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HOT!! Privacy Issues: **Handle with care...**

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Disclosure

Presenter's Name: Micheal Harding

I have no current or past relationships with commercial entities

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By the end of 2016, the medication, diagnostic imaging, laboratory results and immunization records of every Canadian will be available electronically to doctors, nurses and other clinicians, according to Dan Strasbourg, spokesman for Canada Health Infoway.

- The Globe and Mail, Jan. 26 2012

Concerns over Privacy

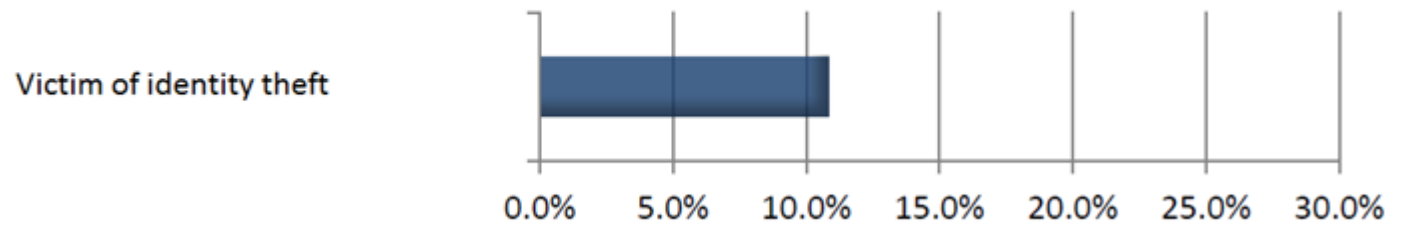
- 61.9% breaches reduce confidence in the quality of healthcare
- 31.3% would postpone seeking care
- 43.2% would withhold information
- 50.6% would seek care from a different provider
- 42.9% would seek care outside of their community



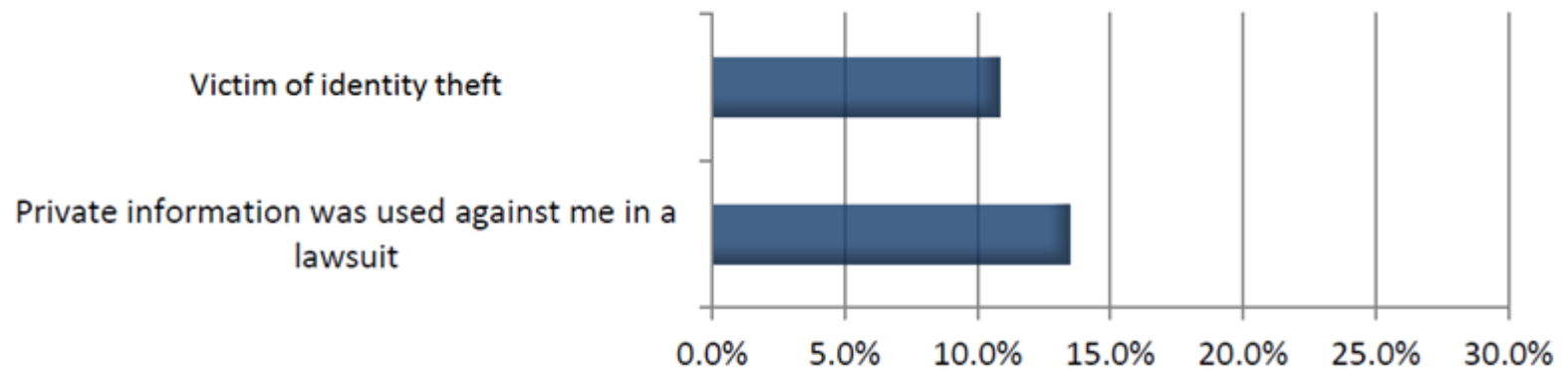
2011 Fairwarning.com Survey – Canada: How Privacy Considerations Drive Patient Decisions and Impact Patient Care Outcomes

Consequences Experienced as the Result of a Privacy Breach

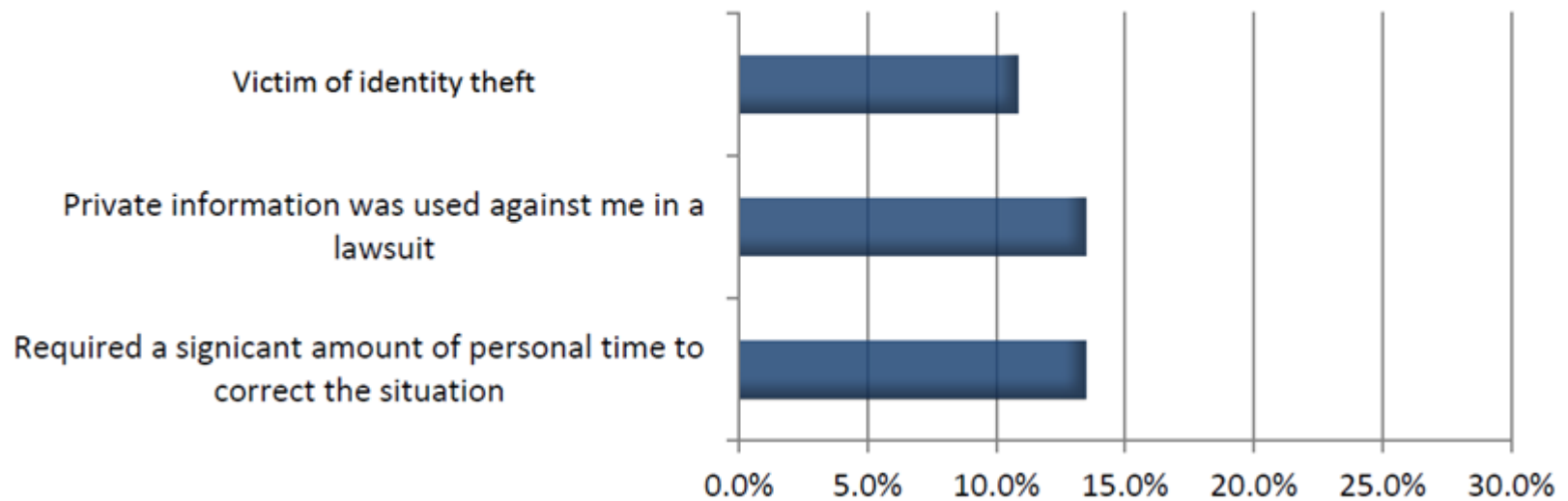
Consequences Experienced as the Result of a Privacy Breach



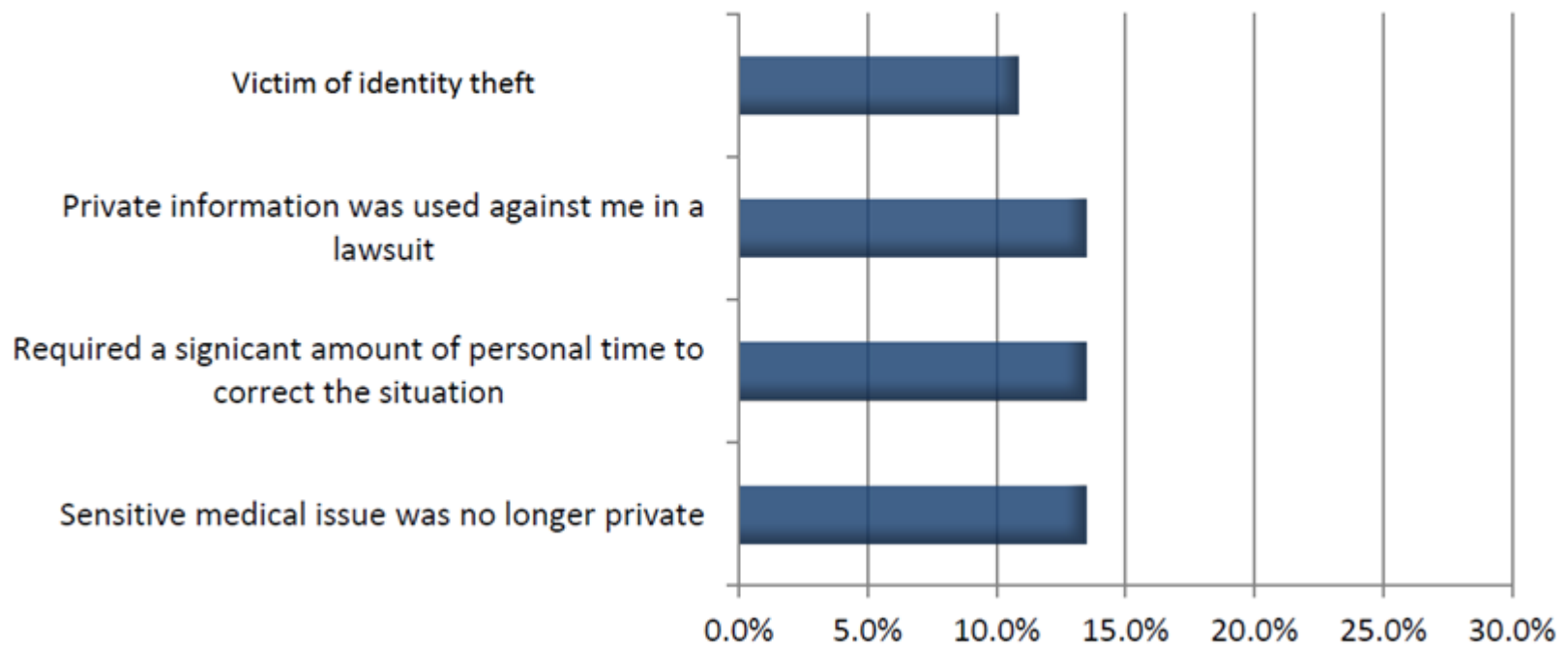
Consequences Experienced as the Result of a Privacy Breach



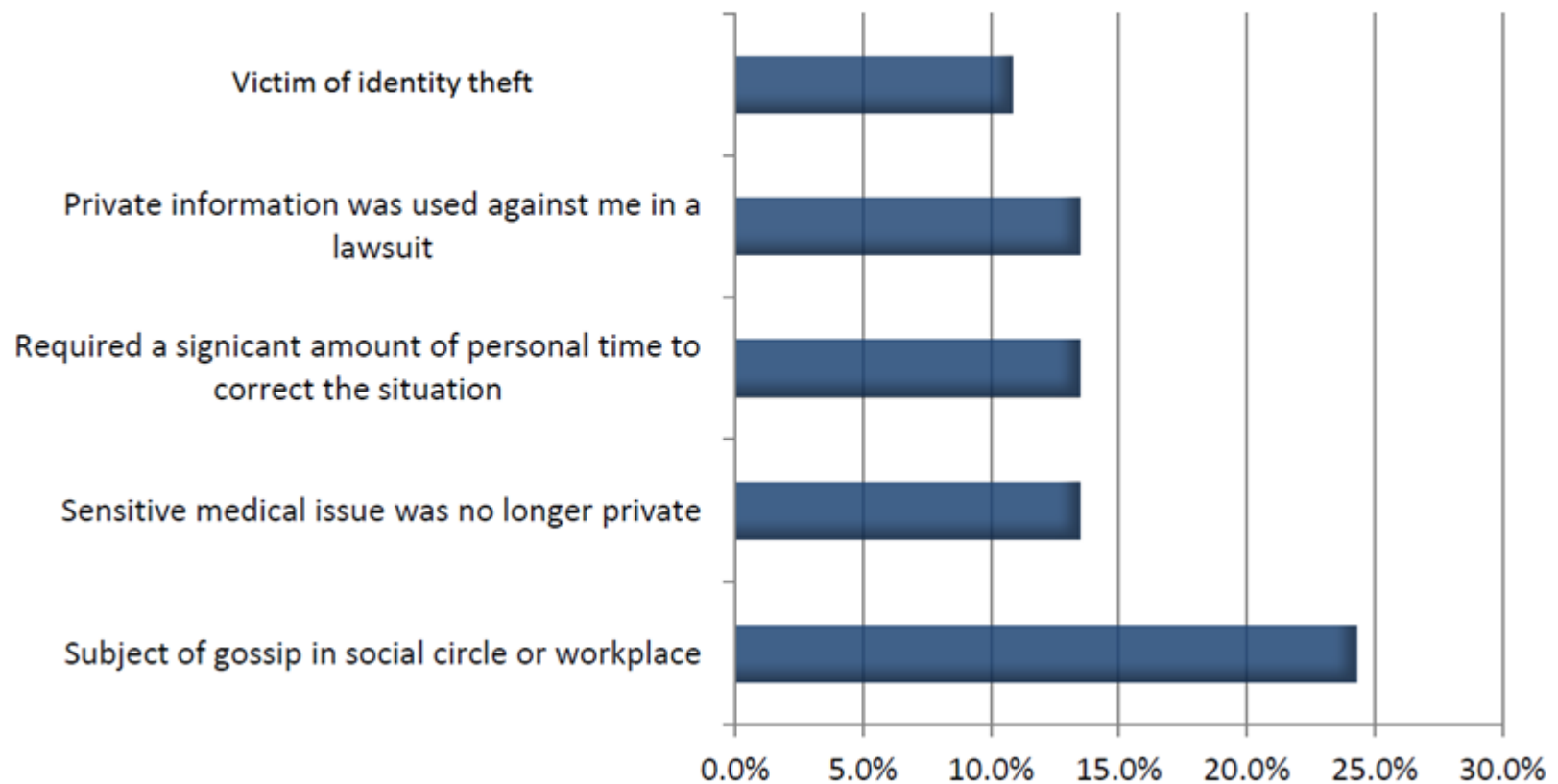
Consequences Experienced as the Result of a Privacy Breach



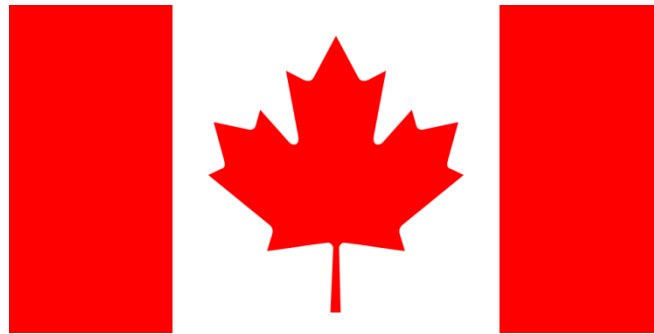
Consequences Experienced as the Result of a Privacy Breach



Consequences Experienced as the Result of a Privacy Breach



Recent Breaches Across Canada



Recent Breaches Across Canada

In mid-2015, it was reported that Toronto mayor Rob Ford's medical records were improperly accessed by hospital staff from 3 hospitals after his cancer diagnosis.



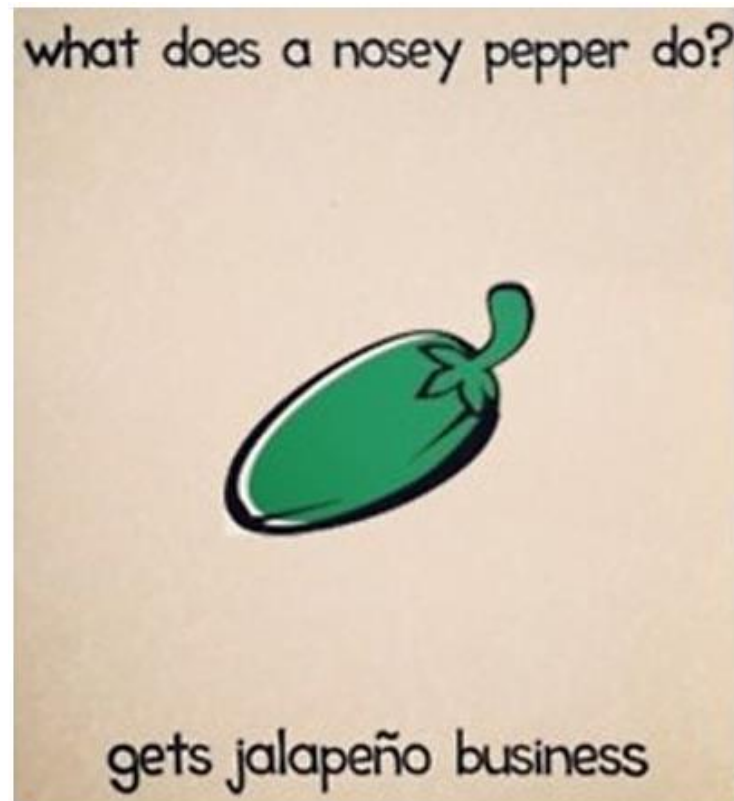
Recent Breaches Across Canada

It was reported in November of 2015 that 24 health care workers face disciplinary action after Alberta Health Services determined that 48 staff accesses the medical records of a patient without authorization after the story broke in the news that the patient had killed her 19-year old special-needs daughter.



Recent Breaches Across Canada

It was reported in August of 2015 that a Saskatchewan health care worker was fired for snooping into the electronic records of more than 900 patients.



Recent Breaches Across Canada

Western Health
Regional Health
Authority in
Newfoundland is facing
a class action lawsuit
after a accounting clerk
inappropriately viewed
the records of 1,043
patients



Recent Breaches Across Canada



In June of 2014 it was reported that 2 Ontario hospital employees allegedly sold the personal information of 14,450 new mothers to private RESP companies.

Recent Breaches Across Canada

In August of 2014, it was reported that as far back as 2009, 6 Toronto hospitals inappropriately gave up the information of tens of thousands of new mothers to baby photographers.



www.iLikeitFunny.com

Recent Breaches Across Canada



In January of 2014, The Globe and Mail reported that an unencrypted laptop belonging to an information technology consultant containing the names, dates of birth, provincial health card numbers, billing codes and diagnostic codes of 620,000 patients was stolen in Alberta.

Recent Breaches Across Canada

In July of 2013, seven health ministry employees in BC allegedly passed the personal health records of millions of British Columbians to contracted researchers on unencrypted computer memory sticks and flash drives.



HOT!! Privacy Issue #5:

Portable Electronic Devices



How to protect yourself...

- Be aware of organization policy requirements regarding the use of PEDs
- Be sure to only use approved devices
- Be sure that OS software is routinely updated
- Training, training, training
- Be sure the benefits outweigh the risks

HOT!! Privacy Issue #4:

Social Networking



In 2011 an Edmonton pharmacist pleaded guilty to illegally accessing and disclosing PHI on Facebook. The resulting investigation revealed that the pharmacist had been fighting with a group of women at her church in the summer of 2009 about the romantic activities and interests of a man in the same congregation.

The pharmacist was convicted under the Health Information Act, fined \$15,000 by the province, was ordered by her regulatory body to pay fines and the cost of proceedings totaling an additional \$15,000, and was suspended from practice for four months.

How to protect yourself...

- do not post PHI or photos of clients *or co-workers* without specific authorization – even if they can't be identified
- posting photos or videos that reveal room numbers or patient records
- descriptions of patients, their medical conditions, and/or treatments
- referring to patients in a degrading or demeaning manner
- *seriously consider the implications of accepting invitations from clients to their or your social media platform*

- Nurses without Borders

* *Italicized items are added*

HOT!! Privacy Issue #3:

Record of User Activity Protection

What is a Record of User Activity?

- a) The highest amount of user activity ever recorded as reported in the Guinness Book of World Records.
- b) A collection of songs about user activity on an analog sound storage medium.
- c) A record of accesses to PHI by electronic health information system users.

Record of User Activity

- The Personal Health Information Regulation requires trustees to maintain a record of user activity for any electronic information system it uses to maintain PHI, which identifies the following:
 - a) individuals whose PHI has been accessed,
 - b) persons who accessed PHI,
 - c) when PHI was accessed,
 - d) the electronic information system or component of the system in which PHI was accessed,
 - e) whether PHI that has been accessed is subsequently disclosed under section 22 of the Act;

Trustees are required by the Guidelines for Records of User Activity to provide this record upon request.

Auditing

- The Ministerial Guidelines for Records of User Activity requires trustees to audit records of user activity to detect security breaches. Audits could be conducted on any or all of the following triggers:
 - attempts to access information based on same family name, address or user name, human resource related events, media related events, or high profile names;
 - high volume of activity associated with a single subject of care.
 - a complaint or report is received from any individual respecting possible unauthorized access to, or use or disclosure of PHI.
 - an employee's employment with the department is terminated;
 - an employee's access to a health information system is removed for any reason;

An emergency room doctor admitted that she was responsible for accessing restricted records in Alberta Netcare using the logins of 12 other doctors.

On 21 occasions, the doctor used computers in the emergency department of the Edmonton Misericordia Hospital to access records after the previous user had not logged out, and did so knowing that her personal ID would not show up in the computer's logs as a result.

The doctor was suspended from medical practice for 60 days, and was ordered to take an ethics course and to pay \$22,232.59 to cover the cost of the investigation.

- St. Albert Gazette, March 28, 2013

How to protect yourself...

- Do not share passwords for information systems.
- Protect your password at all times.
- Lock your terminal when you leave it.
- Log out of the network at the end of your shift.

HOT!! Privacy Issue #2:

“No Breach” Myth

Myths

Its not a breach if...

- Only demographic info is used or disclosed
- PHI is not disclosed, merely looked at
- I look at my own PHI
- I have family/friend consent
- PHI is inadvertently disclosed, lost or stolen but recovered

HOT!! Privacy Issue #1:

Snooping

Examples of Privacy Breaches by Locality

Rurally based care providers

- Local government official snooping
- Neighbor snooping
- Extended family member snooping

Examples of Privacy Breaches by Locality

Metropolitan based care providers

- Sports star snooping
- Federal or state government official snooping
- High profile business personality snooping
- High profile celebrity/media personality snooping
- Traditional identity theft
- Medical identity theft

Examples of Privacy Breaches by Locality

All care providers regardless of locality

- Care provider employees visiting as a patient
- Immediate Family member snooping
- Child custody cases
- Criminal suspects covered in media
- Billing and fraud related

Consequences of Breaches

- To Patients
 - Survey results

Consequences of Breaches

- To Patients
- To Employees
 - Privacy Commission of Ontario Video

Is it worth it?



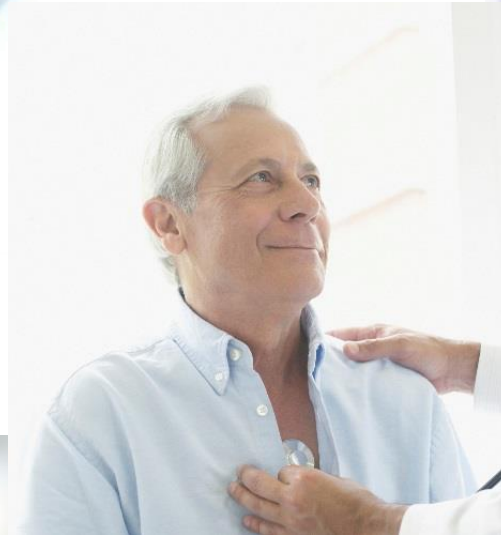
Consequences of Breaches

- To Patients
- To Employees
- To Organizations
 - Impact Categories**
 1. Reputation
 2. Financial
 3. National [*Public*] Interest
 4. Operations
 5. Legal

- *Treasury Board of Canada Secretariat*



In a significant decision released in February of this year, the Ontario Court of Appeal ruled that a private plaintiff may bring a class proceeding for damages in tort against Peterborough Regional Health Centre for the unauthorized access to personal health information.



References

Fairwarning.com Survey – Canada: How Privacy Considerations Drive Patient Decisions and Impact Patient Care Outcomes

- <http://www.fairwarning.com/canada-patient-privacy-survey/>

Information and Privacy Commissioner of Ontario

- <https://www.ipc.on.ca/english/PHIPA/Is-It-Worth-It/>

Ministerial Guidelines For Records of User Activity

- <http://www.gov.mb.ca/health/phia/docs/rua.pdf>

Breaches:

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