
Personal Health Information Protection Act, 2004

REPORT

FILE NO. HI-050019-1

A Municipality's Public Health Unit

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INVESTIGATOR:

Nancy Ferguson

HEALTH INFORMATION CUSTODIAN:

A Municipality's Public Health Unit

SUMMARY OF INFORMATION GIVING RISE TO THIS REVIEW:

A public health nurse had records containing personal health information stolen from her vehicle. The municipality reported the matter to the Office of the Information and Privacy Commissioner/Ontario (the IPC) and 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 municipality wrote to the IPC to describe 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 municipality reported that the nurse had put the files containing the personal health information in a briefcase that had been placed in the trunk of the car she owned jointly with her spouse. The nurse mistakenly left the briefcase in the car when she got home. Her spouse took the car with the briefcase in the trunk and parked it in the parking garage of the hospital where he worked. He reported a break-in and theft involving the vehicle to security personnel at the hospital and an incident report was filed. Hospital security searched the parking lot and hospital grounds in response to the incident but the briefcase was not recovered.

The municipality advised that the nurse reported the loss of the briefcase containing the patient files to her supervisor the day after the break-in. The supervisor initiated the protection of privacy protocols. These protocols provide for reporting such incidents to the information management department and the filing of a report about the incident with the police and the IPC.

The municipality indicated that these protocols also provide for affected clients to be notified by phone and provided with a written explanation of the incident and any corrective measures as a follow-up.

The municipality reported that, pursuant to these protocols, the nurse contacted the two affected clients directly. In addition, each client was sent a letter outlining the circumstances of the breach and the corrective measures implemented.

The municipality reported that, in response to this incident, the supervisor of the particular program area where the nurse worked reviewed the departmental protection of privacy protocols with the nurse. The municipality described these protocols as permitting files to be taken out of the office to perform necessary public health work. However, the protocols provide that transportation of a file with personal health information is to be in the locked trunk of the employee's vehicle. In response to this incident, the protocol was amended to make it clear that files taken home must be taken out of the trunk and placed in a locked drawer or cabinet so that they are at all times within the staff member's custody and control.

The municipality advised that, as a follow-up to the incident, all supervisors in the program area where the nurse worked reviewed the privacy protocols with respect to files taken out of the office with their staff. The Director of the program area also reviewed the incident with other members of the management team outside the particular program that experienced the loss, to ensure other staff were advised of the appropriate protocols relating to the security of files containing personal health information that must be taken out of the office.

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

January 23, 2006