



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-050025-1

A City Hospital



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>

Personal Health Information Protection Act, 2004

REPORT

FILE NO. HI-050025-1

INVESTIGATOR: Nancy Ferguson

HEALTH INFORMATION CUSTODIAN: A City Hospital

SUMMARY OF INFORMATION GIVING RISE TO THIS REVIEW:

A healthcare professional was travelling on public transit when she found documents that appeared to come from a patient's hospital record. Included among the documents were driving directions to the patient's home. The name of the hospital was not indicated on the documents. The healthcare professional reported the matter to the Office of the Information and Privacy Commissioner/Ontario (the IPC).

The IPC contacted the patient directly to advise her that her personal health information had been found on a public transit vehicle. The patient was informed that the documents had been recovered by a healthcare professional who had turned them over to the IPC. The patient reported that she had recently been visited in her home by a nurse and provided the nurse's name. The IPC contacted the nurse directly to obtain information and to determine the name and appropriate contact person at the hospital that the documents had originated from. The hospital undertook a consideration of its obligations under the *Personal Health Information Protection Act, 2004* (the *Act*) including with respect to notifying the affected patient.

RESULTS OF THE REVIEW:

The hospital provided the following information to the IPC with respect to the circumstances leading to this loss:

- the nurse had removed information about the patient and the map to the patient's home from the hospital in order to facilitate the patient's on-going participation in a research study;

- it is not standard practice to carry personal health information outside of the hospital, however, this particular patient wished to continue participation in a research study and had no way of reaching the hospital for required visits;
- the patient agreed that the nurse would bring the required information to the patient's home to conduct the follow-up assessments;
- the patient lived a significant distance from the hospital so the nurse brought the information home the night before travelling to visit the patient at her home;
- the nurse carried the documents in her "clinic bag" which is a closed bag separate from her personal items;
- the nurse did not realize she had left the documents on the public transit vehicle and reported that when they were not found in her clinic bag she had assumed she left them in her office at the hospital or had forgotten to print them from the electronic system where they were stored;
- in the end, the nurse concluded that she must have been searching the clinic bag for another item and somehow left behind the documents on the public transit vehicle in the process.

The hospital wrote to the patient to apologize that her personal health information had been inadvertently left on a public transit vehicle. The letter explained that a nurse employed by the hospital had been carrying the information with her in anticipation of a visit to the patient's home. It was pointed out that, while it is not the standard practice to carry patients' information outside the hospital, it was necessary in this case. It was also explained that the nurse carried the documents in a her clinic bag which is a closed bag separate from her personal effects to help minimize the potential for loss of information in the bag. The patient was advised that the hospital was reviewing the incident with the nurse and working with the IPC to address the situation. The patient was invited to contact the hospital's privacy manager to obtain further information.

The hospital reported that the nurse also personally apologized to the patient and informed the patient about the safeguards that were in place to protect information taken out of the hospital.

The hospital provided the following information about its policies and practices relating to the removal and transport of personal health information and the obligations of employees to report losses:

- the hospital is an acute care facility and as such, transporting personal health information off-site is not standard practice;
- to further discourage the practice of transporting personal health information off-site, the hospital has invested in secure remote access technologies to facilitate the availability of care information where it is needed without employing less reliable means like couriering or faxing;
- remote access to the hospital's personal health information is supported by industry standard security and detailed policies and procedures;

- the hospital's privacy policy emphasizes the importance of appropriately safeguarding personal health information at all times, however, providing clear guidance on appropriate safeguards when transporting personal health information would be beneficial;
- the hospital will incorporate this clear guidance for the transport of personal health information into its existing policy to help educate its staff and raise awareness about the issue;
- the hospital's privacy policy sets out the obligation to inform patients of any loss, theft or inappropriate access of their personal health information as soon as reasonably possible; and
- the hospital's intranet provides examples of privacy incidents that must be reported and provides instruction for contacting the privacy manager; this information is also emphasized during in-service and corporate orientation presentations that all new employees must attend.

The hospital wrote to the healthcare professional that found the documents containing the patient's personal health information. In this letter the hospital thanked the individual for sending the documents to the IPC. The letter explained that the hospital was pleased that the documents had been found and were now safe. The letter also indicated that the affected patient had been contacted and advised about the incident by the staff member who was transporting the documents. The letter also indicated that the hospital will be taking steps to discuss the incident with the staff member to ensure that appropriate processes are in place to protect the information.

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

April 19, 2006