



Information and Privacy  
Commissioner/Ontario

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

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*Personal Health Information Protection Act*

REPORT

FILE NO. HI-060024-1

A Not-For-Profit Organization

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# *Personal Health Information Protection Act*

## **REPORT**

**FILE NO.**

**HI-060024-1**

**INVESTIGATOR:**

**Gillian Judkins**

**HEALTH INFORMATION CUSTODIAN:**

**A Not-For-Profit Organization**

### **SUMMARY OF INFORMATION GIVING RISE TO REVIEW:**

The Legal Counsel and Privacy Officer (the Privacy Officer) for a not-for-profit organization (the organization) contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that they were unable to locate a diskette containing the personal health information of donors, following a clinic they held in a rural setting. The IPC opened a file and began to work with the organization to ensure they were fulfilling their obligations under the *Personal Health Information Protection Act* (the Act).

### **RESULTS OF REVIEW:**

The Privacy Officer provided the following information.

Following the completion of a clinic in a rural setting, the organization packed up their equipment and the donor documentation they had copied on two diskettes and prepared it for shipment to the head office location, as is their practice following the completion of clinics. When packing up the boxes, the staff at the clinic site follow a check list and confirm with a signature that all the items have been placed in the secure boxes.

Upon receipt of the boxes at the head office, staff noted that only one of the diskettes was in the box, when two had been listed on the check list. The staff at the clinic site were immediately contacted and asked to conduct a search of the site, the remaining equipment, storage pouches, shipping containers and the transport vehicle that was used in order to locate the missing diskette. To date, the diskette has not been located.

The Privacy Officer advised that it is their practice to run two diskettes, one primary and one as a back-up, at all clinic locations. The diskettes contained identical information, which included: the donor's name, date of birth, gender, address, telephone number, donation number and donor identification number for 82 donors who attended the clinic that day. The Privacy Officer advised that the diskettes were not encrypted but that they were compressed and could only be opened when using a specific operating system.

In order to fulfill their obligations under section 12(2) of the *Act* to notify patients if their personal health information is stolen, lost or accessed by unauthorized persons, the organization worked with the IPC to draft a letter that was sent out to all 82 donors. In addition, the organization established a dedicated phone line for the donors to call if they had any further questions or concerns about the incident.

In addition, the organization is in the process of conducting a review of all their operating procedures to identify potential improvements in the system. They have also asked their Information Technology team to conduct an analysis of the incident and to provide them with options for improving the security of information contained on diskettes, including encryption. Any changes or improvements that the organization decides it should make in order to improve their practices will have to be reported to and approved by their governing body, Health Canada, before they can be implemented. The organization will report back to the IPC within three months of issuing this report in order to advise of the status of these items.

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

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October 11, 2006