



Information and Privacy
Commissioner/Ontario

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

Personal Health Information Protection Act, 2004

REPORT

FILE NO. HI-050037-1

A Hospital in a Suburban Setting



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INVESTIGATOR:

Gillian Judkins

HEALTH INFORMATION CUSTODIAN:

A Hospital in a Suburban Setting

SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

A member of the public contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) following the discovery of a hospital staff member's Assignment and Work Sheet (the record) in the parking lot of a local grocery store. The hospital worked with the IPC to address its obligations under the *Personal Health and Information Protection Act, 2004* (the *Act*) including the notification of affected patients.

RESULTS OF REVIEW:

The IPC immediately contacted the hospital to advise of the incident. The IPC made arrangements to have the record picked up from the member of the public and returned to the hospital, which proceeded to conduct its own investigation into the matter.

The hospital provided the following information.

The hospital advised that upon receipt of the record, they were able to determine the staff member to whom it belonged. The hospital advised that its Privacy Officer had met with the staff member, the clinical leader and the union representative to investigate the matter. During the meeting, the staff member acknowledged that it was her record but that it was not her practice to take anything from work home with her. The staff member said that she does shop at the grocery store where the record was found but she was unable to recall if she had shopped there on the date stated at the top of the record. The staff member stated that her practice is to shred her assignment sheet at the end of her shift, in accordance with hospital protocol.

The Privacy Officer advised that there were ten patient names on the record. To fulfill its obligations under section 12(2) of the *Act*, eight patients were notified by telephone of the accidental loss and also received a follow-up letter. The hospital was unable to reach one of the ten patients by telephone. This patient was sent a letter regarding the matter and was asked to contact the hospital if they had any concerns. The tenth patient whose name appeared on the record had recently passed away. After much discussion with the care team and the IPC, it was decided that it would not be in the best interest of the family to notify them of the accidental loss, especially given that the record had now been safely returned to the facility.

The hospital advised that as a result of this accidental loss, the staff member would be receiving one-on-one counselling with her clinical leader regarding the use and disposal of Staff Assignment and Work Sheets. The hospital also sent out a re-education memo to all staff regarding the access, use, disclosure and disposal of personal health information. The hospital advised that in addition, there would be unit specific staff re-education regarding the above.

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: _____

Ann Cavoukian, Ph.D.
Commissioner

February 27, 2006 _____