



## Privacy Impact Assessment Summary

**Date: 2/2/2017**

### Sandy Lake SAR Pilot PIA Summary

As required by the Information and Privacy Commissioner of Ontario and by Cancer Care Ontario's (CCO) Privacy Policy, a Privacy Impact Assessment (PIA) was completed for the Sandy Lake Screening Activity Report (SAR) Pilot Project, which took place in 2013.

The following is a summary of the PIA, and includes background on the Sandy Lake SAR and key findings of the PIA. The summary also outlines CCO's progress in implementing the recommendations contained in the PIA.

### Background

The Aboriginal Cancer Control Unit (ACCU) implemented the Sandy Lake SAR Pilot to encourage Sandy Lake residents to get screened for colorectal cancer. CCO shared personal health information (PHI) about the residents, namely information about their colorectal cancer screening status, with nurses and physicians at the Sandy Lake Nursing Station via the Sandy Lake SAR.

Prior to disclosing the SAR, CCO provided a Privacy Notice to Sandy Lake residents that permitted them to "opt out" or decline to have their information included in the SAR. The Privacy Notice was posted at the Nursing Station and Band Office, and distributed through other reliable channels such as radio and a local bulletin.

The "opt out" period lasted for two weeks (deemed acceptable by Chief and Council), and privacy training was provided to the physicians and nurses who handle Sandy Lake residents' personal information (PI) and PHI. At the conclusion of the opt-out period, a list of Sandy Lake residents who did not wish to be contacted about the SAR was provided to CCO, and the SAR was disclosed to the physicians and nurses at the Nursing Station without the information pertaining to these residents.

### Privacy Impact Assessment

CCO had the legislative authority to use PHI to develop the Sandy Lake SAR in its capacity as a prescribed registry (PR). Pursuant to s. 49(1)(a) of PHIPA, CCO acting as a PR was permitted to use the PHI for the purposes for which CCO was authorized to collect the data, i.e., for the purpose of facilitating or improving the provision of health care, consistent with s. 39(1)(c) of PHIPA.



In the alternative, CCO had the authority to use the PHI in its capacity as an institution under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Pursuant to ss. 41(1)(b) of FIPPA, CCO acting as an institution was permitted to use the PHI for the purpose for which the PHI was obtained or compiled, i.e., for facilitating and improving the provision of health care, consistent with s. 39(1)(c) of PHIPA.

Similarly, CCO had the legislative authority to disclose PHI in the Sandy Lake SAR to physicians and nurses in its capacity as a PR. Pursuant to s. 49(1)(a) of PHIPA, CCO acting as a PR was permitted to disclose the PHI for the purposes for which CCO was authorized to collect the data. In the alternative, CCO had the authority to disclose the PHI as an institution under FIPPA. Pursuant to ss. 42(1)(c) of FIPPA, CCO acting as an institution was allowed to disclose the PHI for the purpose for which it was obtained or compiled.

Further to the above, the PIA identified 5 privacy risks and proposed certain recommendations for each:

- (a) *There was a risk of CCO using PHI in an unauthorized manner.* Certain operational processes were carried out to mitigate this risk. For example, CCO Representatives received the Sandy Lake Resident List in accordance with CCO's In-Person Transfer of Personal Health Information Procedure, signed a Statement of Confidentiality for the data, and took privacy and security training.
- (b) *There was a risk of CCO disclosing PHI in a manner that was inconsistent with the federal Privacy Act, which also governed the disclosure.* Because the nurses at the Sandy Lake Nursing Station were employees of Health Canada, it was decided that the requirements of the federal Privacy Act needed to be incorporated into the Privacy Notice and SAR Disclosure Agreement. This risk was resolved, as the ACCU ultimately disclosed the SAR only to physicians.
- (c) *There was a risk of CCO disclosing PHI in an unauthorized manner.* A Privacy Notice advising of the Sandy Lake SAR was disseminated via radio advertisement and posted in a public space at the Sandy Lake Nursing station for 2 weeks.
- (d) *There was a risk of CCO disclosing PHI without a contractual framework in place.* CCO's Legal and Privacy Office drafted a SAR Disclosure Agreement for physicians to sign.
- (e) *There was a risk of insecure transfer of PHI.* The ACCU documented the process by which the SAR was sent and accessed electronically at the Sandy Lake Nursing Station using secure managed file transfer (Tumbleweed). CCO's Enterprise Information Security Office approved the transfer, and training was provided to users.

## Privacy Impact Assessment Recommendations

There are no risks identified in the PIA that are still outstanding.

Please contact the Legal & Privacy Office should you have any questions.

### Legal and Privacy Office



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