

Office of the Information & Privacy Commissioner/Ontario

Employee posted personal health information on a website

HI-050006-1

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A health care facility advised there had been an inadvertent disclosure of patients' personal health information. The facility was faced with how to fulfil its obligation under the [Personal Health Information Protection Act](#) (the *Act*) to notify the affected patients.

The disclosure occurred when a nurse at the facility posted photographs – which had been taken at the facility – on a personal website. The photographs were primarily of other employees at the facility. However, it was brought to the attention of the facility that they also inadvertently included the personal health information of some patients. In particular, some of the photographs showed the names of patients on a white board behind a nursing station and some contained pictures of patients. Although names were posted near each patient's bed, these names could not be read without enlarging the photographs. All in all, five patients were involved. When advised of the circumstances, the employee immediately removed the photographs from the website.

Generally, if personal health information is stolen, lost or accessed by unauthorized persons, the health information custodian is required to, at the first reasonable opportunity, notify the individuals involved. Notification can be in writing, over the telephone or in person, depending on the situation.

In this particular case, the health care facility, in consultation with the IPC, determined that contacting the patients in writing to provide notification was not the best approach. In deciding on the manner in which to notify them and what the first reasonable opportunity would be, the following factors were considered:

- It was not clear how many third parties, if any, had accessed the website while the photographs were posted;
- Very few names were clearly visible in the photographs;
- The name of the health care facility was not posted on the website, so there would be no way of linking individual patients to the health care facility;
- Most patients admitted to this particular health care facility suffer from life-threatening illnesses and without knowing the current health status of the individuals, it was decided that it would not be in the patients' best interests to inflict any additional stress by sending written notification of the disclosure;
- The disclosure was inadvertent on the part of the employee; and
- It appeared unlikely that individuals would have been harmed in any way by the disclosure.

Instead, to fulfil the notification requirements under the *Act*, the health care facility agreed to place a note in a special file about each patient affected by the disclosure. It was agreed that patients would also be informed about the disclosure of their health information in person, at their next appointment with their health care provider.

The notification approach was designed to involve contact by the health care provider directly involved in the patient's care and therefore, a person known to the patient. It was hoped this notification would make the process easier, more effective and less stressful for the patients involved while ensuring the facility met its obligations under the *Act*.