



Information and Privacy  
Commissioner/Ontario

Commissaire à l'information  
et à la protection de la vie privée/Ontario

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*Personal Health Information Protection Act*

REPORT

FILE NO. HR06-51

A Provincial Government Ministry

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# ***Personal Health Information Protection Act***

## **REPORT**

**FILE NO.**

**HR06-51**

**INVESTIGATOR:**

**Cathy Hamilton**

**HEALTH INFORMATION CUSTODIAN:**

**A Provincial Government Ministry**

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

A health information custodian (custodian) that oversees a maximum secure forensic mental health centre (mental health centre) contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that information that had been taken home by a staff member from the mental health centre had been stolen from the staff member's car. The information may have contained personal health information. The IPC opened a file and worked with the custodian to fulfill its obligations under the *Personal Health Information Protection Act* (the *Act*).

### **RESULTS OF REVIEW:**

The custodian provided the following information to the IPC. A clerical staff member at the mental health centre reported to her manager that a bag had been stolen from her locked car, which was parked in her driveway. The bag contained material that the staff member had removed from the health centre, for purposes of working at home. Specifically, the bag contained: the staff member's personal Day-Timer; the mental health centre's procedure manual for her position; and a steno pad on which the staff member had written the results of 128 chart audits she had conducted, including the patient's name, casebook number, and any deficiencies in the patient's health record, such as missing forms and signatures. The theft was reported to the local police.

The mental health centre took immediate action, in that the manager reminded the staff member, who was a relatively new employee, that one of the mental health centre's policies states that documents containing personal health information should not be removed from the premises.

Approximately two weeks after the theft, the staff member reported to her manager that the stolen bag had been returned to her home by an unknown person. The contents of the bag remained undisturbed, with nothing missing.

The IPC worked with the custodian regarding the issue of whether some, or all of the contents of the bag contained personal health information. The custodian acknowledged that the information recorded in the steno pad contained the personal health information of approximately 128 individuals.

With respect to the notification requirements under section 12(2) of the *Act*, the custodian notified the affected individuals by way of written letter that a possible privacy breach of personal health information may have occurred. The custodian advised the individuals that it was working with the mental health centre to implement further educational and procedural changes, and provided the name and telephone number of a contact person.

As a result of this incident, the mental health centre worked with the custodian to conduct a review of its policies regarding personal health information. The mental health centre will include in its policy entitled "Confidentiality and Security of the Record of Personal Health Information" that documents containing personal health information (even those that are not filed in the patient's health record) must not be taken out of the mental health centre, with a few exceptions, such as responding to a summons for the record. The custodian will report back to the IPC once this revision has been incorporated into the above-noted policy.

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: \_\_\_\_\_  
Brian Beamish  
Assistant Commissioner

\_\_\_\_\_ March 21, 2007