



Information and Privacy  
Commissioner/Ontario

Commissaire à l'information  
et à la protection de la vie privée/Ontario

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*Personal Health Information Protection Act, 2004*

REPORT

FILE NO. HI-050024-1

The Ministry of Health and Long-Term Care

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# *Personal Health Information Protection Act, 2004*

## **REPORT**

**FILE NO.** HI-050024-1

**INVESTIGATOR:** Nancy Ferguson

**HEALTH INFORMATION CUSTODIAN:** The Ministry of Health and Long-Term Care

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

The Ministry of Health and Long Term Care (the Ministry) was contacted by a woman (Ms. W) who indicated she had received a Health Card Re-registration Notice (re-registration notice) in the mail that appeared to be intended for someone else. Ms. W expressed concern that she could see the person's name, date of birth and Ontario Health Card number in the material she received. Ms. W also reported that she had recently requested a replacement Health Card and had not received it. Ms. W expressed concern about where her replacement Health Card containing her picture, address and Health Card number had gone. She wondered whether her Health Card has also been sent to a wrong address but noted that she had been at her current address for nine years.

The Ministry reported the matters raised by Ms. W to the Office of the Information and Privacy Commissioner/Ontario (the IPC). The Ministry undertook a consideration of its obligations under the *Personal Health Information Protection Act, 2004* (the *Act*) including its obligation to provide notification where personal health information is lost, stolen or accessed without authorization.

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

The Ministry reported that the re-registration notice that was sent to Ms. W's address was addressed to a client (Ms. G) and was sent in a sealed envelope with only Ms. G's name and the address information showing in the envelope window. The Ministry reported that Ms. G's date of birth and Health Card number were on the document inside the sealed envelope. The Ministry stated that, in the event that such a document is sent to the wrong physical address, based on erroneous or outdated address information, it relies on recipients to recognize that the mail is

intended for someone else and to refrain from opening it. In this case, the Ministry pointed out that it appeared Ms. W had opened the mail despite the fact that Ms. G's name was shown in the envelope window.

The Ministry reported that, because Ms. W reported she had seen Ms. G's Health Card number and date of birth, it decided to contact Ms. G to notify her about the incident. Unfortunately, despite extensive efforts, Ms. G could not be located.

The Ministry also reported that it undertook an internal investigation to find out the circumstances that led to Ms. G's re-registration notice being sent to Ms. W's address. The Ministry discovered that the decision to send the notice intended for Ms. G to the address where Ms. W lived was made in a manner consistent with its procedures and the information available to Ministry staff regarding Ms. G's last known address, as described below.

The Ministry confirmed that it relies on personal information contained in its database when determining where to mail re-registration notices. The Ministry pointed out that using this approach may result in a notice being inadvertently sent to a client at an out-dated address; however, the notice is usually returned to the Ministry as undeliverable mail. The Ministry advised that once it becomes aware that an address is out of date, it is flagged on its database and no further mail goes out to the client until the address is updated by the client.

In response to this incident the Ministry decided that, in future, all notices mailed to clients, where there is a high risk of mailing to an out-dated address, will be modified to remove additional personal information. In particular, such notices will not indicate the client's Health Card number, date of birth or sex.

The Ministry wrote to Ms. W to indicate that it had investigated her concerns about the incorrectly addressed re-registration notice she received. The Ministry advised Ms. W that it had reviewed its processes and had taken immediate steps to further safeguard information in notice mailings. The letter to Ms. W from the Ministry also pointed out that it relies on personal information contained in its database and that, while it encourages the public to keep their address information up to date by immediately notifying the Ministry of any changes, this does not always occur, resulting in mailing to out-dated addresses. The Ministry requested Ms. W to make contact with a designated staff member if she retained, disclosed or copied any personal health information about Ms. G contained in the re-registration notice and to return the original notice to the Ministry in the enclosed self-addressed, prepaid envelope.

With respect to Ms. W's concern about the mailing of her own Health Card, the Ministry advised the IPC that it conducted an investigation into this matter. The Ministry reported that production of Health Cards is tracked through an audit database to ensure that all cards are accounted for up to the point of mailing. The Ministry also explained that all cards are mailed in sealed envelopes that have a "DO NOT FORWARD" notification on the envelope. If they are undeliverable, they are returned to the Ministry by Canada Post. The Ministry pointed out that, where a client does not receive their Health Card and advises the Ministry of this, the card is cancelled and cannot be used for health services.

The letter from the Ministry to Ms. W confirmed that, in addition to looking into the concerns she had raised about the incorrectly addressed re-registration notice, it had looked into the concerns she had raised about her own Health Card. The Ministry confirmed that her Health Card was sent to her current address which was provided when she re-registered. The Ministry also confirmed that, when Ms. W advised the Ministry that her Health Card was not received, this Health Card was cancelled and as a result it could not be used to obtain insured medical services. The Ministry explained that each Health Card is issued with a version code and only one version code is valid at any given time. The Ministry noted that a new Health Card was mailed to Ms. W and that it understood that this card had now been received.

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

\_\_\_\_\_ March 8, 2006