

News release

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Unsecured Wireless Video Surveillance System at Methadone Clinic Sparks Health Order from Commissioner Cavoukian

Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian, issued her fifth [Health Order](#) today following an investigation she conducted after a video image of a woman providing a urine sample in a washroom at a methadone clinic in Sudbury, Ontario, was inadvertently intercepted by a wireless device (a "back up" camera system) in a car parked near the Clinic. The Commissioner is urging all health care providers to immediately review any video surveillance systems they are using.

On April 30, 2007, a CBC radio reporter advised the office of the Information and Privacy Commissioner (IPC) that she had been notified by an individual who, much to his surprise, had viewed an image of a toilet in a washroom on his vehicle's "back up" camera monitor while driving by the Clinic. Subsequently, the CBC reporter also observed through similar means the same toilet – only this time there was a patient using it.

Commissioner Cavoukian immediately asked the Clinic to turn off its camera system. The Clinic, completely unaware that any interception of the washroom's video images had been taking place, immediately complied and replaced its wireless system with one that is hardwired. Further, both the IPC and the Clinic notified the College of Physicians and Surgeons of Ontario, which had issued guidelines permitting the taking of supervised urine samples for drug screening purposes. A communiqué was later issued by the College to all methadone clinics in Ontario regarding the dangers of wireless systems.

In her Health Order, Commissioner Cavoukian provides guidance as to what health information custodians may expect regarding the treatment of wireless technologies under the *Personal Health Information Protection Act*. This incident highlighted the inherent problems with the use of wireless video surveillance. While the video images were not being recorded, they still constitute a record of personal health information that must be protected against unauthorized disclosure. The order explains why.

The messages in the Commissioner's Order are being reinforced with a Fact Sheet entitled, [Wireless Communications Technologies: Video Surveillance Systems](#), which highlights the need for health information custodians to protect personal information collected by wireless communication technology. The use of video surveillance and wireless transmission equipment requires due diligence and end-to-end care, proportionate to the sensitivity of the information or images captured.

Commissioner Cavoukian recommends that health information custodians should conduct privacy impact assessments on proposed video surveillance systems; confirm that the signal cannot be intercepted; post clearly visible signs to inform patients of the existence of any video cameras; allow only a minimum number of staff to access the video equipment; and provide training for staff on privacy and security issues with the use of video equipment. A second fact sheet covering the broader range of wireless communication technologies is forthcoming.



The Clinic, in full co-operation with the IPC, has already taken the following steps to ensure the privacy of its patients:

- Immediately contained the privacy breach by turning off the wireless system and replacing it with a wired system;
- Conducted a security review of the new wired system;
- Worked with the IPC to draft and post a notice in the Clinic waiting room to advise patients of the privacy breach; and
- Notified the College of Physicians and Surgeons of Ontario to alert other methadone prescribers that wireless camera systems are not secure.

In addition, the Commissioner has ordered the Clinic to conduct an annual security and privacy review of its personal health information handling systems and procedures to ensure continued compliance with the *Personal Health Information Protection Act*.

Stressing that this particular incident highlights the hazards of using wireless technology when handling personal information, the Commissioner is reminding all health information custodians that wireless technology poses an obvious risk to privacy and that they should learn from this unfortunate incident. Since there are a limited number of frequency bands available for transmission, the potential for intercepting video images and other wireless information relating to an individual poses a significant threat to privacy. “Accordingly, it is my view that if operators of methadone clinics or any other health information custodians intend to use wireless communications technology in their respective settings,” says the Commissioner, “they should only do so if strong, privacy protective precautions have been taken.”

“Health information custodians who use video surveillance,” said the Commissioner, “should either use a wired video surveillance system, which inherently prevents interception, or a wireless one with appropriate measures, such as strong encryption, to preclude unauthorized access. Nothing short of this will be acceptable.”

The Commissioner’s Health Order and Fact Sheet are available at: www.ipc.on.ca.

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