



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de de l'Ontario

VIA ELECTRONIC AND REGULAR MAIL

October 31, 2017

Dr. Michael Schull
President and CEO
Institute for Clinical Evaluative Sciences
G1 06, 2075 Bayview Avenue
Toronto, ON M4N 3M5

Dear Dr. Schull:

RE: Review of the Report on the Practices and Procedures of the Institute for Clinical Evaluative Sciences

Pursuant to subsection 45(4) of the *Personal Health Information Protection Act, 2004* ("the *Act*"), the Office of the Information and Privacy Commissioner of Ontario (IPC) is responsible for reviewing the practices and procedures implemented by each prescribed entity to protect the privacy of individuals whose personal health information it receives, and to protect the confidentiality of that information.

Given the practices and procedures of the Institute for Clinical Evaluative Sciences (ICES), a prescribed entity within the meaning of the *Act*, were last approved on October 31, 2014, the IPC was again required to review these practices and procedures and advise whether they continue to meet the requirements of the *Act* on or before October 31, 2017.

In accordance with the process set out in the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* ("the *Manual*"), ICES, as a prescribed entity seeking the continued approval of its practices and procedures, submitted a detailed written report and sworn affidavit to the IPC. These documents were to conform to the requirements set out in the *Manual*.

The IPC has now completed its review of your report and affidavit. Based on this review, I am satisfied that ICES continues to have in place practices and procedures that sufficiently protect the privacy of individuals whose personal health information it receives, that sufficiently maintain the confidentiality of that information and that continue to meet the requirements of the *Act*.

Accordingly, effective October 31, 2017, I am pleased to advise that the practices and procedures of ICES continue to be approved for a further three-year period.

Attached is an Appendix containing recommendations to further enhance the practices and procedures of ICES, which must be implemented prior to the next legislated review.

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I would like to extend my gratitude to you and your staff for your cooperation during the course of the review, including your diligence and timeliness in submitting the requested documentation, in responding to requests by my office for further information, and in making the amendments requested.

Sincerely,

Original signed by:

Brian Beamish
Commissioner

Encl.

cc: Laura Davison, Chief Privacy Officer

Appendix

1. It is recommended that, at a minimum, all the privacy policies, procedures and practices put in place by ICES, be reviewed by ICES at least once prior to each scheduled review of these policies, procedures and practices by the IPC pursuant to section 45(4) of the *Act*.
2. It is recommended that, at a minimum, all the security policies, procedures and practices put in place by ICES, be reviewed by ICES at least once prior to each scheduled review of these policies, procedures and practices by the IPC pursuant to section 45(4) of the *Act*.
3. It is recommended that ICES ensure that its agents complete ongoing privacy training on an annual basis as required by the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* ("the *Manual*").
4. It is recommended that ICES ensure that its agents complete ongoing security training on an annual basis as required by the *Manual*.
5. It is recommended that ICES conduct an audit of agents granted approval to access and use personal health information, at a minimum, on an annual basis, as required by the *Manual*.
6. It is recommended that ICES ensure that its Business Continuity and Disaster Recovery Plan is tested in accordance with the frequency required by the Business Continuity and Disaster Recovery Plan.