SUBJECT: Audit Report 2009-02 - Personal Health Information Protection Act (PHIPA) Compliance - Public Health Services (CM09008) (City Wide)

RECOMMENDATION:

(a) That Report CM09008 respecting Audit Report 2009-02, Personal Health Information Protection Act (PHIPA) Compliance - Public Health Services, be received; and

(b) That the management action plans as detailed in Appendix “A” of Report CM09008 be approved and the Medical Officer of Health direct the appropriate staff to have the plans implemented.

Ann Pekaruk  
Director, Audit Services  
City Manager's Office

EXECUTIVE SUMMARY:

The 2008 Internal Audit work plan approved by Council included an audit of various Public Health Services programs and their compliance with the Personal Health Information Protection Act (PHIPA). The review evaluated policies and practices in place to address client consent to collect, use and disclose patient/client personal health information (PHI) as well as the protection and retention of personal client records.

The results of the audit are presented in a formal report containing observations, recommendations and management responses, all attached as Appendix “A” of Report CM09008.
BACKGROUND:
The Personal Health Information Protection Act (PHIPA) came into effect on November 1, 2004. In the case of the City of Hamilton, it applies to all municipal services that involve the collection of personal health information. This review focused on Public Health Services and the following divisions and programs identified as being impacted by the legislation:

- Health Protection Division – Immunization and Vaccine Preventable Disease including TB Programs (School & Community); Sexually Transmitted Diseases and Sexual Health Program; Infectious Disease/Infection Control Program; Environmental Health - West Nile and Rabies Investigation; Environmental Health – Food Safety, Water Safety, Health Hazard and Tobacco; and Surveillance Unit
- Healthy Living Division – School Program (East and West); Dental Clinics; Tobacco Control; Chronic Disease (Adults) and Chronic Disease Prevention (Children and Youth); and Substance Abuse/Violence/Injury Prevention
- Family Health Division – Child and Adolescent Services; Community Mental Health/Outreach; Alcohol, Drug and Gambling Services; and Family Health (Dundas and Stoney Creek)

The review was carried out throughout the latter part of 2008. The results of this review are attached as Appendix “A” of Report M09008.

The Audit and Administration Committee receives and approves final audit and review reports as part of its responsibilities for the oversight of governance and control.

ANALYSIS/RATIONALE:
In order to assess the current level of compliance of various Public Health Services (PHS) divisions and programs with PHIPA legislation, Internal Audit interviewed appropriate staff and documented individual processes for collecting, using and disclosing PHI. In addition, site visits for physical observation and a sampling of files were conducted to verify these processes. A comparison of the practices with the requirements of the PHIPA legislation was then carried out.

In general, the various programs have taken steps to address the confidentiality of the personal health information collected. Strictly applied access rights to on-sight storage of the information protects the records. Written procedures, although dated in some cases, are available and are practiced accordingly. Through discussions with staff, their awareness of practices related to the protection of PHI was evident.
The audit identified five key areas for improvement that were most common across multiple programs. The recommendations made included:

- **Information Practices** – Procedures and processes are required to be designed, documented and followed to protect the PHI that has been collected. Such procedures should be up-to-date and have references to the appropriate sections of PHIPA and other legislation.
- **Security** – Measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons.
- **Written Public Statement** – A written statement describing the custodian’s general information practices as they relate to PHI is to be made available to the public.
- **Elements of Consent** – A notice describing the purpose of the collection, use and disclosure of PHI needs to be developed and posted (or otherwise made available) in a location where it is likely to come to the individual’s attention.
- **Access To and Correction of PHI Records** – A process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, where necessary.

The audit report notes the deficiencies of the above five subjects in each of the 25 identified programs. PHS Management has committed to take appropriate actions as noted in the body of the report under individual Management Action Plans.

**ALTERNATIVES FOR CONSIDERATION:**

Not applicable.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial**

None.

**Staffing**

None.

**Legal**

Public Health Services, by virtue of its collection of PHI, is required to comply with PHIPA legislation.

**POLICIES AFFECTING PROPOSAL:**

Personal Health Information Protection Act
RELEVANT CONSULTATION:
Management and staff in the various applicable program areas were interviewed in the collection of information relevant to processes and practices followed. PHS Management (Planning and Continuous Improvement division) provided the action plans noted in the report.

CITY STRATEGIC COMMITMENT:
By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Compliance with PHIPA protects the personal health information collected from citizens in the carrying out of City Public Health services.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

Economic Well-Being is enhanced. ☑ Yes ☐ No
City Council’s strategic commitment to “Best Practices – Best Value” is addressed through audits and reviews that ensure the City’s compliance with legislation and regulations in the carrying out of its services and operations.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

ap:dt
Attachment – Appendix “A”
BACKGROUND
The purpose of this review was to determine the compliance of the various areas in Public Health with the Personal Health Information Protection Act (PHIPA). PHIPA took effect on November 1, 2004 and applies to all Public Health Program Areas involved in the collection of Personal Health Information (PHI).

Management in Public Health identified the following divisions and programs that are impacted by this legislation:

- Health Protection Division
  - Immunization and Vaccine Preventable Disease including TB Programs (School & Community)
  - Sexually Transmitted Diseases (STD) and Sexual Health Program
  - Infectious Disease/Infection Control Program
  - Environmental Health – West Nile and Rabies Investigation
  - Environmental Health – Food Safety, Water Safety, Health Hazard and Tobacco
  - Surveillance Unit

- Healthy Living Division
  - School Program (East and West)
  - Dental Clinics
  - Tobacco Control
  - Chronic Disease (Adults) and Chronic Disease Prevention (Children and Youth)
  - Substance Abuse/Violence/Injury Prevention

- Family Health Division
  - Child and Adolescent Services
  - Community Mental Health/Outreach
  - Alcohol, Drug and Gambling Services
  - Family Health (Dundas and Stoney Creek)

As part of this review, Internal Audit met with management in each of the above areas and reviewed the current practices with respect to PHI. A sample of files and electronic records in each program was also reviewed.

OBSERVATIONS AND RECOMMENDATIONS
Unless otherwise noted in the report, all requirements under PHIPA have been met by the specified programs. Among such requirements are included: security of both paper and electronic PHI; the consent associated with obtaining PHI; the collection, use and disclosure of such information; and individual requests for access and correction of information, when necessary. Recommendations in the following text marked with an asterisk (*) are common across most programs.
HEALTH PROTECTION DIVISION – School Immunization

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA. Further, two procedures date back to 2005 and one is in draft form.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

That the applicable procedures dealing with PHI, currently in draft form, be finalized and approved for implementation as soon as possible.

Management Action Plan
Agreed. The draft PHS-wide policy and procedure regarding PHI and PHIPA will be finalized and approved for implementation before October 1, 2009.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation***
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
HEALTH PROTECTION DIVISION – Influenza Vaccine

1. Information Practices - The implementation of information practices as required by PHIPA.

   **Observation**
   As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

   **Recommendation***
   That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

   **Management Action Plan**
   Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

   **Observation**
   PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

   **Recommendation***
   That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

   **Management Action Plan**
   Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

Observation
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

Recommendation*
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program. This could be added to the Influenza Vaccine Consent Form.

Management Action Plan
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Access to and correction of PHI records

Observation
To date, this Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTH PROTECTION DIVISION – Tuberculosis (Tb) Control

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

Observation
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

Recommendation*
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

Management Action Plan
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

Observation
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

Recommendation
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above.

Management Action Plan
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
5. Access to and correction of PHI records

Observation
This Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTH PROTECTION DIVISION – Sexually Transmitted Diseases (STD)

1. Information Practices - The implementation of information practices as required under PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA. In particular, the form entitled "Release of Information and Privacy Legislation" dealing with clients wishing to access and correct their PHI records should reference PHIPA.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
The Program Area staff have drafted a Privacy Breach Protocol which deals with how individuals should be notified if their PHI was lost, stolen or accessed by unauthorized persons. This procedure remains in draft form, even though work began on its development in May 2008.

Recommendation*
That the procedure noted above be finalized and approved for implementation as soon as possible.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation***
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
HEALTH PROTECTION DIVISION – Sexual Health Clinics

1. Information Practices - The implementation of information practices as required under PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA. Two procedures date back to 2005 and one is in draft form.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

That the procedure dealing with PHI, currently in draft form, be finalized and approved for implementation as soon as possible.

Management Action Plan
Agreed. The draft PHS-wide policy and procedure regarding PHI and PHIPA will be finalized and approved for implementation before October 1, 2009.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTH PROTECTION DIVISION – Infectious Diseases (ID)

1. Information Practices - The implementation of information practices as required under PHIPA.

**Observation**
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

**Recommendation***
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

**Management Action Plan**
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

**Observation**
PHIPA, section II 12.(2) stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

**Recommendation***
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation**
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above. A notice could be placed on the Program Area’s website or read to the client during a telephone inquiry.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
HEALTH PROTECTION DIVISION – Rabies Control

1. Information Practices - The implementation of information practices as required under PHIPA.

   *Observation*
   As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

   *Recommendation*
   That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

   *Management Action Plan*
   Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

   *Observation*
   PHIPA, section II 12.(2) stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

   *Recommendation*
   That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

   *Management Action Plan*
   Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation**
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
5. Access to and correction of PHI records

Observation
To date, this Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
1. Information Practices - The implementation of information practices as required under PHIPA.

**Observation**
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

**Recommendation***
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

**Management Action Plan**
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

**Observation**
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

**Recommendation***
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

*Observation*
Contrary to PHIPA section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

*Recommendation*
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

*Management Action Plan*
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI.

*Observation*
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

*Recommendation*
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above. A notice could be placed on the Program Area’s website or read to the client during a telephone inquiry.

*Management Action Plan*
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
5. Access to and correction of PHI records

Observation
To date, this Program Area has not had any requests by individuals to access their PHI except in the event of a trial. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTH PROTECTION DIVISION – Environmental Health - Health Hazard

1. Information Practices - The implementation of information practices as required by PHIPA.

*Observation*
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

*Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

*Management Action Plan*
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

*Observation*
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

*Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

*Management Action Plan*
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

3. Access to and correction of PHI records

*Observation*
To date, this Program Area has not had any requests by individuals to access their PHI. Further, due to the limited amount of information collected, it is not likely to receive such requests in the future. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

*Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

*Management Action Plan*
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTH PROTECTION DIVISION – Surveillance Unit

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA. One of the procedures dates back to February 2005 and another is still in draft form.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

That the applicable procedure dealing with PHI, currently in draft form, be finalized and approved for implementation as soon as possible.

Management Action Plan
Agreed. The draft PHS-wide policy and procedure regarding PHI and PHIPA will be finalized and approved for implementation before October 1, 2009.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTH PROTECTION DIVISION – Residential Care Facilities (RCF)

1. Information Practices - The implementation of information practices as required by PHIPA.

**Observation**
Contrary to PHIPA, section II 10.(1), this Program Area has not formalized information practices (policies and procedures) designed to protect the PHI that has been collected. The guidelines that have been set regulate the information practices of the RCF. They do not regulate the PHI that is gathered by the custodian regarding the residents at the RCFs.

**Recommendation**
That all policies and procedures followed by the Program Area regarding the collection, use and disclosure of PHI be formalized and documented and references to PHIPA and other legislation be included.

**Management Action Plan**
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

**Observation**
Contrary to PHIPA, section II 12.(2), there is no documented provision to notify an individual should his/her PHI be lost, stolen or accessed by unauthorized persons.

**Recommendation**
That procedures be developed in point 1 above for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Access to and correction of PHI records

Observation
To date, this Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – School Program

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

   **Observation**
   PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

   **Recommendation***
   That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

   **Management Action Plan**
   Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

2. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

   **Observation**
   Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

   **Recommendation***
   That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

   **Management Action Plan**
   Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided. For this program, the statement could be placed on the back of business cards of the Public Health Nurses.
3. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

Observation
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

Recommendation
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above.

Management Action Plan
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided. For this program, since staff are mobile in the schools, the statement could be placed on the back of business cards of the Public Health Nurses.

4. Access to and correction of PHI records

Observation
To date, this Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Dental Clinic

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

2. Access to and correction of PHI records

Observation
This Program Area has not had any requests by individuals to access their PHI. However, PHIPA makes it clear that an individual has a right to access his/her record of PHI that is in the custody of a health information custodian (i.e. Manager of Dental Programs) and request changes, if warranted.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Children In Need of Treatment (CINOT)

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

2. Access to and correction of PHI records

Observation
This Program Area has not had any requests by individuals (or their substitute decision maker) to access their PHI. However, PHIPA makes it clear that an individual has a right to access his/her record of PHI that is in the custody of a health information custodian (i.e. Manager of Dental Programs) and request changes, if warranted.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Quit Smoking Clinic

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Nurse Information Line

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

*Observation*
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures do not contain any such processes.

*Recommendation*  
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

*Management Action Plan*  
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

2. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

*Observation*
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

*Recommendation*
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and provided to the individual. Due to the manner in which the PHI is collected, such a notice could be placed on the Program Area’s website where it is likely to come to the individual’s attention.

*Management Action Plan*  
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
3. Access to and correction of PHI records

**Observation**
The amount of PHI collected by this Program is very limited and is not likely to be requested by the individual. However, section V of PHIPA requires that individuals have access to their PHI and they have the right to correct a record that they believe is inaccurate or incomplete.

**Recommendation***
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Women Health Educators

1. Information Practices - The implementation of information practices as required by PHIPA.

**Observation**
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. Although they reference PHIPA, both of the relevant procedures are in draft format only.

**Recommendation**
That the applicable procedures, noted above, dealing with PHI, currently in draft form, be finalized and approved for implementation as soon as possible.

**Management Action Plan**
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

**Observation**
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

**Recommendation**
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

3. Access to and correction of PHI records

**Observation**
This Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

**Recommendation**
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Woman Alive! Program

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

2. Access to and correction of PHI records

Observation
The amount of PHI collected by this Program Area is very limited and is not likely to be requested by the individual. However, section V of PHIPA requires that individuals have access to their PHI and they have the right to correct a record that they believe is inaccurate or incomplete.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Nutrition and Physical Activity Line

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

   Observation
   PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures do not contain any such processes.

   Recommendation*
   That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

   Management Action Plan
   Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.

2. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

   Observation
   Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

   Recommendation*
   That a public statement describing this Program Area’s information practices as they relate to PHI be developed for and used as practicable. In this case, the statement may be read to the individual calling in or placed on the Program’s website.

   Management Action Plan
   Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
3. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and provided to the individual. Due to the manner in which the PHI is collected, such a notice could either be read to the individual calling in or placed on the Program Area’s website.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Access to and correction of PHI records

**Observation**
The amount of PHI collected by this Program is very limited and is not likely to be requested by the individual. However, section V of PHIPA requires that individuals have access to their PHI and they have the right to connect a record that they believe is inaccurate or incomplete.

**Recommendation**
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
HEALTHY LIVING DIVISION – Youth Net

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA. One of the two procedures developed dates back to May 2005 and the other is in draft format.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

That the applicable procedure dealing with PHI, currently in draft form, be finalized and approved for implementation as soon as possible.

Management Action Plan
Agreed. The draft PHS-wide policy and procedure regarding PHI and PHIPA will be finalized and approved for implementation before October 1, 2009.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

Observation
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

Recommendation*
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

Management Action Plan
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Access to and correction of PHI records

Observation
To date, this Program Area has not had any requests by individuals to access their PHI. However, a process should be formalized to ensure consistency in how individuals are granted access to their PHI as well as how such records may be corrected, if necessary.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
FAMILY HEALTH DIVISION – Child and Adolescent Services

1. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
FAMILY HEALTH DIVISION – Mental Health Case Management (CM)/Outreach Program (OP)

1. Information Practices - The implementation of information practices as required by PHIPA.

**Observation**
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, one of these procedures does not reference PHIPA (Consent for Photos, Slides and Videos) and another one dates back to June 2005 (Records Management).

**Recommendation***
That the above procedure dealing with PHI be updated to reference PHIPA. All procedures should be updated to reference relevant legislation.

**Management Action Plan**
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

**Observation**
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

**Recommendation***
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

**Management Action Plan**
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation***
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
5. Access to and correction of PHI records

*Observation*
This Program Area has had very few requests by individuals to access their PHI. However, section V of PHIPA requires that individuals have access to their PHI and that they have the right to correct a record that they believe is inaccurate or incomplete.

*Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

*Management Action Plan*
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
FAMILY HEALTH DIVISION – Alcohol Drugs and Gambling Services (ADGS)

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, no reference is made to PHIPA. Of the four procedures, two date back to December 2006, one dates back to November 2000 and the other is still in draft form.

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

That the applicable procedure dealing with PHI, currently in draft form, be finalized and approved for implementation as soon as possible.

Management Action Plan
Agreed. The draft PHS-wide policy and procedure regarding PHI and PHIPA will be finalized and approved for implementation before October 1, 2009.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
FAMILY HEALTH DIVISION – Healthy Babies/Healthy Children

1. Information Practices - The implementation of information practices as required by PHIPA.

   Observation
   As required under PHIPA, section II 10.(1), this Program Area has developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, five of the six procedures in place do not reference PHIPA and one dates back to September 2003 (Request for Information from CAS/CCAS/and Police).

   Recommendation*
   That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

   Management Action Plan
   Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

   Observation
   PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

   Recommendation*
   That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

   Management Action Plan
   Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation**
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in this program be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
5. Access to and correction of PHI records

Observation
Most requests to access client records for this Program Area have come from lawyers and are accompanied by signed releases. This Program Area has very few requests from individuals (or their substitute decision makers) to access their PHI. However, section V of PHIPA requires that individuals have access to their PHI and they have the right to correct a record that they believe is inaccurate or incomplete.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
FAMILY HEALTH DIVISION – Breastfeeding Clinic (BC), Child Development Clinic (CDC) and High Risk Prenatal/Parenting Course (HRP/PC)

1. Information Practices - The implementation of information practices as required by PHIPA.

Observation
As required under PHIPA, section II 10.(1), these Program Areas have developed information practices (policies and procedures) designed to protect the PHI that has been collected and the policies and procedures are being followed. However, one of the three relevant procedures dates back to November 2000 (dealing with Confidentiality) and does not reference PHIPA, while another procedure dates back to June 2005 (Records Management).

Recommendation*
That all procedures dealing with PHI be updated to reference PHIPA as well as other relevant legislation.

Management Action Plan
Agreed. The division will review its policies and procedures and ensure that all those dealing with PHI are updated to reference PHIPA and other relevant legislation.

2. Security – The notification of individuals if their PHI is lost, stolen or accessed by unauthorized persons.

Observation
PHIPA, section II 12.(2), stipulates that measures need to be in place to notify individuals if their PHI is lost, stolen or accessed by unauthorized persons. The policies and procedures noted in point 1 above do not contain any such processes.

Recommendation*
That procedures be developed for notifying, at the first reasonable opportunity, individuals whose PHI is lost, stolen or accessed by unauthorized persons.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding notification of individuals whose PHI is lost, stolen or accessed by unauthorized persons will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.
3. Written Public Statement – A written statement describing the custodian’s general information practices made available to the public.

**Observation**
Contrary to PHIPA, section II 16.(1), this Program Area has not created or made available to the public a written statement describing its information practices as they relate to PHI.

**Recommendation***
That a written public statement describing the program’s information practices as they relate to PHI be completed. Such a statement should include a brief description of the precautionary measures taken to secure PHI, as well as contact names/positions for inquiries about the program.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each PHS program will review client consent protocols and forms to ensure that clients understand what PHI is being collected, how it will be used and to whom it will be disclosed and identify who should be contacted for that program regarding inquiries. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.

4. Elements of Consent – A notice describing the purpose of the collection, use and disclosure of PHI

**Observation**
PHIPA, section III 18.(6), requires a notice describing the purpose of the collection, use or disclosures of PHI to be posted or otherwise made available to individuals. This Program Area has not developed or posted such a notice.

**Recommendation**
That a notice describing the purpose of the collection, use and disclosure of PHI in these programs be developed and placed in a location where it is likely to come to the individual’s attention. Such a notice should be used, when practicable, in conjunction with the written public statement referred to in point 3 above.

**Management Action Plan**
Agreed. PHS will update, post and provide written public notices regarding PHI practices by PHS before October 1, 2009. Each program manager will ensure that these notices are posted in a location and manner visible to clients. In the case of clients contacting the program by telephone or email, appropriate verbal or web-based notices will be provided.
5. Access to and correction of PHI records

Observation
None of the Program Areas have had requests by individuals to access their PHI. No processes have been developed to ensure consistency in granting the individuals the right to access and correct their PHI, where applicable.

Recommendation*
That a procedure for the handling of individual requests for access to and correction of PHI be developed and implemented.

Management Action Plan
Agreed. A PHS-wide policy and procedure regarding the handling of individual requests for access to and correction of PHI will be developed on behalf of the organization by the Planning and Continuous Improvement Division before October 1, 2009.