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*Personal Health Information Protection Act, 2004*

REPORT

FILE NO. HI-050016-1

A City Hospital

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# *Personal Health Information Protection Act, 2004*

## **REPORT**

**FILE NO.** HI-050016-1

**INVESTIGATOR:** Nancy Ferguson

**HEALTH INFORMATION CUSTODIAN:** A City Hospital

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

A hospital was unable to locate a memory stick that held program evaluation data relating to one of its service areas. A staff member had been involved in a project to collate the data and enter it into a data bank. The staff member was no longer employed by the hospital when she reported this loss to her former employer. The loss was reported to the Office of the Information and Privacy Commissioner/Ontario (the IPC). The hospital undertook a consideration of its obligations under the *Personal Health Information Protection Act, 2004* (the Act) including the notification of the affected patients.

### **RESULTS OF THE REVIEW:**

The hospital provided a written report to the IPC describing the loss, its investigation of the loss and the steps that would be taken to help prevent a similar incident from occurring in the future.

The hospital reported that the data on the memory stick was not password protected. For each client that had participated in the program for which data was being collated, the database contained the hospital client identification number, gender, age, marital status, education level, diagnosis, the duration of the symptom of interest, the date the individual entered and ended the program and the various test results and evaluations regarding the client's outcome.

The hospital reported that the staff member who was using the memory stick contacted the hospital approximately one month after she had left her employment with the hospital. When the hospital questioned the former staff member in order to obtain further information about the loss, she denied that the memory stick had ever been removed from the hospital setting. However, other staff members contradicted this view.

The hospital reported that a thorough search of the work environment where the staff member had carried out her work was undertaken but the memory stick could not be located.

The hospital wrote a letter to each patient identified as having information on the memory stick to provide notification pursuant to section 12(2) of the *Act*. The letter explained the nature of the patient's information on the memory stick and indicated that the memory stick containing this information was missing and could not be located, despite a thorough search. In the letter, the hospital apologized to the patient and indicated that it had no basis to believe that the information was taken deliberately or that it would be used in any way. The fact that the hospital reported the matter to the IPC was also mentioned. Finally, a contact name and phone number was offered for those interested in obtaining further information.

The incident led to a decision that a policy would be developed and implemented addressing the use and security of memory sticks and all transferable data.

The hospital indicated that the *Act*, client confidentiality and privacy practices are matters addressed during the orientation of new staff and in ongoing training sessions for all staff. These matters are also addressed for clients and staff in materials available at the hospital, as well as on the internal intranet for staff.

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.

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January 23, 2006

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Ann Cavoukian, Ph.D.  
Commissioner