



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-050034-1

A Community Care Access Centre in an Urban Setting



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>

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INVESTIGATOR:

Gillian Judkins

HEALTH INFORMATION CUSTODIAN:

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SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

A Community Care Access Centre (the CCAC) contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that a fax containing personal health information of patients had been misdirected to an incorrect fax number. The IPC opened a file under the *Personal Health and Information Protection Act, 2004* (the *Act*) and worked with the CCAC as it reviewed its obligations under the *Act* including the notification of affected clients.

RESULTS OF REVIEW:

The IPC contacted the CCAC which provided the following information.

The CCAC advised that a misdirected fax containing personal health information had been sent to the Administrative/Business Office instead of the Pharmacy of a local department store. The information was contained on a Drug Card and consisted of the client's name, confirmation that the client was seen at a local cancer centre, confirmation that the client was receiving services from the agency, confirmation that one of the services being provided to the client included drug benefits, and the period for which this service would be provided.

The CCAC advised that it had begun an investigation into the matter which determined that the incorrect fax number had come from two sources; the Internet and an E-Resource Tool that they use. It was also identified that some Client Services staff might have the information on manual lists which were kept by their fax machines or in their own resource binders. Staff were immediately notified of the incident and asked to update their records.

The CCAC advised that its investigation determined that there had not been any fax number changes at the department store in eight years. The CCAC contacted the business office of the department store, which received the fax. The business manager advised that the fax for their department is located in an office that is accessed by four staff members. The four staff members deal with sensitive information, including payroll information and financial information, and understand the importance of confidentiality. Access to the office is via key pad combination and is locked at all times. The business manager also stated that the normal practice for delivery of misdirected faxes was to either walk the fax to the appropriate area or contact the area for which the fax was intended and ask that someone come to retrieve the fax.

The CCAC advised that its discussions with the pharmacy, which was the intended recipient, revealed that despite the incorrect number being listed for approximately eight years, the likelihood of a high volume of faxes being misdirected was low. In the past eight years, approximately three of the agency's patients per month would have had information sent to this location. The CCAC advised that they believe this is why they had not previously been notified of the problem.

The CCAC also advised that it contacted its own electronic systems department and asked for a detailed report from the patient care system, identifying all clients who had listed the department store's pharmacy as the location to which to forward their Drug Cards. The report indicated that there were 300 patients who fit the profile. The CCAC then began to make phone calls to all the patients to advise them of the misdirected fax. Following the calls, 300 letters were mailed out to all the patients as a follow-up measure. The CCAC undertook these steps 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 CCAC advised that in addition to the above, several other processes have been reviewed and enhanced in order to ensure that an incident of this nature does not occur in the future. As a result of their review, the faxing policy and procedure was updated, change management processes were implemented in order to ensure that contact information of community partners and agencies used by Client Services staff is up to date and the policy and procedure relating to the reporting of a breach was enhanced. The CCAC confirmed that all contact information for pharmacies has been updated and they are in the process of verifying and updating all physician addresses, telephone numbers and faxes in order to ensure accuracy.

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

February 27, 2006
