



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-060020-1

A Hospital's Emergency Department



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>

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INVESTIGATOR:

Gillian Judkins

HEALTH INFORMATION CUSTODIAN:

A Hospital's Emergency Department

SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

The Office of the Information and Privacy Commissioner/Ontario (the IPC) opened a file following a newspaper article, *Hospital claims privacy breached*, in which it was reported that the CEO of a hospital had complained to the IPC regarding the conduct of a newspaper reporter. The article stated that the CEO believed that the confidentiality of patients in the hospital's Emergency Department (the hospital) had been compromised following the discovery that a reporter had shadowed a physician for one of his shifts. The IPC contacted the hospital and began to work with them to ensure they were fulfilling their obligations under the *Personal Health and Information Protection Act* (the Act).

RESULTS OF REVIEW:

The hospital's Chief Privacy Officer (CPO) provided the following information.

Following the newspaper article in which a physician in the hospital's emergency department was shadowed by a reporter from a local newspaper for a shift, and a complaint to the hospital's CEO, the hospital began an internal investigation into the matter.

The article outlined the problems the hospital was facing with a lack of beds and privacy for patients in the emergency department as well as problems with staff shortages. The first names of patients were used and information about their conditions were printed in the articles.

The CPO advised that the Corporate and Public Affairs department had not been notified that the reporter would be in the hospital. As a result, signed consent forms from the patients interviewed had not been obtained. The hospital first heard of the reporter being in the hospital when the article appeared in the paper and a complaint was received the same day by a woman whose husband was a patient in the emergency department when the reporter was present. According to the complainant, the physician who examined her husband was accompanied by a woman but at no time during the examination did the physician or the woman herself identify her as being from the local paper. The complainant wrote:

...When we were getting ready to leave the unit the young woman came back to talk to us. She introduced herself as a reporter. The first thing she said was, "A condition like this is usually treated by a family physician. Why did you come to Emergency?" I felt that I needed to defend our decision to come to ER.

The CPO advised that a few months prior to this incident, the paper sent a photographer to photograph the same physician in the hospital's emergency department, without the knowledge of the Corporate and Public Affairs department.

Following the investigation into this matter, the CPO advised that the hospital's Chief of Staff met with the Chief of Emergency and the physician involved to discuss the matter. At this meeting, the corporate policy for media visits was reviewed with the physician. The physician acknowledged his error and assured the hospital that he would not allow reporters or photographers into the emergency department again without first clearing it with the Corporate and Public Affairs department.

The CPO reviewed the current media relations policy which clearly states that all media requests to photograph, videotape or interview patients, staff, volunteers or visitors on hospital property are to be directed to the office of Corporate and Public Affairs during business hours or to the Manager-on-call after hours. The policy further states that a signed and dated consent form must be obtained from all patients or the patient's immediate family, prior to the patient being photographed or videotaped. The policy also designates specific spokespeople for the hospital.

As a result of this incident, the following initiatives have taken place at the hospital:

- Staff were provided with re-training sessions on privacy issues;
- Emergency Room physicians were provided with additional privacy training;
- The CPO, through the privacy working group, now provides regular updates to the Medical Advisory Committee;
- The hospital's media policy was reviewed and revised where necessary. All media outlets were sent a copy of the new policy and advised that while entering the hospital, they will be required to sign-in with Corporate and Public Affairs and wear media badges during their time in the hospital;
- The CPO will continue to conduct walkabouts with Managers and supervisory staff in order to evaluate privacy on an ongoing basis, making changes where necessary; and

In addition to the above, the hospital's President and CEO wrote to the newspaper involved to explain the hospital's obligation to protect the privacy of their patients and the hospital is continuing to work with all media to ensure their policies are adhered to. The CPO advised that the individual who complained was given an apology and to date there has been no further contact from the individual expressing additional concerns.

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

_____ November 28, 2006