



Information and Privacy
Commissioner of Ontario
Commissaire à l'information
et à la protection de la vie privée de l'Ontario

October 31, 2014

VIA ELECTRONIC AND REGULAR MAIL

Dr. Corin Greenberg, Executive Director
Pediatric Oncology Group of Ontario
2025 Bayview Avenue
Toronto, Ontario
M4N 3M5

Dear Dr. Greenberg:

RE: Review of the Report on the Policies and Procedures of the Pediatric Oncology Group of Ontario

Pursuant to subsection 45(4) of the *Personal Health Information Protection Act, 2004* ("the *Act*"), the Office of the Information and Privacy Commissioner of Ontario (IPC) is responsible for reviewing the practices and procedures implemented by each prescribed entity to protect the privacy of individuals whose personal health information it receives, and to protect the confidentiality of that information.

Given the practices and procedures of the Pediatric Oncology Group of Ontario (POGO), a prescribed entity within the meaning of the *Act*, were last approved on October 31, 2011, the IPC was again required to review these practices and procedures and advise whether they continue to meet the requirements of the *Act* on or before October 31, 2014.

In accordance with the process set out in the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* ("the *Manual*"), POGO, as a prescribed entity seeking the continued approval of its practices and procedures, submitted a detailed written report and sworn affidavit to the IPC. These documents were to conform to the requirements of the *Manual*.

The IPC has now completed its review of your report and affidavit. Despite the recommendation from the IPC review of the report on the practices and procedures of POGO in 2011, POGO has yet to fully develop and implement a business continuity and disaster recovery plan. I am otherwise satisfied that POGO continues to have in place practices and procedures that sufficiently protect the privacy of individuals whose personal health information it receives, that sufficiently maintain the confidentiality of that information and that continue to meet the requirements of the *Act*.

Effective October 31, 2014, the practices and procedures of POGO continue to be approved for a further three-year period, with the expectation that the business continuity and disaster recovery

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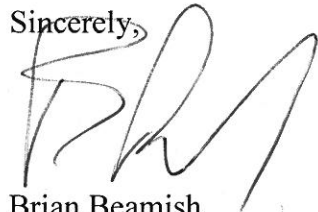
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plan will be developed and implemented without delay and that its successful implementation will be reported back to my office in the time frame specified in the corresponding recommendation in the Appendix.

The attached Appendix contains recommendations to further enhance the practices and procedures of POGO, which must be implemented prior to the next legislated review.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Beamish', written over the word 'Sincerely,'.

Brian Beamish
Commissioner (Acting)

Attach.

cc: Madeline Riehl, Co-privacy Officer
Bruna DiMonte, Co-privacy Officer

Appendix

1. It is recommended that POGO complete the development of its business continuity and disaster recovery plan as soon as reasonably possible, providing written confirmation to the IPC of this no later than December 31, 2014. It is further recommended that implementation of the business continuity and disaster recovery plan be complete, and written confirmation be provided to the IPC no later than June 1, 2015.
2. It is recommended that POGO immediately improve its privacy and security audit documentation and processes to fully comply with the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* ("the *Manual*") which will enable sufficiently detailed reporting of appropriately categorized audits.
3. It is recommended that POGO augment its documentation and processes regarding privacy impact assessments to ensure all information required by the *Manual* is included in both the privacy impact assessments and POGO's corresponding log of privacy impact assessments.
4. It is recommended that POGO ensure that both its privacy and security audit indicators are completed in full compliance with the *Manual* when initially submitting them for the next three-year review. While redactions will be permitted for the public version of the report, it must be emphasized that any information required by the *Manual*, which in the considered view of POGO should not be made public, must be provided to the IPC in a timely fashion.

General Note to All Prescribed Persons and Prescribed Entities

The IPC wishes to clarify its expectations regarding the process for the three-year review and approval of prescribed entities and prescribed persons. For future reviews, the IPC will require that you provide your reports for the period spanning from one year prior to the previous approval up to and including October 31st of the year prior to the next expected approval date. Therefore, for the next expected approval date (October 31, 2017), the IPC requires that your reports, especially with regard to your indicators, cover the period from November 1, 2013 up to and including October 31, 2016.

If, at the time of delivering your report, some of the indicators for more recent months are not yet compiled, you will be expected to provide amendments to include the missing data within a reasonable time period after the initial submission of your report. For those prescribed entities and prescribed persons which have provided indicators beyond October 31, 2013 for the current approval, the IPC requires you to simply resubmit, on October 31, 2016, those portions of your indicators which went beyond October 31, 2013 along with new, previously unreported data, as required.