



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

VIA ELECTRONIC MAIL & ONLINE SUBMISSION

July 17, 2024

Mr. Paul Pirie, Director (Acting)
Digital Health Program Branch
Digital and Analytics Strategy Division
Ministry of Health
222 Jarvis Street, 7th Floor
Toronto ON M7A 0B6

Dear Mr. Pirie:

RE: Regulatory Registry Proposal 24-HLTC018

I am writing in regard to the consultation by the Ministry of Health (ministry) on proposed amendments to Ontario Regulation 329/04 (General) under the *Personal Health Information Protection Act, 2004* (PHIPA), to enhance the contribution of personal health information to the provincial electronic health record (EHR). The proposed amendments are posted to the Ontario Regulatory Registry for public comment between May 24, 2024 and July 24, 2024, and would take effect January 1, 2025, if approved.

These amendments would mandate operators of accredited community pharmacies and integrated community health services centres to contribute certain personal health information to the EHR as requested by Ontario Health and in accordance with the agency's interoperability specifications. Allowing health information custodians to access more personal health information in the EHR has the potential to enable more efficient and effective health care in Ontario.

Expanding the availability and power of digital health tools does not come without risk. The importance of guiding custodians – both to respect the privacy and access rights of Ontarians and to ensure their sensitive personal health information is kept private and secure to promote confidence in the digital health care system – cannot be overstated. The IPC strongly urges the government to ensure that any new data governance framework or changes to PHIPA intended to increase the sharing of personal health information be counterbalanced by robust accountability and transparency measures to protect Ontarians' privacy and support public trust.

Ontario Health is the prescribed organization that is designated under PHIPA to develop and maintain the EHR, and as such it must address requirements under Part V.1 of PHIPA. The agency is uniquely positioned to ensure that those persons and organizations that access, view, or otherwise handle personal health information in the EHR understand their obligations with respect to that information. This includes requirements to establish practices and procedures to respect the privacy and security



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of personal health information¹ including, the administration of routine training², completion of robust privacy and security assessments³, enabling the prevention of, detection, and timely reaction to unauthorized uses or disclosures of personal health information⁴, and enabling interoperability specifications that provide Ontarians with the assurance that their sensitive personal health information is protected in the systems their health care providers use to communicate with each other when patients receive health care⁵.

Thank you for the opportunity to comment on this important measure. In the spirit of openness and transparency, this letter will be posted on the IPC website, and shared with representatives within the ministry and Ontario Health.

Sincerely,



Andrew Drummond
Director of Health Policy

- c. Michael Hillmer, Assistant Deputy Minister, Digital and Analytics Strategy Division
Christine Sham, Director, Information Management Strategy and Policy Branch
Patricia Kosseim, Commissioner
Michael Maddock, Assistant Commissioner, Strategic Initiatives and External Relations Division
Sylvie Gaskin, Chief Privacy Officer, Ontario Health

¹ PHIPA s. 55.12.

² [Manual for the Review and Approval of Prescribed Organizations](#), pp. 129 to 136.

³ PHIPA paragraph 10 under s. 55.3.

⁴ PHIPA ss. 55.3 3. i.

⁵ PHIPA O. Reg. 329/04 s. 26 to 34.