



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-050055-1

A School Board

---

---



Tribunal Services Department  
2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
Canada M4W 1A8

Services de tribunal administratif  
2, rue Bloor Est  
Bureau 1400  
Toronto (Ontario)  
Canada M4W 1A8

Tel: 416-326-3333  
1-800-387-0073  
Fax/Télé: 416-325-9188  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

# *Personal Health Information Protection Act*

## **REPORT**

**FILE NO.** HI-050055-1

**INVESTIGATOR:** Gillian Judkins

**NON-HEALTH INFORMATION CUSTODIAN:** A School Board

### **SUMMARY OF INFORMATION GIVING RISE TO REVIEW:**

During an investigation into a report of a stolen laptop belonging to an employee working for a school board (HI-050044-1), the Office of the Information and Privacy Commissioner/Ontario (the IPC) learned that the laptop contained assessment reports of students from a second school board (the board), that the employee had previously worked at. The IPC opened a file to notify the board of the loss and to work with them in order to fulfill their obligations under the *Personal Health Information Protection Act* (the Act).

### **RESULTS OF REVIEW:**

The IPC worked with the Freedom of Information and Privacy Co-ordinator (the co-ordinator) at the board, who provided the following information.

The former employee, whose laptop computer was stolen, had previously been working under the supervision of a psychologist at the board in the role of a psycho-educational consultant. The co-ordinator advised that it is not the practice of the board to allow past employees to retain information about students on their personal computers after their contract ended; the co-ordinator had not been aware that this employee had done so.

The co-ordinator explained that the reports contained information about a child's learning style, test results and on occasion, a diagnosis of a child's learning challenges. Following each assessment, the parents are given a copy of their child's report. The original report is securely stored at the board's head office and remains a part of the child's student record.

The co-ordinator advised that following their internal investigation, they were able to determine that there were reports for 37 students from their board on the laptop. The board worked with the IPC to draft a letter to notify the parents of the situation in order to fulfill their obligation under section 12(2) of the *Act* to notify patients if their personal health information is stolen, lost or accessed by unauthorized persons. The letter was sent out by the director of education and provided the contact information for the chief psychologist and the board's freedom of information and privacy co-ordinator, if they had any further questions or concerns. Two parents contacted the board for more information and subsequently indicated that they were satisfied with the additional information they received.

In addition to notification, the board took the following steps:

- The chief psychologist immediately sent an email to all psychology professionals at the board, reminding them of their obligation to protect student information, including:
  - ensuring that all confidential material with student names attached, is password protected;
  - deleting confidential information when staff are finished with it;
  - deleting personal information from any files being used as template reports;
  - scheduling regular clean-ups of personal files; and
  - keeping a list of the students' names whose files are kept on computers, disks and memory sticks.
- The chief psychologist has used this incident as a learning opportunity for all staff within the psychology department who have access to personal student information and personal health information, including clerical staff, special education resource teachers and senior administration.
- The chief psychologist is embarking on a review of the current records management practices within the psychology department, including: accessing, storing, transporting, and maintaining student information (both written and electronic), to identify areas for improvement.
- The chief psychologist will be personally advising departing psychology staff that they must not retain any student, parent, staff, or confidential board information upon leaving the board. Departing staff will also be advised that any such information must be returned to the board's custody for safekeeping.
- The board has committed to undertake a board-wide communications initiative to increase staff awareness about the importance of protecting confidential and personal information.

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

October 11, 2006 \_\_\_\_\_