



Information and Privacy
Commissioner of Ontario

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

VIA ELECTRONIC MAIL

October 30, 2020

Ms. Jill Ross, CEO
Pediatric Oncology Group of Ontario
480 University Avenue, Suite 1014
Toronto, ON M5G 1V2

Dear Ms. Ross:

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, 2004* ("the *Act*"), the Office of the Information and Privacy Commissioner of Ontario (IPC) is responsible for reviewing and approving, every three years, the practices and procedures implemented by each prescribed entity. Such practices and procedures are required for the purposes of protecting the privacy of individuals whose personal health information such organizations receive, and maintaining the confidentiality of that information.

Given the practices and procedures of the Pediatric Oncology Group of Ontario (POGO) were last approved on October 31, 2017, the IPC was required to review these practices and procedures again and advise whether they continue to meet the requirements of the *Act* on or before October 31, 2020.

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 to protect the privacy of individuals whose personal health information it receives and to maintain the confidentiality of that information in accordance with the requirements of the *Act*.

Accordingly, effective October 31, 2020, I hereby advise that the practices and procedures of POGO continue to be approved for a further three-year period.

Attached is an Appendix containing recommendations to enhance the practices and procedures of POGO. My staff will continue to monitor POGO's progress towards implementing these recommendations. Please be advised that these recommendations are to be addressed prior to the next cyclical review of the practices and procedures of POGO, or sooner, if and as indicated in the attached Appendix.



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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.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kosseim", with a long horizontal flourish underneath the name.

Patricia Kosseim
Commissioner

cc: Ms. Bruna DiMonte, RN, Senior Database Administrator & Privacy Officer
Ms. Amy Camarda, Associate Privacy Officer

Appendix

1. 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 identified 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 it has correctly characterized activities as either uses or disclosures in respect of personal health information, de-identified or aggregate information, and properly characterized its legal authority accordingly. This comment particularly applies to data holdings where POGO relies upon consent as its authority to collect, use and disclose personal health information and to POGO's data holdings containing counselling records. In respect of the latter, POGO should further ensure that it is not collecting personal health information contrary to section 45(2)(a) of the *Act*. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than October 31, 2022. POGO's written confirmation should include a detailed report explaining its analyses and conclusions from the above review of its data holdings.
2. It is recommended that POGO ensure that its privacy impact assessments fully comply with the requirements of the *Manual* for privacy impact assessments. In particular, it is recommended that POGO ensure that its privacy impact assessments include more robust and detailed analyses, supported by facts and explanations, and avoid overly generalized statements and conclusions. This recommendation should be addressed as soon as reasonably possible, providing written confirmation to the IPC of this no later than October 31, 2022.
3. It is recommended that POGO ensure that its reporting of indicators are provided in full compliance with the *Manual* to the IPC at the start of the next three-year review period. POGO should review its indicator report carefully for accuracy prior to submission to the IPC.