



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

October 31, 2023

VIA ELECTRONIC MAIL

Dr. Jenisa Naidoo
President
Inscyte Corporation
c/o Inspirata Canada Inc.
100 Sheppard Avenue E, Suite 1201
Toronto, ON M2N 6N5

Dear Jenisa Naidoo:

RE: Review of the Practices and Procedures of Inscyte Corporation in respect of CytoBase under the *Personal Health Information Protection Act, 2004*

Pursuant to subsection 13(2) of Regulation 329/04 under the *Personal Health Information Protection Act, 2004* (the *Act*), the Office of the Information and Privacy Commissioner of Ontario (IPC) is responsible for reviewing and approving, every three years, the practices and procedures implemented by an organization designated as a prescribed person under clause 39(1)(c) of the *Act*. Such practices and procedures are required for the purposes of protecting the privacy of individuals whose personal health information prescribed persons receive, and maintaining the confidentiality of that information.

As you are aware, the practices and procedures of Inscyte Corporation (Inscyte), in respect of CytoBase, were last approved on October 31, 2020. Thus, the IPC was required to review these practices and procedures again and advise whether they continue to meet the requirements of the *Act* on or before October 31, 2023.

Based on this review, I am satisfied that Inscyte, in respect of CytoBase, continues to have in place practices and procedures to protect the privacy of individuals whose personal health information it receives and to maintain the confidentiality of that information in accordance with the requirements of the *Act*.

Accordingly, effective October 31, 2023, I hereby advise that the practices and procedures of Inscyte, in respect of CytoBase, continue to be approved for a further three-year period.

Appendix I to this letter contains my recommendations to further enhance the practices and procedures of Inscyte, in respect of CytoBase. My staff will monitor whether Inscyte implements these recommendations. Please be advised that these recommendations are to be addressed by August 1, 2025, or sooner, if and as indicated in Appendix I.



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This three-year review cycle was marked by an unprecedented challenge for the health sector, including the prescribed persons, entities, and organization: the COVID-19 pandemic. The pandemic laid bare the importance of planning for business continuity and disaster recovery, and allocating resources to privacy and security programs so that they can continue to operate effectively throughout such situations. At the same time, the pandemic has been a time of dramatic health sector transformation, providing an opportunity for prescribed persons, entities, and organizations to re-examine and improve their practices. Given the lessons learned from the pandemic, the Business Continuity and Disaster Recovery Plan of each prescribed person, entity, and organization may be one of our areas of focus in the next three-year review.

As you know, the IPC has revised its *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* (the *Manual*), and will be reviewing prescribed persons and prescribed entities for compliance with this revised version (the *New Manual*) during the next three-year review. Additionally, based on lessons learned from the current review, I expect that the mandatory indicators Inscyte submits on August 1, 2025 for the next three-year review will contain the required level of detail and accuracy to ensure a robust, meaningful and efficient review.

I would like to extend my gratitude to you and your staff for your cooperation during the course of the review, including your diligence and timeliness in submitting the requested documentation, in responding to requests by my office for further information, and in making the amendments requested. My office will continue to monitor your implementation of the recommendations made during this review period and we look forward to the next review cycle.

Through your ongoing collaboration with my office and your demonstrable commitment to continuous improvement, these three-year reviews help reassure Ontarians in the policies, procedures and practices you have in place to protect the privacy and confidentiality of the personal health information they have entrusted in you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Kosseim', with a stylized flourish underneath.

Patricia Kosseim
Commissioner

cc: Jack Golabek, Privacy Officer

Appendix I: Recommendations

1. It is recommended that Inscyte ensure appropriate encryption standards are in place and that they are consistently maintained with respect to the migration of its off-site storage of backup media into the Microsoft Azure Cloud. In particular, it is recommended that Inscyte remain vigilant to changes in encryption technology standards over time to ensure that Microsoft will have no access to personal health information. Further, it is recommended that Inscyte remain alert to the risk that, in a situation where data may not have been properly encrypted, the data would then be considered personal health information subject to different legal requirements.
2. It is recommended that Inscyte confirm to the IPC by April 30, 2024, that it has completed its privacy impact assessment on CytoBase, and that any recommendations made have been implemented.