



Information and Privacy  
Commissioner/Ontario

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

---

*Personal Health Information Protection Act, 2004*

REPORT

FILE NO. HI-050028-1

A private medical clinic in an urban area

---



Tribunal Services Department  
2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
Canada M4W 1A8

Services de tribunal administratif  
2, rue Bloor Est  
Bureau 1400  
Toronto (Ontario)  
Canada M4W 1A8

Tel: 416-326-3333  
1-800-387-0073  
Fax/Télé: 416-325-9188  
TTY: 416-325-7539  
<http://www.ipc.on.ca>

# *Personal Health Information Protection Act, 2004*

## **REPORT**

**FILE NO.**

**HI-050028-1**

**INVESTIGATOR:**

**Gillian Judkins**

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

Following an article that appeared in the local newspaper "*Used needle found in garbage pickup near MD's clinic: Urine bottle with patient details subsequently discovered nearby,*" the Office of the Information and Privacy Commissioner/Ontario (the IPC) proceeded to conduct a review into this matter, under the *Personal Health Information Protection Act, 2004* (the Act).

### **RESULTS OF REVIEW:**

The IPC immediately contacted the clinic named in the newspaper article. The Medical Director of the clinic provided the following information.

On Wednesday, August 31, 2005 at 10:00 a.m., a police officer arrived at the clinic to inform the Medical Director that garbage had been strewn across the road outside the clinic. The Medical Director stated that the garbage originated from the clinic but had been left at the curb side of the next door neighbour. The Medical Director explained that the City had stopped picking up garbage from small businesses in the area approximately one year prior to the incident. The neighbour next door to the clinic had agreed to allow the clinic to place kitchen and household type garbage at his curb for pick up by the City.

The police officer and the Medical Director went outside to look at the garbage and found that along with the regular garbage, several empty vaccine vials had been thrown out. A City inspector was also on site and he indicated that a small twisted needle had been found attached to a small syringe. The City inspector informed the Medical Director that while no needle prick was sustained, the needle penetrated the glove of one of the City's garbage collectors.

The Medical Director and the City inspector searched through the strewn garbage and found two unlabelled urine bottles, two unused labels and a few plastic syringes without needles. The

unused labels were torn up and discarded immediately. The Medical Director cleaned up the remainder of the household garbage. The Medical Director stated that he immediately circulated a memo to all 25 Physicians and 40 staff at the clinic. The memo was a reminder of appropriate disposal processes for potentially hazardous and confidential material.

The Medical Director went on to say that shortly after the clean up, a television news reporter came to the clinic to inquire about a criminal investigation involving the clinic dumping medical waste. The Medical Director shared the information as provided above with the reporter and informed her of the clinic's procedures for handling potentially hazardous waste.

That evening a news report on the local television network stated that a single labelled urine bottle had also been found under a lilac bush at the clinic. The Medical Director stated that he returned to the clinic that evening to ensure that no other materials or garbage remained at the scene. A Health Inspector was also at the clinic when the Medical Director arrived. The Health Inspector inspected the entire 12,000 square foot clinic, but no further items of medical waste were found.

The Medical Director stated that a member of his staff contacted the television reporter who was believed to be in possession of the urine bottle. The Medical Director indicated that they hoped to retrieve the urine bottle and to identify the patient involved so that he/she could be notified. The reporter refused to provide the clinic with the urine bottle and stated that she had contacted the patient herself. According to the reporter, the patient was quite upset and had indicated that she would contact the clinic directly.

The reporter refused to disclose the name of the patient, stating that her lawyer had advised her not to do so, but confirmed that the urine bottle had already been returned to the patient. The Medical Director advised that to date, the clinic has not been contacted by the patient and all attempts to identify the patient have been unsuccessful.

The Medical Director advised that as a result of this incident, the clinic has entered into a contract with a private company to pick up and dispose of its garbage until the end of the year. Further, the clinic has been informed by the City that it will be resuming garbage pick-up at the clinic in January 2006. The clinic also continues to remind staff about the importance of proper disposal of potentially hazardous material.

On the basis of all of the above, it was determined that a further review of this matter was not warranted and the file was closed.

Original signed by: \_\_\_\_\_  
Ann Cavoukian, Ph.D.  
Commissioner

December 19, 2005