

Privacy Impact Assessment Summary

Date: June 2012

New Drug Funding Program (NDFP) e-claims Solution Project

As required by the Information and Privacy Commissioner / Ontario and Cancer Care Ontario's (CCO's) Privacy Policy, CCO completed a Privacy Impact Assessment (PIA) on CCO's NDFP e-claims Solution Project in June 2012.

The 2012 NDFP e-claims Solution Project PIA found that CCO has the authority to operate the program pursuant to the *Personal Health Information Protection Act, 2004* (PHIPA). Specifically, the services of the e-claims solution application are provided to the Health Information Custodians (HICs) participating in the NDFP by CCO in its role as a Health Information Network Provider (HINP) and as an agent to the HIC. Additionally, CCO has the authority to continue to operate the NDFP as a prescribed entity.

The following is a summary of the PIA, including a brief background on the NDFP, the motivation for e-claims, a summary of key findings, and CCO's progress in implementing recommendations as identified in the PIA.

Background

At CCO, the NDFP is one of three reimbursement programs under the Provincial Drug Reimbursement Program (PDRP). The NDFP provides a mechanism for reimbursing regional cancer centres and hospitals for cancer drugs. MOHLTC created the program to provide patients with equal access to injectable cancer drugs that are administered by hospitals.

Over time, it was clear that the NDFP's processes and resources did not adequately meet the escalating demands of the increased volume of newly funded medications and the patients requiring them. CCO initiated the NDFP e-claims Solution Project to improve NDFP performance and to attain the goal of managing cancer drug claims more efficiently.

Privacy Analysis

The PIA concludes that CCO has the PHIPA authority to provide the services of the e-claims solution application to hospitals participating in the NDFP in order to enable clinicians (pharmacists and physicians) to have access to their patient's historical treatment records retained within the NDFP database submitted by other treatment facilities (HICs). CCO has this authority as a "health information network provider" and as an agent to the HICs pursuant to subsection 6(2) of PHIPA.

In addition, CCO has the authority to continue to operate the NDFP as a section 45 prescribed entity.

Privacy Impact Assessment Recommendations

The following summary identifies the PIA recommendations:

1. The program should ensure that CCO executes License Agreements with hospitals prior to granting access to the e-claims application. The following additional provisions should be included in the Terms of Use for the e-claims application and the License Agreement between CCO and the hospitals: identifying that all participating hospitals agree to and provide CCO the direction to make a patient's treatment history available to the clinician(s) subsequently providing care and request reimbursement through the NDFP for the same patient; that the application must restrict access only to the clinicians with a patient's circle of care; and that CCO will act as the *agent* for the hospitals in their provision of the services of the e-claims application. These recommendations have been implemented.
2. The program should provide notice to the public through public disclosure channels in consultation with CCO's Legal and Privacy Office (**LPO**) as to the intended disclosure of a patient's NDFP treatment history to hospitals requesting reimbursement through the NDFP. This recommendation has been implemented.
3. CCO should clarify *FIPPA's* applicability to CCO through an amendment to *PHIPA* and/or its Regulation. CCO has provided the Ministry of Health and Long-Term Care (**MOHLTC**) a formal submission.
4. NDFP should clarify with the MOHLTC its authority to request PHI related to the Exceptional Access Program (**EAP**) from CCO. This recommendation has been implemented.
5. NDFP to advise the LPO if and when new linkages occur between PHI in the NDFP Data Holding and existing CCO data holdings and whether a permanent data holding will be created after any such linkages. On-going engagement of the LPO as required.
6. CCO's Enterprise Information Security Office to complete a security assessment on the e-claims application. A Technical Vulnerability Assessment (TVA) will be completed prior to the launch of the e-claims application.

Please contact the CCO Legal and Privacy Office should you have any questions:

The CCO Legal and Privacy Office
Cancer Care Ontario
620 University Avenue
Toronto, ON M5G 2L7
Email: legalandprivacyoffice@cancercare.on.ca
Tel: 416-217-1816