
Personal Health Information Protection Act, 2004

REPORT

FILE NO. HI-050026-1

A City's Public Health Department

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INVESTIGATOR: Nancy Ferguson

HEALTH INFORMATION CUSTODIAN: A City's Public Health Department

SUMMARY OF INFORMATION GIVING RISE TO THIS REVIEW:

A public health nurse employed by a City noticed that her briefcase was missing from her home. The nurse reported that she believed the case had been stolen when she left the front door unlocked and went into the backyard. The loss was reported to the police and the Office of the Information and Privacy Commissioner/Ontario (the IPC). The City undertook a consideration of its obligations under the *Personal Health Information Protection Act, 2004* (the *Act*) including its obligation to provide notice to the affected patients.

RESULTS OF THE REVIEW:

The City provided a report to the IPC describing the information it had gathered following the nurse's report of the loss. The City advised that the nurse was involved in a stop smoking program which included local high schools students. A USB storage device was used to store the information the nurse entered on her laptop computer describing the progress of participating students from two local high schools. This USB storage device was stored in the briefcase that was missing and which was believed to have been stolen from the nurse's home.

The personal health information on the USB storage device included the students' names, grade, the name of their home room teacher and individual progress notes for each relating to the smoking prevention program.

The City determined that all but one of the affected students had now graduated and would no longer be attending the high school where they had participated in the program. The City did not have home address information for these students. The City was concerned that, even if it were able to determine the students' last known address, contacting them to attempt notification could place students' privacy in greater jeopardy. A letter or phone call from the City or the Public

Health Department could lead to difficult questions for students from their family members and potentially to disclosure of the fact that they participated in the stop smoking program.

In consideration of all the circumstances, it was determined that carrying out notification for the affected students would further jeopardize their privacy and it was not attempted by the City.

The nurse's briefcase also contained a list of City staff including the staff person's name and personal home phone number. These employees were provided with notice about the loss through an email delivered to each staff member directly.

The nurse's briefcase also contained a list of nine students who participated on a City Committee which include the students' names and e-mail addresses. The City provided notice of the loss of their personal information by sending each of these students an e-mail directly to their last known e-mail address.

The supervisor of the program where the loss occurred advised that, due to the nature of the work done by public health nurses, personal health information is transported on a regular basis. The supervisor reported that she had discussed the privacy issues raised by this incident at great length with the health nurse whose briefcase was stolen. The supervisor advised the health nurse that information should be copied and stored on the main file and kept in a locked cabinet at the office, and should not be kept for lengthy periods of time on a USB storage device or laptop.

The supervisor of the program also advised that a notice would be distributed to staff outlining the requirement to keep electronic personal information password protected. The program supervisor will also be following up to ensure that internal policies addressing this issue exist in the Public Health Department.

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.

Ann Cavoukian, Ph.D
Commissioner

April 19, 2006