



Information and Privacy
Commissioner/Ontario

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

Personal Health Information Protection Act

REPORT

FILE NO. HI-060009-1

A Family Practitioner in an Urban Setting



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INVESTIGATOR:

Gillian Judkins

HEALTH INFORMATION CUSTODIAN:

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SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

A member of the public contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that they had found patient records scattered around the parking lot of a local grocery store. The individual had collected the records and had retained them in her possession. The IPC opened a file and made arrangements to collect the records from this individual. Upon identifying the health information custodian involved, a Family Practitioner (the physician), the IPC contacted him and made arrangements to have the records returned to his office. The IPC began to work with the physician to ensure that he was fulfilling his obligations under the *Personal Health Information Protection Act* (the *Act*).

RESULTS OF REVIEW:

Through his legal counsel, the physician provided the following information.

The physician was in the process of taking records from his office to his home, in order to go through them and determine which ones were old records that could be destroyed, and which ones should be retained for a longer period of time, in an off-site storage location. The physician advised that all of the records were dated ten years back.

Unfortunately, when the physician got out of his car at his residence, which is located near a local plaza which includes the above mentioned grocery store, the wind blew the top off of one of his boxes, blowing some of the records away. The physician advised that he collected all the

records he could, and believed he had located all of the records in the area surrounding his house and the nearby plaza. The physician stated that over the course of the weekend, he went back to the location and continued to look for any records he may have missed. By the end of the weekend, he truly believed that he had gathered all records that had blown away.

The physician advised that his standard practice is to store patient charts in a secure locker in his home. He retains the records for ten years after the last date of entry, and after that time, he arranges for the secure destruction of the medical records by a disposal company.

The physician advised that in order to fulfill his obligations under section 12(2) of the *Act*, he sent a letter to each of the eighteen affected patients, informing them of the incident.

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

September 8, 2006 _____