



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. HR-060012-1

A Hospital in a Rural Setting

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# *Personal Health Information Protection Act*

## **REPORT**

**FILE NO.**

**HR-060012-1**

**INVESTIGATOR:**

**Cathy Hamilton**

**HEALTH INFORMATION CUSTODIAN:**

**A Hospital in a Rural Setting**

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

The Chief Executive Officer (CEO) of a hospital in a rural setting (the hospital) contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that a number of compact discs (CDs) were stolen from the hospital's bone densitometry laboratory. The IPC opened a file and worked with the hospital to fulfill its obligations under the *Personal Health Information Protection Act* (the Act).

### **RESULTS OF REVIEW:**

The CEO of the hospital provided the following information.

The bone densitometry laboratory is open two days per week. Patients attend the laboratory to undergo bone density imaging. The overwhelming majority of patients are seen in the laboratory on an ongoing basis, and have repeated bone density imaging, so that potential bone loss can be monitored.

Approximately seven to eight CDs were stolen and may have contained up to approximately 2700 patients' personal health information such as the patient's name, address, date of birth, family physician's name, bone density images and bone densitometry reports. The CDs have been routinely used by the bone densitometry laboratory staff since 1999 to back up the majority of the above referenced personal health information. Some of the bone density images that were on the CDs were not saved on the laboratory's computer hard drive, and were, therefore, lost. However, the personal health information contained in the bone densitometry reports, which

consist of a written summary of findings with respect to the images, was not permanently lost because the reports were also saved on the laboratory's password protected computer hard drive. The theft was reported to the local police. The CDs were re-writable, such that the above described personal health information contained on them is continually changing. As a result, it was impossible for the hospital to determine the identity of the affected patients.

The CDs were usually left on a table next to the bone densitometry machine in the bone densitometry laboratory. The area in which the laboratory is located is adjacent to a public waiting room, and the doors separating the laboratory from the waiting room were not locked.

As a result of this incident, a number of changes were implemented by the hospital. A new policy was created and implemented, in which all CDs used in the bone densitometry laboratory are now stored in a locked desk. In addition, the doors to the laboratory itself are kept closed and locked. The new policy has been communicated to and implemented by the appropriate staff members, and is being audited on a regular basis by the hospital's CEO.

In addition, the hospital is in the process of obtaining a new computer server. As a result, all of the bone densitometry images and accompanying personal health information will be stored on the hard drive and backed up by the server, eliminating the use of CDs.

With respect to the notification requirements under section 12(2) of the *Act*, the hospital's CEO indicated that, given the continuous re-writing of the CDs, it was not possible to identify which patient's personal health information was stored on the stolen ones. As a result, in order to fulfill its obligation to notify the affected patients, the hospital worked with the IPC to produce a notice for posting at the bone densitometry laboratory. The notice provided details of the incident and the contact information for the hospital's Privacy Officer.

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: \_\_\_\_\_  
Brian Beamish  
Assistant Commissioner

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November 23, 2006