



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. HI07-3

A Physician in an Urban Setting



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INVESTIGATOR:

Cathy Hamilton

HEALTH INFORMATION CUSTODIAN:

A Physician in an Urban Setting

SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

The Privacy Manager at a hospital contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that, on one occasion, a bag of garbage was found in front of the hospital containing personal health information. It appeared that the source of the personal health information was a physician's office, located across the street from the hospital. The IPC opened a file and worked with the physician to fulfill his obligations under the *Personal Health Information Protection Act* (the Act).

RESULTS OF REVIEW:

The hospital's Privacy Manager provided the following information to the IPC. The garbage bag that was found on the street in front of the hospital had been torn and pieces of paper were loose on the street. The bag, its contents and the loose papers were retrieved and brought to the hospital. The hospital's Privacy Manager reviewed most of the contents of the bag. In the bag, she saw patients' test results, laboratory results and histories written on the hospital's letterhead paper.

The physician was contacted and advised the IPC that the hospital only returned some of the contents of the garbage bag to his office. The materials returned to his office were:

- A one page letter from the Ontario Medical Association addressed to the physician and containing no patient information;
- A physician's order sheet from his office with no patient's name on it;

- A box of outdated injectable vitamin B12;
- A one page notice from the Ontario Breast Screening program that contained a patient's name; and
- A one page list of patients' names and room numbers written by the physician on the hospital's letterhead paper.

The physician acknowledged that the Ontario Breast Screening notice and the list of patients' names he wrote contained personal health information. He also acknowledged that he had learned a great deal about personal health information as a result of this incident and that he would be more diligent in the future regarding the proper disposal of material containing personal health information.

The physician shares office space with another physician, who advised the IPC that the building in which they practice consists of seven offices, all occupied by health care practitioners. There is a regular garbage collection in each office, but shredding remains the responsibility of the health care practitioners in the building, as the person who collects the garbage does not collect material for shredding. Each office makes its own arrangements to take material for shredding to a storage/disposal room located in the building's basement. The storage/disposal room houses a shredding machine and bags in which to place the shredding.

As a result of this incident, a notice has been sent to all of the health care practitioners in the building, reminding them that all material containing personal health information should be shredded and not placed in the garbage. In addition, the physician informed the IPC that he and his colleague have purchased three additional shredders that they now keep in their offices and in the reception area. The paper is shredded into pieces small enough that they cannot be reconfigured.

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

March 26, 2007 _____