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*IPC tools and approaches for privacy
compliance in Ontario*

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Information and Privacy Commissioner/Ontario

PIPA Conference 2006

April 27, 2006



What This Talk is About

- 1. Role of the regulator**
- 2. PHIPA PIA**
- 3. OHA/OMA Health Toolkit**
- 4. Short notices**
- 5. PHIPA training video**
- 6. FAQs**
- 7. Newsletter / e-blast feeds**
- 8. Fact sheets**
- 9. Topic specific tools and approaches**



Role of the Regulatory Agency

“Regulatory agencies, by their conduct, can take reasonable law and produce oppressive regimes.”

— Malcolm Sparrow, *The Regulatory Craft*, 2000



Stressing the 3 C's

- **Consultation:**
 - Opening lines of communication with health community;
- **Collaboration:**
 - Working together to find solutions;
- **Co-operation:**
 - Rather than confrontation in resolving complaints.



IPC under PHIPA

Three Key Roles

- 1. Research and provide advice on proposed legislation and policy;**
- 2. Promote education;**
- 3. Ensure that government organizations and applicable private sector comply with access and privacy laws;**
 - RD/AD;
 - Mediation;
 - Adjudication.



Privacy Impact Assessment Guidelines for the *Ontario Personal Health Information Protection Act*

- PIA template self-assessment tool;
- Not required under PHIPA;
- No expectation to submit PIA to the IPC

Web link to template:

- http://www.ipc.on.ca/docs/phipa_pia-e.pdf



OHA / OMA

Health Toolkit and user guide

- Physician and Hospital Privacy Toolkit;
- Partners: Ontario Hospital Association, Ontario Hospital eHealth Council, Ontario Medical Association, Office of the Information and Privacy Commissioner/Ontario;



Short Notices

- The goal of using a “short notice” is to provide all individuals with essential information about their access and privacy rights in an easily readable and comparable format.



Short Notices Under PHIPA

Role of the IPC

- In Ontario, the IPC has taken a leadership role in promoting the use of short notices in the health sector;
- The IPC wanted to ensure that patients are well informed of their rights and have the knowledge to exercise those rights;
- Additionally, the IPC also wanted to help Health Information Custodians communicate more effectively with the public about their information practices and how patients may exercise their rights.

Sydney Resolution

- 2003, the movement to establish a global short privacy notice was officially recognized at the International Conference of Data Protection Commissioners in Sydney, Australia

Berlin Memorandum

- 2004, in Berlin, a working group of Commissioners and privacy practitioners met and prepared a memorandum recognizing that a new architecture was needed for privacy notices



Short Notices Posters

Health Information Privacy in our Hospital



HEALTH INFORMATION PRIVACY 1-800-368-5838 WWW.HOSPITAL.EDU	Describe how the protection your personal health information involving information about you takes in this hospital. You have the right to know how your personal health information is used and you control how your personal health information is used.
WHO CAN SEE AND USE YOUR PERSONAL HEALTH INFORMATION	Your personal health information may be kept private and secure. You are a person who can legally make health information for you. When your personal health information is used and you control how your personal health information is used, you have the right to know how your personal health information is used and you control how your personal health information is used.
YOUR RIGHTS AND CHOICES	You are a person who can make choices for you about your personal health information how it should be used. You have the right to know how your personal health information is used and you control how your personal health information is used. You have the right to know how your personal health information is used and you control how your personal health information is used.
WHO YOU CAN TALK TO ABOUT YOUR DECISIONS	When you give us permission to use or give us your information, you may change your mind at any time. You may also have a right to know how your personal health information is used and you control how your personal health information is used.
FAMILY, FRIENDS AND OTHERS	The family and friends may use your personal health information about you with your permission in the hospital and your health information may be used for other purposes. You have the right to know how your personal health information is used and you control how your personal health information is used.
PHYSICIAN, NURSE AND HEALTH CARE PROVIDER	Our hospital may use your personal health information to support your care. We will use your personal health information to support your care. We will use your personal health information to support your care. We will use your personal health information to support your care.
MESSAGE, EDUCATION AND PROMOTION	We may use your personal health information to support your care. We will use your personal health information to support your care. We will use your personal health information to support your care. We will use your personal health information to support your care.
HOW TO BE SUCCESSFUL	If you have questions or concerns about any privacy policies, please speak to Our Customer Service. We will use your personal health information to support your care. We will use your personal health information to support your care.
	The Information and Privacy Committee of Health Information Privacy is responsible for making sure that your personal health information is used and you control how your personal health information is used. We will use your personal health information to support your care. We will use your personal health information to support your care.

Health Information Privacy in our Office



HEALTH INFORMATION PRIVACY 1-800-368-5838 WWW.OFFICE.EDU	Describe how the protection your personal health information involving information about you takes in this office. You have the right to know how your personal health information is used and you control how your personal health information is used.
WHO CAN SEE AND USE YOUR PERSONAL HEALTH INFORMATION	Your personal health information may be kept private and secure. You are a person who can legally make health information for you. When your personal health information is used and you control how your personal health information is used, you have the right to know how your personal health information is used and you control how your personal health information is used.
YOUR RIGHTS AND CHOICES	You are a person who can make choices for you about your personal health information how it should be used. You have the right to know how your personal health information is used and you control how your personal health information is used. You have the right to know how your personal health information is used and you control how your personal health information is used.
WHO YOU CAN TALK TO ABOUT YOUR DECISIONS	When you give us permission to use or give us your information, you may change your mind at any time. You may also have a right to know how your personal health information is used and you control how your personal health information is used.
OFFICE, FRIENDS AND OTHERS	The family and friends may use your personal health information about you with your permission in the office and your health information may be used for other purposes. You have the right to know how your personal health information is used and you control how your personal health information is used.
OFFICE, NURSE AND HEALTH CARE PROVIDER	Our office may use your personal health information to support your care. We will use your personal health information to support your care. We will use your personal health information to support your care. We will use your personal health information to support your care.
HOW TO BE SUCCESSFUL	If you have questions or concerns about any privacy policies, please speak to Our Customer Service. We will use your personal health information to support your care. We will use your personal health information to support your care.
	The Information and Privacy Committee of Health Information Privacy is responsible for making sure that your personal health information is used and you control how your personal health information is used. We will use your personal health information to support your care. We will use your personal health information to support your care.



PHIPA training video

- Proactive approach toward our mandate by commissioning the production of an informational training video on PHIPA for the benefit of all health care providers in Ontario;

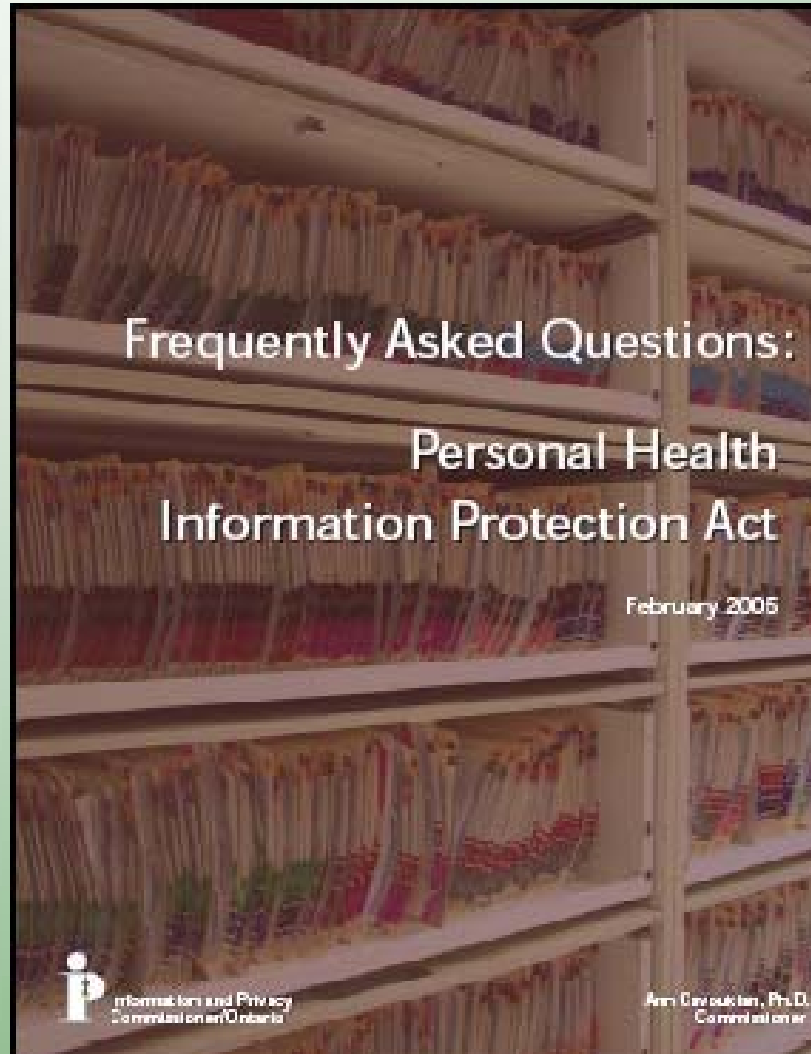
Four scenarios:

- pharmacy and the issue of audio privacy;
- written communication with the example of a referral letter from a surgeon's office;
- the theft of a laptop containing patient records from a doctor's office;
- an ambulance service trying to collect survey information from emergency wards in hospitals to better their service.



FAQs:

Personal Health Information Protection Act



Frequently Asked Questions:

Personal Health
Information Protection Act

February 2005



Newsletter / e-blast feeds

Notice : 08 Dec 2005 + 15 Dec 2005 - Provision of Plan B (Schedule II) - Letters to Pharmacists - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites History Up History Track Results Bar

Address <http://www.ocpinfo.com/client/ocp/ocphome.nsf/1071f947e728982c85256ac700690097/ce282b2b18b45a1e85257125006549b7?OpenDocument> Go Links

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ONTARIO COLLEGE OF PHARMACISTS

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08 Dec 2005 + 15 Dec 2005 - Provision of Plan B (Schedule II) - Letters to Pharmacists

December 15, 2005

Following the issuance of a Notice to Pharmacists last week concerning a specific form being used in some cases when the purchase of the Schedule II product, Plan B had been requested, a working group was formed, consisting of staff from the Ontario College of Pharmacists, the Ontario Pharmacists Association, and the Office of the Information and Privacy Commissioner of Ontario.

The goal of the group was to develop and agree on guidelines which could be used by pharmacists in Ontario to ensure that their ongoing practice with respect to the sale of this product meets all applicable legislation, including *Standards of Practice*. The attached document (see below) will serve to clarify the expectations of the College that pharmacists will continue to serve their patients well by providing appropriate information and counselling and to add value to the sale of Plan B as they would for any Schedule II product.

It is suggested that existing tools and practice be examined at this time to



Unable to Login?
Client Services
Council
Pharmacy Practice
Practice Guidelines
Practice Q&A
Forms
Methadone
Licensing/
Registration
Registration Package
Trained in Canada/US
Trained Elsewhere
Preceptors
Quality Assurance
Learning Portfolio
Clinical Knowledge
Assessment
Continuing
Education



Factsheets

- Secure Destruction of Personal Information
- Long-term Care Homes
- Lock-box Fact Sheet
- Disclosure of Information Permitted in Emergency or other Urgent Circumstances
- Reporting Requests under PHIPA
- Consent and Form 14
- Fundraising under PHIPA
- Ontario Regional Poison Information Centers and the 'Circle of Care'
- Your health information: Your access and correction rights
- Safeguarding Personal Health Information



Factsheet e.g.



Number 7
July 2005

Ann Cavoukian, Ph.D.
Information and Privacy Commissioner/Ontario

Fact Sheet

Disclosure of Information Permitted in Emergency or other Urgent Circumstances

Privacy legislation in Ontario does not prevent the rapid sharing of personal information in certain situations. While it is appropriate to recognize that personal information is protected by Ontario's privacy and access laws, it is also important to realize that these protections are not intended to stand in the way of the disclosure of vital – and in some cases, life-saving – information in emergency or other urgent situations.

In emergency and limited other situations, personal information, including personal health information, may need to be disclosed in a timely fashion, even if the person's consent has not been obtained. In such circumstances, the head of a public sector institution or a health information custodian (a defined term under the *Personal Health Information and Protection Act* or *PHIPA*), or those acting on their behalf, can – and in some cases must – disclose information that would normally be protected by Ontario's access to information and privacy laws. This information

may be a record or records containing personal information or personal health information, and the circumstances may include emergencies or critical situations affecting individuals or public health and safety, as well as situations calling for compassion.¹ Although these disclosures are the responsibility of the head of an institution or a health information custodian, it is important for anyone working in such settings to understand what is permitted in certain situations.

A head of a public sector institution or a health information custodian is given the authority by Ontario's access to information and privacy laws to disclose such information. These laws also protect a health information custodian or a head from damages, provided that the custodian or head has acted in good faith.

Listed below are some circumstances under which a custodian can disclose personal information or personal health information, in the absence of an individual's consent.

¹ "Head," and "personal information" are defined terms under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Access to Information and Protection of Privacy Act* (ATIPPA). "Health information custodian" and "personal health information" are defined in the *Personal Health Information Protection Act* (PHIPA). Please see <http://www.e-law.gov.ca/>.

- Public interest and grave hazards
- Risk of serious harm
- Disclosure to public health authorities
- Compassionate circumstances
- Providing health care



Topic specific tools

RFID

- Tag, You're It: Privacy Implications of Radio Frequency Identification (RFID) Technology (February 2004)
 - www.ipc.on.ca/docs/rfid.pdf
- Guidelines for Using RFID Tags in Ontario Public Libraries (June 2004)
 - www.ipc.on.ca/docs/rfid-lib.pdf

VIDEO SURVEILLANCE

- Guidelines for using video surveillance cameras in public places (October 2001)
 - <http://www.ipc.on.ca/docs/video-gd.pdf>
- Guidelines for using video surveillance cameras in schools (December 2003)
 - <http://www.ipc.on.ca/docs/vidsch-e.pdf>



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