



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. Corin Greenberg
CEO
Pediatric Oncology Group of Ontario
480 University Avenue, Suite 1014
Toronto, ON M5G 1V2

Dear Dr. Greenberg:

RE: Review of the Report on the Practices and Procedures of the Pediatric Oncology Group of Ontario

Pursuant to subsection 45(4) of the *Personal Health Information Protection Act* ("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 Pediatric Oncology Group of Ontario (POGO), 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*"), POGO, 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 POGO 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 POGO continue to be approved for a further three-year period.

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Attached is an Appendix containing recommendations to further enhance the practices and procedures of POGO.

I would like to extend my gratitude to you and your staff for your cooperation provided 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

cc: Madeline Riehl, Co-Privacy Officer
Bruna DiMonte, Co-Privacy Officer

Appendix

1. It is recommended that POGO's policies and procedures distinguish between the use and disclosure of personal health information, within the meaning of those terms under the *Personal Health Information Protection Act* ("the *Act*"), as required by the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* ("the *Manual*"). Specifically, the disclosure of personal health information to other prescribed entities, such as ICES, or government agencies where required by law, should be understood and recorded as disclosures and not as uses. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than April 1st, 2018.
2. It is recommended that POGO require, at a minimum, the person or organization to which de-identified and/or aggregate information will be disclosed to acknowledge and agree, in writing, that the person or organization will not use the de-identified and/or aggregate information, either alone or with other information, to identify an individual, as required by the *Manual*. This includes attempting to decrypt information that is encrypted, attempting to identify an individual based on unencrypted information and attempting to identify an individual based on prior knowledge. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than April 1st, 2018.
3. It is recommended that POGO revise its policy and procedures to ensure that visitors shall be required to record their name, date and time of arrival, time of departure and the name of the agents with whom the visitors are meeting, as required by the *Manual*. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than April 1st, 2018.
4. It is recommended that POGO revise its policy and procedures to require a detailed inventory related to the records of personal health information transferred to the third party service provider for secure disposal, and identify the agent(s) responsible for maintaining this inventory, as required by the *Manual*. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than April 1st, 2018.
5. It is recommended that POGO review its data holdings to ensure it has correctly identified the legal authority or authorities for the collection of personal health information, and specifically identify whether the personal health information in each data holding is collected pursuant to section 45 of the *Act* and/or pursuant to another authority. It is further recommended that POGO review all uses and disclosures with respect to each data holding to ensure they are legally authorized. As part of this review, POGO should ensure that it is not disclosing personal health information to health information custodians in circumstances not permitted by section 18(5), 18(6) and 18(8) of O. Reg. 329/04, and where not otherwise permitted by law. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than January 31st, 2020.

6. It is recommended that POGO conduct an enhanced review of privacy policies 9.1.1 (Process for 44 and 45 Projects), 9.1.7 (Use of Personal Health Information for Research), 9.1.8 (Disclosure of Personal Health Information for Purposes Other Than Research), 9.1.9 (Disclosure of Personal Health Information for Research Purposes and the Execution of Research Agreements), 9.1.10 (Execution of Data Sharing Agreements), 9.1.11 (Template Agreement with Third Party Service Providers) to ensure that they comply with the requirements of the *Manual* and the *Act*. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than January 31st, 2020.
7. It is recommended that POGO review its policy and procedures with respect to privacy impact assessments to ensure it is fully complying with the requirements of the *Manual* for privacy impact assessments. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than January 31st, 2020.
8. It is recommended that POGO ensure that its reporting of indicators, especially as related to distinguishing between the use and disclosure of personal health information, are provided in full compliance with the *Manual* at the start of the next review period.