



TO: Chair and Members of the Governance Committee

FROM: Emily Williams, Chief Executive Officer
Dr. Alexander Summers, Medical Officer of Health

DATE: 2023 February 16

ANNUAL PRIVACY PROGRAM UPDATE

Recommendation

It is recommended that the Governance Committee recommend to the Board of Health to receive Report No. 03-23GC re: “Annual Privacy Program Update” for information.

Key Points

- The Middlesex-London Health Unit (MLHU) has obligations under provincial privacy legislation to ensure the rights of individuals with respect to privacy, access and correction of records of their personal information and personal health information, as well as the right to access general records that pertain to MLHU operations and governance.
- The MLHU’s Privacy Program supports compliance with these obligations through education, policy and procedure development, assessment and management of privacy risks, facilitation of access and correction requests, and management of potential and actual breaches that may occur.
- The MLHU completes annual statistical reporting to the Information and Privacy Commissioner of Ontario in accordance with requirements set out in the *Personal Health Information Protection Act (PHIPA)*, *O. Reg. 329/04* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

Background

The MLHU is a ‘health information custodian (HIC)’ in accordance with section 3 of the *Personal Health Information Protection Act (PHIPA)*, and an ‘institution’ in accordance with section 2 of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. Under these legislation, the MLHU and the Middlesex-London Board of Health have obligations to ensure the rights of individuals with respect to privacy, access and correction of records of their personal information and personal health information, and access to general records that pertain to the MLHU’s operations and governance.

MLHU Privacy Program

In accordance with [Policy G-100 Privacy and Freedom of Information](#), the Medical Officer of Health (MOH) and Chief Executive Officer (CEO) have the delegated duties and powers of the head with respect to freedom of information and protection of individual privacy under MFIPPA. The MOH serves as the health information custodian (HIC) for the purposes of PHIPA (s. 3 (1)). Together, the MOH and CEO have the responsibility to maintain information systems and implement policies/procedures for privacy and security, data collection, and records management.

The day-to-day administration and management of the MLHU’s privacy program is operationalized by the MLHU’s Privacy Officer, and includes the following components:

- Education;
- Policy development;

- Privacy impact assessment and consultation;
- Response to access and correction requests under PHIPA and MFIPPA; and
- Breach and complaint management.

The MLHU's Privacy Program is continually evolving in response to internal and external drivers, including, but not limited to, new legislation/regulations and case law, orders issued by the provincial and federal Privacy Commissioners, new technology, emerging best practices, and increasing awareness and expectations by the public with respect to privacy and access.

Successes over the past year include:

- MLHU staff are compliant in completing the annual online privacy education module implemented to increase awareness and compliance with legislative requirements;
- Further assessment and mitigation of risks associated with new technologies and processes that support online collaboration and communication/information sharing among MLHU staff and with clients and external partners; and
- Completion of all formal written requests for access to records of personal information or personal health information or general records within the statutory time limits.

In summary, the following privacy activities occurred in 2022:

- 14 requests under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- 5 requests under the *Personal Health Information Protection Act (PHIPA)*; and
- 9 incidents that were considered a privacy breach under the *Personal Health Information Protection Act (PHIPA)*.

Corrective actions were taken following each privacy breach incident to comply with legislative requirements under MFIPPA and PHIPA

Provincial Oversight

The MLHU is required to submit annual statistical reports to the Information and Privacy Commissioner of Ontario with respect to:

- Confirmed privacy breaches under PHIPA (attached as [Appendix A](#));
- Access and correction requests under PHIPA (attached as [Appendix B](#)); and
- Access and correction requests under MFIPPA (attached as [Appendix C](#)).

All of these reports will be submitted to the Information and Privacy Commissioner of Ontario within the required deadline (March 31, 2023).

This report was prepared by the Chief Executive Officer and Medical Officer of Health.



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Chief Executive Officer



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Medical Officer of Health