

Ask me  
anything  
about  
health  
privacy



April 2020  
Twitter: @KateDewhirst  
Email: kate@katedewhirst.com



1

---

---

---

---


---

---

---

Topics

1. Virtual Visits
2. PHIPA updated
3. New IPC decisions up to 112



2

---

---

---

---


---

---

---

Handouts

1. Virtual visits policy and script consent
2. Privacy issues related to COVID-19
3. Bill 188
4. Summary of IPC Decisions
5. PHIPA blacklined



3

---

---

---

---

---

---

---



## Virtual Visits

See handout in webinar for  
free sample Virtual Visits  
policy



4

---

---


---

---

---

---

---



Office closed  
March 16, 2020

5

---

---

---

---

---


---

---

### Tips for Working from Home

We understand that these are exceptional circumstances and it may not be possible for you to meet the same standards for security and privacy protection that you normally do. Many organizations are striving to manage service disruptions and continue to provide essential services, especially in the health and child and family services sectors.

Here are some tips for dealing with personal information when working from home:



6

---

---

---

---

---

---

---

**Mobile devices**

- password protect your device
- lock your device when not in use
- if using portable storage devices, such as USBs and portable hard drives, if possible, ensure they are encrypted and password protected
- keep your software up-to-date



7

---

---

---

---

---

---

---

**Emails**

- if possible, use work email accounts rather than personal ones for work-related emails involving personal data
- before sending an email, check that you're sending it to the correct recipient, particularly for emails involving personal data



8

---

---

---

---

---

---

---

**Paper copies and files**

- only remove personal information from the office if it is necessary to carry out your job duties
- securely store any paper files when not in use – lock files away and do not leave files in your car



9

---

---

---

---

---

---

---

**Should organizations tell staff who are working at home to avoid accessing and collecting personal information of patients/clients?**

**Home computers may not have the same level of security as the devices in the office, which are on a secure network.**



10

---

---

---

---

---

---

---

We understand that these are exceptional circumstances and it may not be possible for service providers to meet the same standards for security and privacy protection that they normally do. Many organizations are striving to manage service disruptions and continue to provide essential services, especially in the health and child and family services sectors.

If your organization believes that staff (or agents working on the behalf of the organization) should be allowed to handle personal information from home, in order to provide necessary services in an effective and efficient way, you should permit them to do so. You should guide any staff working from home on how to do their work within as privacy-protective an environment as they can, given the realities of our current situation.

In a public health crisis, it is also understandable that service professionals, especially in the health and child protection sectors, may need to send or receive information by phone, text, email or other messaging services. The above applies to the use of technologies not normally used for business, during this crisis.

We remain available to public organizations for consultation and discussions on access and privacy matters during this time.



11

---

---

---

---

---

---

---

## OntarioMD

<https://ontariomd.news/>

Virtual Visits

- ▶ Disclaimer to be read
- ▶ Sample language to chart



12

---

---

---

---

---

---

---

## PHIPA - Bill 188

10.1 new requirement for HICs who use electronic systems to maintain, audit and monitor an electronic audit log

54.1 "consumer electronic service providers"

55.9 "data integration units"

55.9.1 information to a coroner and medical officers of health

60 abandoned records

72 doubling fines + jail



13

---

---

---

---

---

---

---



14

---

---

---

---

---

---

---

## IPC Orders and Decisions (112)

Snooping + Rogue Employees

2, 10, 13, 16, 62, 64, 68-69, 74

Access and Correction  
9, 12, 14, 15, 17, 18, 24, 26, 27, 30, 32-34, 36, 37, 39-43, 45-48, 52, 53, 55, 57, 59-61, 63, 65-67, 71-73, 75-79, 81, 83-85, 87, 89-94, 96-97, 99, 101, 103, 104

Closing a Practice  
3, 23, 28, 105

Poor Information Management Practices + Mobile Devices + Ransomware + Hacking  
4, 5, 7, 8, 38, 70, 86, 102

Deceased Persons  
19-22, 25, 31, 35, 58

Unauthorized Collection, Use or Disclosure  
44, 51, 54, 80, 82, 98

Vendors  
1, 6, 11, 29, 50

Recipient Rules  
49

Collect  
56

15

---

---

---

---

---

---

---

<https://marketing.katedewhirst.com/ipc-summary>



16

---

---

---

---

---

---

---

## Decision 105

- ▶ Doctor left behind records of personal health information at a property she was renting
- ▶ Landlord destroyed most of the records but gave 3 binders of records to the CPSO
- ▶ Named the doctor



17

---

---

---

---

---

---

---

No decision 106



18

---

---

---

---

---

---

---

## 107

- ▶ Correction request
- ▶ Father shared joint custody of child
- ▶ Refused to correct
- ▶ Record was child's not father's
- ▶ Mother objected to the correction - so if two SDMs they have to agree to corrections



19

---

---

---

---

---

---

---

## 108

- ▶ Correction request
- ▶ Past psychiatric admission to hospital
- ▶ Form 1 contained false statements
- ▶ IPC upheld decision



20

---

---

---

---

---

---

---

## 109

- ▶ Read this one!
- ▶ "Wazzn't me"
- ▶ Allowing staff member to use gmail
- ▶ Kept patient lists for 2 years post employment



21

---

---

---

---

---

---

---

## 110

- ▶ Read this!
- ▶ Complicated relationships created with off site clinicians having access to your records
- ▶ Off site physician staff members snooping in hospital records



22

---

---

---

---

---

---

---

## 111

- ▶ Request for deceased mother's health records to long-term care home
- ▶ Fee estimate \$3960
- ▶ Photocopy fees are okay - but not fees for electronic form
- ▶ New fee \$2831



23

---

---

---

---

---

---

---

## 112

- ▶ Correction request of past admission to hospital
- ▶ Emergency room note
- ▶ IPC upheld decision



24

---

---

---

---

---

---

---



## Dagenais v. Professional Order of Nurses of Quebec, 2020



25

---

---

---

---

---

---

---

## 3 ways to work with me when you are ready...

1. **Privacy Officer** training - next course starts April 28 **NOW ONLINE** (you can already start)
2. **Team Training** - I will virtually come to you and your team (or in person when this is over)
3. **One-on-one** - Customized privacy policies or assistance with privacy questions or breach response



26

---

---

---

---

---

---

---

## Questions and Answers

This is not legal advice -  
general information only



27

---

---

---

---

---

---

---



**SEE  
YOU  
SOON**

Ask me anything  
about health  
privacy

[www.katedewhirst.com](http://www.katedewhirst.com)

28

---

---

---

---

---

---

---