



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-050046-1

A Home-Health Professionals Agency



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INVESTIGATOR:

Gillian Judkins

HEALTH INFORMATION CUSTODIAN:

**A Home-Health Professionals
Agency**

SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

A member of the public contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that upon purchasing the contents of a storage locker, they found 48 boxes of records related to a home-health professionals agency (agency A). The IPC opened a file and immediately made arrangements to have the boxes sent to the IPC for review. Upon receipt of the records, two agencies were identified (agency A and agency B). The IPC was able to contact agency B and determined that they were responsible for storing the records for agency A. The IPC made arrangements to return the boxes to agency B for proper storage. The IPC began to work with agency B to fulfill its obligations under the *Personal Health and Information Protection Act* (the Act).

RESULTS OF REVIEW:

The General Manager (the Manager) of agency B provided the following information.

The Manager advised that agency A was no longer in business but that the former head of the agency now operated agency B. When agency A closed down in 1998, agency B agreed to store their records for them, along with some office furniture. Agency B was not aware of the fact that boxes of health records had been stored in the storage locker along with the other items from the agency. The Manager advised that there had been an ongoing dispute with the storage company regarding payments. According to the Manager, they were not advised that the contents of the storage locker were being sold until they were contacted by the IPC.

Upon review of the boxes, it was determined that less than half of the boxes contained the personal health information of former clients of agency A. The remaining boxes related to employment and financial records of agency A.

The Manager advised that the practice of their agency is to store all records containing personal health information at a secure off-site file retention facility. The Manager advised that they would ensure that the records containing personal health information would be securely stored in the same manner.

With regards to notification, the agency advised that the former clients of agency A would most likely now be deceased as the type of care that the agency provided was for individuals who were no longer capable of independent care. The agency further advised that the clients were generally with the agency until they either passed away or were taken into palliative care. Given that the records pre-date 1998, the clients are most likely deceased, and current addresses of family members are unknown, the IPC accepted that notification was not possible in this instance.

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

August 22, 2006 _____