

Review of the Institute for Clinical Evaluative Sciences: A Prescribed Entity under the *Coroners Act*



Information and Privacy
Commissioner of Ontario

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



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Executive Summary

This report concludes the Information and Privacy Commissioner of Ontario's (IPC) first review of a prescribed entity under the *Coroners Act*. The prescribed entity reviewed is the Institute for Clinical Evaluative Sciences (ICES).

The *Coroners Act* allows the Office of the Chief Coroner (Chief Coroner) to disclose personal information to prescribed entities for the purpose of research, data analysis, or the compilation of statistical information related to the health or safety of the public, or any segment of the public.

The legislation requires prescribed entities to have in place practices and procedures to protect the privacy of individuals whose personal information is received and to maintain the confidentiality of that information. These practices and procedures must be approved by the IPC prior to the Chief Coroner disclosing personal information to the prescribed entity.

During its review, the IPC assessed ICES' practices and procedures to determine whether they meet the minimum requirements set out in the IPC's *Coroners Act Addendum to the Manual for the Review and Approval of Prescribed Entities (Addendum)*. Throughout the review, ICES was cooperative in addressing all of the IPC's recommendations.

The IPC is now satisfied that ICES has in place practices and procedures for the purpose of protecting the privacy of individuals whose personal information it receives and to maintain the confidentiality of that information. Accordingly, effective May 18, 2022, the practices and procedures of ICES in respect of its status as a prescribed entity under the *Coroners Act* have been approved by the IPC.

In order to synchronize the timing of the IPC's review of ICES in respect of its status as a prescribed entity under the *Coroners Act* with its review of ICES as a prescribed entity under the *Personal Health Information Protection Act (PHIPA)*, this approval will remain effective until October 31, 2023.

Introduction

The Chief Coroner is responsible for conducting death investigations and inquests in Ontario. The findings are used to generate recommendations to help improve public safety and prevent deaths in similar circumstances. The Chief Coroner's mandate is set out in the *Coroners Act*. Amendments to the *Coroners Act*, which came into force on January 1, 2019, permit the Chief Coroner to disclose personal information to prescribed entities for the purpose of research, data analysis, or the compilation of statistical information related to the health or safety of the public, or any segment of the public, pursuant to section 52.1 of the *Coroners Act*. The entities prescribed under section 52.1 of the *Coroners Act* are set out in section 2 of Regulation 523/18 to the *Coroners Act* (regulation).

These disclosures are permitted provided that the prescribed entities comply with the requirements set out in the *Coroners Act* and its regulation.

In order for the Chief Coroner to be permitted to disclose personal information to a prescribed entity under section 52.1(1) of the *Coroners Act*, the following must occur:

1. The Chief Coroner must enter into an agreement in writing with the prescribed entity.
2. The prescribed entity must have in place practices and procedures approved by the IPC to protect the privacy of individuals whose personal information is received and to maintain the confidentiality of that information.

These practices and procedures must also be reviewed by the IPC every three years from the date of their initial approval in order for the Chief Coroner to be able to continue to disclose personal information to a prescribed entity, and in order for the prescribed entity to be able to continue to collect, use, and disclose personal information as permitted by the *Coroners Act* and its regulation. This requirement is set out in section 52.1(3) of the *Coroners Act*.

As an office of the Legislative Assembly, the IPC is independent from the government, which gives it the unique ability to provide impartial, independent oversight of the access and privacy decisions and practices of government institutions and other bodies. The IPC also provides independent oversight with respect to institutional governance of data and personal information by prescribed entities like ICES. These entities are assigned special authorities when it comes to collecting, using, linking, and analyzing data from various sources, managing different datasets, and enabling access to data by other organizations or institutions subject to explicit conditions or standards. The IPC's oversight and review role under the *Coroners Act* serves to help ensure that prescribed entities protect the privacy of individuals whose personal information they receive and to maintain the confidentiality of that information. This in turn helps to inspire public trust in the important health and safety driven functions that prescribed entities are asked to perform and the special authorities they are granted to perform them.

About the Prescribed Entity

The prescribed entity, ICES, is a not-for-profit research and analytics institute. ICES leads cutting-edge studies that evaluate health care delivery and population outcomes. ICES research, data, and clinical experts access a vast and secure array of Ontario's demographic and health-related data, including population-based health surveys, anonymous patient records, and clinical and administrative databases.

ICES data is an inventory of health data sets that encompasses many of the publicly-funded, administrative health records of Ontarians eligible for universal health coverage since 1986. This includes health service records for almost 14 million people. The breadth and scope of ICES data is the foundational resource for creating Ontario-based evidence to drive the province's health system, policy, planning, and evaluation. It also supports hundreds of research and analytics projects each year undertaken by researchers across the province.

In addition, ICES is authorized to use data disclosed to it under section 52.1 of the *Coroners Act* for the purpose of research, data analysis, or the compilation of statistical information related to the health or safety of the public, or any segment of the public.

ICES is also a prescribed entity under section 45 of *PHIPA* and section 293 of the *Child, Youth and Family Services Act*.

Review Process

The entities prescribed under the *Coroners Act* are entities that are also prescribed under *PHIPA*. The *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities (PHIPA Manual)* outlines the process followed by the IPC in reviewing the policies and procedures implemented by persons and entities prescribed under *PHIPA*.

The *Addendum*, issued by the IPC in 2019, sets out the requirements that apply to entities prescribed under the *Coroners Act* that are different or supplemental to the requirements set out in the *PHIPA Manual*. It also outlines the process the IPC follows in reviewing the policies, procedures, and practices (policies and procedures). At a minimum, the prescribed entity must submit to the IPC the documentation described in Appendix "A" to the *Addendum* containing the minimum content described in Appendix "B" to the *Addendum*.

ICES submitted the required documents to the IPC during the period spanning October 1, 2019 to March 1, 2022. Upon receipt, the IPC conducted a detailed review of all the documents to ensure that they complied with the *Addendum's* requirements. Throughout and following the review, the IPC submitted comments to ICES describing necessary clarifications and revisions. These revisions were submitted by ICES throughout the period of review until March 1, 2022. Once all necessary action was taken, we prepared a draft of this report that was submitted to ICES for review and comment. ICES has confirmed that it has addressed or is in the process of addressing all of our recommendations. The list of documents submitted to the IPC is set out in Appendix A.

It must be emphasized that our review was limited to personal information collected, used, and disclosed by ICES pursuant to its function as a prescribed entity under subsection 52.1(1) of the *Coroners Act*, and not with respect to any other role or responsibility that it may have.

Findings of the Review

ICES provided the IPC with the policies and procedures set out in Appendix “A” of the *Addendum* for review and approval that contain the minimum requirements set out in Appendix “B” of the *Addendum*. The following is a discussion of the policies and procedures that the IPC received and reviewed.

Part 1: Privacy Documentation

1. Privacy Policy in Respect of its Status as a Prescribed Entity

ICES has developed and maintains a *Privacy Policy in Respect of its Status as a Prescribed Entity – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*.

The policy addresses the following:

- status under the *Coroners Act*
- privacy and security accountability framework
- collection of personal information
- use of personal information
- disclosure of personal information
- secure retention, transfer, and disposal of records of personal information
- implementation of administrative, technical, and physical safeguards
- inquiries, concerns, or complaints related to information practices
- transparency of practices in respect of personal information

Based on its review, the IPC is satisfied with this policy.

2. Policy and Procedures for Ongoing Review of Privacy Policies and Procedures

ICES has developed and maintains a *Policy for Ongoing Review of Privacy Policies and Procedures – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy describes the process for the review of existing policies and procedures to determine whether any amendments or additional policies and procedures are required. The process for approvals and communication of new or amended privacy policies and procedures are set out in ICES’ *Change Management Policy*.

Based on its review, the IPC is satisfied with these policies.

3. Policy on the Transparency of Privacy Policies and Procedures

ICES has developed and maintains a *Policy on the Transparency of Privacy Policies and Procedures – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy identifies the information that ICES makes available to the public and its stakeholders on the internet relating to its privacy policies and procedures. This information includes:

- ICES' *Privacy Policy in Respect of its Status as a Prescribed Entity – Coroners Act*;
- Documentation related to the IPC's review and approval of ICES' status as a prescribed entity under the *Coroners Act*;
- A list of data holdings of personal information collected under the *Coroners Act*;
- Summaries of Privacy Impact Assessments (PIAs) for new collections of personal information under the *Coroners Act*;
- Frequently asked questions about ICES' privacy policies and procedures under the *Coroners Act*; and
- The contact information for the person to whom inquiries, concerns, or complaints regarding compliance should be directed.

This information can be accessed at the following web address:

<https://www.ices.on.ca/Data-and-Privacy>

Based on its review, the IPC is satisfied with this policy.

4. Policy and Procedures for the Collection of Personal Information

ICES has developed and maintains a *Policy for the Collection of Personal Information – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy identifies ICES' approach to the collection of personal information in respect of its status as a prescribed entity under the *Coroners Act* and its regulation, including the purposes for which personal information is collected, the nature of the personal information collected, and the secure manner in which the personal information is collected. The policy prohibits ICES from collecting personal information if other information will serve the purpose, and prohibits the collection of more personal information than is reasonably necessary to accomplish the purpose.

The policy also addresses the following:

- review and approval process
- conditions or restrictions on the approval
- secure retention, transfer, or disposal

The process for approving or denying a collection is set out in ICES' *Collection of Personally Identifiable Information Procedures*.

Based on its review, the IPC is satisfied with this policy and these procedures.

5. Policy and Procedures for the Segregation of Personal Information

ICES has developed and maintains a *Policy for the Segregation of Personal Information – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. This policy requires that personal information collected under the *Coroners Act* is segregated from other personal information and personal health information in ICES' custody and control through access control groups.

Based on its review, the IPC is satisfied with this policy.

6. List of Data Holdings Containing Personal Information

ICES has developed and retains a list of data holdings containing personal information maintained under the *Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this list.

7. Policy and Procedures for Statements of Purpose for Data Holdings Containing Personal Information

ICES has developed and maintains a *Policy for Statements of Purpose for Data Holdings Containing Personal Information – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy sets out the requirements for the creation, review, amendment, and approval of statements of purpose for data holdings containing personal information collected in accordance with ICES' status as a prescribed entity under the *Coroners Act*.

Based on its review, the IPC is satisfied with this policy.

8. Statements of Purpose for Data Holdings Containing Personal Information

ICES has developed and maintains statements of purpose for data holdings containing personal information to comply with its obligations under the *Coroners Act* and the *Addendum*. For each data holding containing personal information, the statements of purpose identify the following:

- the specific purposes of the data holding
- the personal information contained in the data holding
- the source of the personal information
- the need for the personal information in relation to the identified purpose

Based on its review, the IPC is satisfied with these statements.

9. Policy and Procedures for Limiting Agent Access to and Use of Personal Information

ICES has developed and maintains a *Policy for Limiting Agent Access to and Use of Personal Information – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy states that ICES uses segregation of duties and role-based access to restrict access to personal information. It also limits use and disclosure of data received under the *Coroners Act* to the minimum amount and the least identifiable form that is reasonably necessary for carrying out their specific responsibilities.

The policy requires that all ICES agents sign ICES' Confidentiality Agreements, which mandate that:

1. Access to and use of personal information must be commensurate with the agent's role;
2. Access to and use of personal information is only permitted if de-identified or aggregate data will not serve the purpose; and
3. Access to and use of the personal information must be limited to only that which is necessary for the identified purposes.

The policy also addresses the following:

- review and approval process
- conditions or restrictions on the approval
- notification and termination of access and use
- secure retention and disposal
- tracking approved access to and use of personal information
- compliance and enforcement

Based on its review, the IPC is satisfied with this policy.

10. Log of Agents Granted Approval to Access and Use Personal Information

ICES has put in place and maintains a *Log of Agents Granted Approval to Access and Use Personal Information* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

11. Policy and Procedures for the Execution of a Section 52.1(1) Agreement

ICES has developed and maintains a *Policy for the Execution of a Section 52.1(1) Agreement – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy requires the execution of a Section 52.1(1) Agreement prior to ICES collecting personal information from the Chief Coroner. The policy sets out the processes and requirements that must be satisfied prior to the execution of an agreement, including the completion of a privacy impact assessment.

Based on its review, the IPC is satisfied with this policy.

12. Template Section 52.1(1) Agreement

ICES has established a template written agreement, the *Template Section 52.1(1) Agreement*, to comply with its obligations under the *Coroners Act* and the *Addendum*. The template agreement is used as the basis for entering into written agreements with the Chief Coroner prior to the Chief Coroner disclosing personal information to ICES.

The template agreement contains a number of provisions, including those related to:

- the status of the prescribed entity
- the precise nature of the personal information
- the purposes for collection, use, and disclosure of personal information
- the secure transfer, retention, and destruction of personal information
- data breach notification
- breach of the agreement

Based on its review, the IPC is satisfied with this template.

13. Log of Section 52.1(1) Agreements

ICES has put in place and maintains a *Data Sharing Agreements Log* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

14. Policy and Procedures for the Use of Personal Information for Research

ICES has developed and maintains a *Policy for the Use of Personal Information for Research – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy identifies the circumstances in which ICES can use personal information collected under the *Coroners Act* for research purposes, in accordance with section 52.1(1) of the *Coroners Act* or section 4 of the regulation. The policy requires that personal information received under the *Coroners Act* not be used for research if other information will serve the purpose, and that no more personal information received under the *Coroners Act* be used for research than is reasonably necessary to accomplish the purpose of the research.

The policy addresses the following where the use of personal information is permitted for research:

- review and approval process
- conditions or restrictions on the approval
- secure retention
- secure return or disposal
- tracking approved uses of personal information for research

The policy also permits third party researchers to use aggregate and/or de-identified data for research purposes, in accordance with the review and approval processes set out in ICES' *Project Intake, Adjudication and Initiation Procedures*. ICES prepares this data for third party researchers in accordance with the *Verifying and Posting Risk-Reduced Coded Data to IDAVE Procedures*.

Based on its review, the IPC is satisfied with this policy and these procedures.

15. Log of Approved Uses of Personal Information for Research

ICES has put in place and maintains a *Log of Approved Uses of Personal Information for Research* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

16. Policy and Procedures for Disclosure of Personal Information for Purposes Other Than Research

ICES has developed and maintains a *Policy for Disclosure of Personal Information for Purposes other than Research – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy prohibits the disclosure of personal information for non-research purposes, except for disclosures to the Chief Coroner under section 6 of the *Coroners Act* regulation and disclosures required by law. The policy requires that personal information not be disclosed for a non-research purpose if other information will serve the purpose, and that no more personal information be disclosed for a non-research purpose than is reasonably necessary to accomplish the purpose.

The policy also addresses the following:

- review and approval process
- conditions or restrictions on the approval
- secure transfer
- secure return or disposal
- tracking approved uses of personal information for research

The policy also permits the disclosure of aggregate data and/or de-identified data for non-research purposes, in accordance with *ICES' Project Intake, Adjudication and Initiation Procedures*. Prior to disclosure, ICES reviews the requested information in accordance with its *Verifying and Posting Risk-Reduced Coded Data to IDAVE Procedures*.

Based on its review, the IPC is satisfied with this policy and these procedures.

17. Policy and Procedures for Disclosure of Personal Information for Research Purposes and the Execution of Research Agreements

ICES has developed and maintains a *Policy for Disclosure of Personal Information for Research Purposes and the Execution of Research Agreements – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy addresses the review and approval process for disclosures and the conditions or restrictions on the approval.

The policy prohibits the disclosure of personal information, unless the personal information is linked with personal health information and the disclosure is in accordance *PHIPA* and for the purpose of a cohort list, in accordance with *ICES' Cohort Disclosure Procedures*.

In addition, the policy permits the disclosure of aggregate data and/or de-identified data for research purposes, in accordance with *ICES' Third Party Research (Data Access) Procedures*.

Based on its review, the IPC is satisfied with this policy and these procedures.

18. Template Research Agreement

ICES has established a template written agreement, the *Template Agreement for Third Party Researchers*, to comply with its obligations under the *Coroners Act* and the *Addendum*. The template agreement is used as the basis for entering into written agreements with third party researchers under the *Coroners Act*.

The template agreement contains a number of provisions, including those related to:

- ICES' status under the *Coroners Act*
- the types of personal information
- permissions and prohibitions with respect to collection, use, and disclosure
- permissions and prohibitions with respect to disclosure by the researcher
- compliance with statutory requirements
- secure transfer, retention, and return or disposal

- notification
- consequences of breach and monitoring of compliance

Based on its review, the IPC is satisfied with this template.

19. Log of Research Agreements

ICES has put in place and maintains a *Log of Research Agreements in Respect of the Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

20. Policy and Procedures for Executing Agreements with Third Party Service Providers in Respect of Personal Information

ICES has developed and maintains a *Policy for Executing Agreements with Third Party Service Providers in Respect of Personal Information – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy requires ICES to enter into a written agreement with third party service providers prior to granting access to or use of personal information.

The policy prohibits ICES from providing personal information to a third party service provider if other information will serve the identified purpose, and prohibits ICES from providing more personal information than is reasonably necessary to meet the identified purpose.

Based on its review, the IPC is satisfied with this policy.

21. Template Agreement for All Third Party Service Providers

ICES has established a template written agreement, the *Template Agreement for all Third Party Service Providers*, to comply with its obligations under the *Coroners Act* and the *Addendum*. The template agreement is used as the basis for entering into written agreements with third party service providers under the *Coroners Act*.

The template agreement contains a number of provisions, including those related to:

- ICES' status under the *Coroners Act*
- whether the service provider is or is not an agent of ICES
- the types of personal information
- permissions and prohibitions with respect to access, use, and disclosure
- secure transfer and retention
- secure return or disposal following termination of the agreement
- secure disposal as a contracted service
- implementation of safeguards
- training of agents of the third party service provider
- subcontracting of the services

- notification
- consequences of breach and monitoring of compliance

Based on its review, the IPC is satisfied with this template.

22. Log of Agreements with Third Privacy Service Providers

ICES has put in place and maintains a *Log of Agreements with Third Party Service Providers in Respect of the Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

23. Policy and Procedures for the Linkage of Records of Personal Information

ICES has developed and maintains a *Policy for the Linkage of Records of Personal Information – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy permits the linkage of records of personal information for the purpose of research, data analysis, or the compilation of statistical information related to the health or safety of the public, or any segment of the public. The policy also states that ICES permits the linkage of records of personal information with records of personal health information under *PHIPA*.

The policy permits the linking of records of personal information for the purpose of creating project datasets to support the conduct of projects and research that have been reviewed and assessed by ICES' Privacy & Legal Office.

The policy also addresses the following:

- review and approval process
- conditions or restrictions on the approval
- process for the linkage of records of personal information
- retention
- secure disposal
- compliance, audit, and enforcement
- tracking approved linkages of personal information

ICES' *Project PIA Review Procedures and Project Intake, Adjudication and Initiation Procedures* set out the details of the approval process. The process for conducting the approved record linkages is set out in the *RAE Procedures – Linking ICES Data Procedure*.

Based on its review, the IPC is satisfied with this policy and these procedures.

24. Log of Approved Linkages of Records of Personal Information

ICES has put in place and maintains a *Log of Approved Linkages of Personal Information* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

25. Policy and Procedures with Respect to De-Identification and Aggregation

ICES has developed and maintains a *Policy with Respect to De-identification and Aggregation – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy prohibits the use and/or disclosure of personal information under the *Coroners Act* where de-identified and/or aggregate information will serve the identified purpose.

The policy prohibits the use of aggregate data and/or de-identified data to identify an individual. Any third parties to whom ICES discloses this data, including the Chief Coroner and researchers, are prohibited from using the information to identify an individual, in accordance with ICES' Section 52.1(1) Agreements and Research Agreements.

ICES' *RAE Procedures – Creating and Sharing Summary Data and Verifying and Posting Risk-Reduced Coded Data to IDAVE Procedures* set out the agents responsible and the processes to be followed for the creation of de-identified data and the creation of aggregate data. ICES' *Re-Identification Risk Assessment Procedures* set out the agents responsible and the process that must be followed for reviewing aggregate data and de-identified data prior to use or disclosure to ensure the information does not identify an individual and that it is not reasonably foreseeable in the circumstances that the information could be used to identify an individual.

Based on its review, the IPC is satisfied with this policy and these procedures.

26. Privacy Impact Assessment Policy and Procedures

ICES has developed and maintains a *Privacy Impact Assessment Policy – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy requires that Privacy Impact Assessments (PIAs) be completed on proposed data holdings that are collected, used, or disclosed under the *Coroners Act* as well as on new information systems and changes to existing information systems, technologies, or programs involving such personal information. PIAs are also completed when establishing or revising a service relationship that involves personal information. The policy sets out the minimum required content for PIAs.

ICES' *Project PIA Review Procedures* set out the process for completing, amending, and reviewing PIAs.

Based on its review, the IPC is satisfied with this policy and these procedures.

27. Log of Privacy Impact Assessments

ICES has put in place and maintains a *Log of Approved Linkages of Personal Information* to comply with its obligations under the *Coroners Act* and the *Addendum*. ICES has stated that this log is also used to track PIAs.

Based on its review, the IPC is satisfied with this log.

28. Policy and Procedures in Respect of Privacy Audits

ICES has developed and maintains a *Policy in Respect of Privacy Audits – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy sets out the types of privacy audits that ICES conducts. The policy states that proactive privacy audits are conducted annually to ensure proper implementation of privacy policies and procedures, and to ensure that these policies and procedures remain current and continue to be effective in meeting ICES' legal, procedural, and contractual obligations. ICES also conducts reactive audits on an *ad hoc* basis, such as in response to a suspected or actual privacy breach or a privacy complaint.

ICES' *Internal Audit Policy* and *Privacy Audit Procedure* set out the process for conducting privacy audits.

Based on its review, the IPC is satisfied with this policy and this procedure.

29. Log of Privacy Audits

ICES has put in place and maintains a *Privacy and Security Audit Program Log* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

30. Policy and Procedures for Privacy Breach Management

ICES has developed and maintains a *Policy for Privacy Breach Management – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy addresses breach identification, reporting, containment, notification, investigation, and remediation of privacy incidents with respect to personal information ICES receives under the *Coroners Act*.

Based on its review, the IPC is satisfied with this policy.

31. Log of Privacy Breaches

ICES has put in place and maintains a *Privacy Incidents Log & Breach Reports* document to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

32. Policy and Procedures for Privacy Complaints

ICES has developed and maintains a *Policy for Privacy Complaints and Privacy Inquires – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy describes ICES' process for responding to privacy complaints related to its privacy policies and procedures and compliance with the *Coroners Act*.

The processes for managing privacy complaints, including for receiving privacy complaints, determining whether to investigate a complaint, identifying the agents responsible for investigating a complaint, addressing any recommendations, and communicating any findings are set out in ICES' *Privacy Inquiry & Privacy Complaints Procedures*, *Privacy Complaint Form*, *Privacy Complaint Report Form*, and *Privacy Complaint Response Templates*.

Based on its review, the IPC is satisfied with this policy and these procedures and additional documents.

33. Log of Privacy Complaints

ICES has put in place and maintains a *Log of Privacy Complaints* to comply with its obligations under the *Coroners Act* and the *Addendum*.

Based on its review, the IPC is satisfied with this log.

34. Policy and Procedures for Privacy Inquiries

ICES has developed and maintains a *Policy for Privacy Complaints and Privacy Inquiries – Coroners Act* to comply with its obligations under the *Coroners Act* and the *Addendum*. The policy describes ICES' process for responding to privacy inquiries related to its privacy policies and procedures and compliance with the *Coroners Act*.

The processes for receiving and responding to privacy inquiries are set out in ICES' *Privacy Inquiry & Privacy Complaints Procedures* and *Privacy Inquiry Report Form*.

Based on its review the IPC is satisfied with this policy and these procedures.

Part 2: Additional Documentation

On October 29, 2019, ICES provided our office with the Chief Executive Officer's sworn affidavit attesting that ICES has in place policies, procedures, and practices that comply with "Part 2 – Additional Requirements" of Appendix "B" of the *Addendum*.

Based on its review, the IPC is satisfied with this affidavit.

Statement of IPC Approval of Practices and Procedures

The IPC is satisfied that ICES has in place policies, procedures, and practices for the purpose of protecting the privacy of individuals whose personal information it receives and to maintain the confidentiality of that information. Accordingly, effective May 18, 2022, the practices and procedures of ICES in respect of its status as a prescribed entity under the *Coroners Act* have been approved by the IPC.

In order to synchronize the timing of the IPC's review of ICES in respect of its status as a prescribed entity under the *Coroners Act* with its review of ICES as a prescribed entity under *PHIPA*, this approval will remain effective until October 31, 2023.

Appendix A: List of Documents Submitted to the IPC

Part 1: Privacy Documentation

General Privacy Policies and Procedures

- *Privacy Policy in Respect of its Status as a Prescribed Entity – Coroners Act*
- *Policy for Ongoing Review of Privacy Policies and Procedures – Coroners Act*
- *Change Management Policy*

Transparency

- *Policy on the Transparency of Privacy Policies and Procedures – Coroners Act*

Collection of Personal Information

- *Policy for the Collection of Personal Information – Coroners Act*
- *Policy for the Segregation of Personal Information – Coroners Act*
- *Policy for Statements of Purpose for Data Holdings Containing Personal Information – Coroners Act*
- *Collection of Personally Identifiable Information Procedures*
- *Destruction of ICES Data Procedures*
- *Privacy Audit Procedures*

Use of Personal Information

- *Policy for Limiting Agent Access to and Use of Personal Information – Coroners Act*
- *Policy for the Execution of a Section 52.1(1) Agreement – Coroners Act*
- *Template Section 52.1(1) Agreement*
- *Policy for the Use of Personal Information for Research – Coroners Act*
- *Abstractor Onboarding and Offboarding Procedures*
- *Collection of Personally Identifiable Information Procedures*
- *Project Intake, Adjudication and Initiation Procedures*
- *Destruction of ICES Data Procedures*
- *Management of Data Covenantors Procedures*
- *Project PIA Review Procedures*
- *RAE Procedures – Project Data Folder Access*
- *Verifying and Posting Risk-Reduced Coded Data to IDAVE Procedures*

Disclosure of Personal Information

- *Policy for Disclosure of Personal Information for Purposes other than Research – Coroners Act*
- *Policy for Disclosure of Personal Information for Research Purposes and the Execution of Research Agreements – Coroners Act*
- *Cohort Disclosure Procedures*
- *Project Intake, Adjudication and Initiation Procedures*
- *Third Party Research (Data Access) Procedures*
- *Verifying and Posting Risk-Reduced Coded Data to IDAVE Procedures*
- *ICES Data Services Agreement for Third-Party Researchers*
- *Template Agreement for Third Party Researchers*

Agreements with Third Party Providers

- *Policy for Executing Agreements with Third Party Service Providers in Respect of Personal Information – Coroners Act*
- *Template Agreement for all Third-Party Service Providers*

Data Linkage and Data De-identification

- *Policy for the Linkage of Records of Personal Information – Coroners Act*
- *Policy with Respect to De-identification and Aggregation – Coroners Act*
- *Destruction of ICES Data Procedures*
- *Project Intake, Adjudication and Initiation Procedures*
- *Project PIA Review Procedures*
- *RAE Procedures – Creating and Sharing Summary Data*
- *RAE Procedures – Linking ICES Data*
- *Re-Identification Risk Assessment Procedures*
- *Verifying and Posting Risk-Reduced Coded Data to IDAVE Procedures*

Privacy Impact Assessments

- *Privacy Impact Assessment Policy – Coroners Act*
- *Project PIA Review Procedures*

Privacy Audit Program

- *Policy in Respect of Privacy Audits – Coroners Act*
- *Privacy Audit Procedures*

Privacy Breaches, Inquiries, and Complaints

- *Policy for Privacy Breach Management – Coroners Act*
- *Policy for Privacy Complaints and Privacy Inquiries – Coroners Act*
- *Privacy Inquiries and Privacy Complaints Procedures*

Logs

- *List of data holdings containing personal information maintained under the Coroners Act*
- *Statements of Purpose for data holdings collected under the Coroners Act*
- *Log of Agents Granted Approval to Access and Use Personal Information*
- *Log of Approved Linkages of Personal Information*
- *Log of Research Agreements in respect of the Coroners Act*
- *Log of Agreements with Third-Party Service Providers (TPSP) in respect of the Coroners Act*
- *Privacy and Security Audit Program Log*
- *Privacy Incidents Log & Breach Reports*
- *Data Sharing Agreements Log*
- *Log of Privacy Complaints*

Part 2: Additional Documentation

- Sworn affidavit of ICES' Chief Executive Officer (CEO)

Review of the
Institute for
Clinical Evaluative
Sciences: A
Prescribed
Entity under the
Coroners Act



Information and Privacy
Commissioner of Ontario

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