



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

VIA ELECTRONIC MAIL AND ONLINE SUBMISSION

February 6, 2025

Kristin Taylor
Director, Provincial Programs Branch
Hospitals and Capital Division
Ministry of Health
438 University Ave, 4th Floor
Toronto, Ontario M7A 1N3

Dear Ms. Taylor:

RE: Amendment to *Personal Health Information Protection Act, 2004* (PHIPA) Regulations to Enable the Transfer of the Critical Care Information System

I am writing with regard to the notice of proposed amendments to Ontario Regulation (O. Reg.) 329/04 under the *Personal Health Information Protection Act, 2004* (PHIPA or the Act) posted in [Volume 157-51 of the Ontario Gazette](#).

As background, Hamilton Health Sciences Corporation is currently designated as a prescribed person for the purposes of s. 39(1)(c) of PHIPA in respect of the Critical Care Information System (CCIS).¹ The Act permits health information custodians to disclose personal health information (PHI) to prescribed persons who compile or maintain registries of PHI for the purpose of facilitating or improving the provision of health care or that relate to the storage or donation of body parts or bodily substances. Prescribed persons must follow the requirements outlined under O. Reg. 329/04. Among other things, prescribed persons must put into place practices and procedures that are “for the purpose of protecting the privacy of the individuals whose personal health information it receives and for maintaining the confidentiality of the information” and that are approved by the Commissioner every three years.²

CritiCall Ontario (CritiCall) is located within Hamilton Health Sciences Corporation and receives funding from the Ministry of Health (the ministry) to provide a 24-hour-a-day emergency consultation and referral service for physicians based in acute care hospitals across Ontario.³ Administrators of the CritiCall program reference the CCIS when they provide specialty consultation and referral services to hospital-based physicians. PHI within the CCIS is also used

¹ See para. 5 of ss. 13(1) of O. Reg. 329/04.

² See ss. 13(2) of O. Reg. 329/04.

³ See CritiCall's website accessed [here](#).



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

2, rue Bloor Est
Bureau 1400
Toronto (Ontario)
Canada M4W 1A8

Tel/Tél : (416) 326-3333
1 (800) 387-0073
TTY/ATS : (416) 325-7539
Web : www.ipc.on.ca

to provide data and reports to assist hospitals, regions and the ministry with monitoring and analysis for use to support ongoing planning and decision making.⁴

As a prescribed person in respect of the CCIS, Hamilton Health Sciences Corporation receives a large quantity of PHI from health information custodians without consent, and that PHI is stored within the CCIS. If approved, the proposed amendments would update s. 3(5) of O. Reg. 329/04 to refer to Ornge⁵ and support the transfer of the CCIS from Hamilton Health Sciences Corporation to Ornge. With this in mind, the Commissioner would like you to keep us informed of the status of the transfer and also ensure that any amendment to the regulations would only come into force as of the date Ornge would start operating the CCIS independently as a prescribed person.

The Commissioner would also like to ensure that satisfactory practices and procedures will continue to be in place after the transfer of CritiCall Ontario and the CCIS from Hamilton Health Sciences Corporation to Ornge. As next steps, we will reach out to the Chief Executive Officers or Executive Directors (or equivalent position) of Hamilton Health Sciences Corporation and Ornge, to request a coordinated letter that confirms a number of details with respect to the transfer. Later this year, another request would be issued to Ornge to set out the timing of the next three-year review and the particular practices and procedures the Commissioner would review.

Please let me know if you have any questions or if you need to discuss any matter as you move ahead with the transfer.

Sincerely,



Andrew Drummond
Director, Health Policy Department

- c. Patricia Kosseim, Commissioner, IPC
Michael Maddock, Assistant Commissioner, Strategic Initiatives & External Relations, IPC
Catherine Wang, Assistant Deputy Minister, Hospitals and Capital Division, Ministry of Health
Dr. Homer Tien, President and CEO, Ornge
Susan Kennedy, Chief Legal and Administrative Officer, Ornge
Amanda Brennan, Senior Legal Counsel, Ornge

⁴ See CritiCall's website, accessed [here](#).

⁵ Although the name of Ontario Air Ambulance Service Corporation was officially changed to Ornge in 2006, the name was never corrected in s. 3(5) of O. Reg. 329/04.

Dr. Tamar Packer, Executive Vice President, Academic and Chief Medical Executive,
Hamilton Health Sciences Corporation

Janet Ozembloski, Vice President, Legal Services & General Counsel, Hamilton Health
Sciences Corporation

Isabel Hayward, Executive Director, CritiCall Ontario