



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-040002-1

A Community Care Access Centre



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-040002-1

INVESTIGATOR: Nancy Ferguson

SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

A speech language therapist who travelled regularly to visit clients lost her appointment book. After an exhaustive search, she was unable to locate the book and it was not returned to her. The therapist was an employee of a private company (the Agent) contracted to provide services to a Community Care Access Centre (the CCAC). The therapist reported the loss to her employer who then notified the CCAC and the Information and Privacy Commissioner/Ontario (the IPC). The CCAC was identified as the "Health Information Custodian" in the scenario and was faced with how to fulfill its obligations under the [Personal Health Information Protection Act](#) (the Act) including the notification of affected patients.

RESULTS OF REVIEW:

The CCAC conducted an investigation working with the Agent that employed the therapist. The goal was to find out how the loss had occurred, what personal health information was contained in the appointment book and consider what obligations arose under the Act.

The speech language therapist provided services primarily to students in schools. She also provided services to clients in long-term care facilities and in their homes.

With respect to the contents of the appointment book the following information was gathered:

- the appointment book was used for personal and professional appointments; it contained appointments only for the months of October through December of 2004;
- first names alone were used to mark appointments, except where two clients had the same first name or where she was seeing a new client;
- there were no full names of any students in the diary;
- phone numbers were entered on occasion but addresses were never entered;
- there were no names of the institutions (i.e., schools) where the clients were seen except for some long-term care facilities where the facility and only the client's first name might appear;

- the health care provider's name, address, phone number, profession, and employer information was not written into the diary;
- there was a possibility that one or more business cards might have been in the appointment book when it was lost, indicating the therapist's name, the name and address of her employer, her educational designation and the title of the service provider (i.e. speech language therapist).

It was determined that given the therapist's practices and the facts of this particular case, there was an extremely small chance that anyone could glean any meaningful, identifiable information regarding a client from the contents of the missing appointment book. As a precaution, it was decided that the therapist would advise any ongoing clients, who had scheduled appointments in the missing book, that the book had gone missing and had not been returned to her. She would also advise them that she hadn't used full names to mark appointments except in very limited circumstances and hadn't made reference to the services when marking appointments. She could also advise them that the book had contained a mix of personal and professional appointments.

The CCAC noted that "community health" requires staff to carry information with them and focused on providing guidance to staff about balancing client privacy issues with the realities of their work situations.

A document was sent to staff employed by the Agent advising them that one of their colleagues had lost an appointment book. The document provided information and advice about recording appointments in diaries and calendars staff carry with them. Staff were advised that information in appointment books describing meetings with clients may be considered "personal health information" if it would suggest or confirm that a client is receiving services. Staff were encouraged not to use the client's full name and not to include phone numbers or other personal information about clients. Staff were advised to include their own full name and phone numbers in the appointment book so it could be returned if it were lost. Staff were also advised that if a daytimer is lost that contains personal health information, this would result in the need to contact all clients who might have been identified and an investigation into what led to the loss.

On the basis of all of the above, it was determined that further review of this matter was not warranted and the file has been closed.

March 18, 2005

Ann Cavoukian, Ph.D.
Commissioner