach was to send a very general letter, without revealing the specifics of the record, to each patient’s family physician. The letter requested the family physician to ask the patient to

contact the privacy officer at the hospital should the patient attend their office for services. Each patient would be notified directly via telephone by the Chief Privacy Officer, if they contact the hospital in response to their family physician's request. Two patients have already been notified in this manner.

The hospital reported that its investigation revealed that the documents found by the member of the public in the street were likely there because they were not disposed of properly. The hospital reported that the manager of the department where the documents were created indicated that they were copies of documents from the patient's record which would have been designated for shredding. The manager reported that normally records of this nature, designated for shredding, are placed in a blue container clearly labelled "confidential for shredding." The container, located in an office within the department, is to be picked up by housekeeping and then processed for shredding as set out in the hospital's policies and practices. The hospital conducted an internal investigation and concluded that the documents, which had been placed in the blue container, had been mistakenly placed in the garbage by a member of the housekeeping staff. The manager reported that, to the best of her knowledge, no additional records were involved.

In response to the incident, and given the sensitive nature of the particular records generated in this department, the manager purchased a confetti crosscut shredder that pulverizes the paper to confetti-sized pieces. The shredding now takes place within the department to avoid a similar problem from occurring in the future and the manager has the shredding process witnessed and signed for by a second person.

The hospital reported that members of the privacy team provide ongoing education to staff with respect to compliance with the privacy provisions of the *Act*, which will now include information regarding the importance of the secure disposal of health information records.

On the basis of all of the above, it was determined that further review of this matter was not warranted and the file was closed.

Original signed by: _____

Ann Cavoukian, Ph.D.
Commissioner

July 28, 2006