

Answers to Frequently Asked Questions on the Privacy Practices of the Enterprise Master Patient Index

Hospital Administrators

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1.0 What is the Enterprise Master Patient Index?

The Enterprise Master Patient Index (EMPI) is a tool that allows multiple client identifiers (e.g. medical record numbers and health card numbers), issued by a variety of disparate health information systems, to be associated with a unique individual.

The EMPI contains personal health information for each person receiving health care services in the province of Ontario. Records for these individuals are created in the EMPI, either through various hospital information systems, other health-related provincial or regional information systems (e.g. the Ontario Wait Times Information System) or through program registration (i.e. Ontario Health Insurance Plan).

2.0 Who is responsible for the privacy practices of the EMPI?

The Ministry of Health and Long-Term Care (MOHLTC) has appointed eHealth Ontario, effective January 1, 2008, to manage and oversee the EMPI on its behalf (i.e. as an agent of the MOHLTC). The MOHLTC is classified as a health information custodian under the Ontario Personal Health Information Protection Act, 2004 (PHIPA) and, as such, must maintain privacy protective information practices in relation to the EMPI, including in relation to its agents (i.e. eHealth Ontario for the purpose of the EMPI).

eHealth Ontario has established the EMPI Operations Team to manage and administer the Client Registry. eHealth Ontario has also designated a EMPI Privacy Lead to act as the EMPI Operations Team's "privacy contact" and oversee the privacy practices of EMPI Operations Team members in compliance with the EMPI Privacy Policy. Any questions or concerns pertaining to the EMPI or its information practices can be directed to the EMPI Privacy Lead at:

EMPIPrivacy@eHealthOntario.on.ca. The EMPI Privacy Lead will work with the Manager of the Access and Privacy Office at the MOHLTC, who is the designated contact person responsible for overseeing the MOHLTC's overall privacy compliance, including responding to privacy-related questions and/or complaints relating to the EMPI.

3.0 What are hospitals' privacy responsibilities for the EMPI?

All Ontario hospitals are classified as health information custodians under PHIPA and are subject to the privacy rules contained within the Act. PHIPA requires hospitals to develop and implement PHIPA-compliant information practices and inform their patients about the purposes for which the hospitals collect, use or disclose their patients' personal health information. To that end, where requested by the patient, hospitals must provide their patients with adequate information about the EMPI, including a description of the legal authority under which hospitals release patient information for the purpose of the EMPI.

The EMPI Operations Team has developed a set of frequently asked questions tailored to patients about the Client's privacy practices which can be used by hospitals to answer patients' questions. Hospitals may also direct all EMPI-related inquires to the EMPI Privacy Lead (EMPIPrivacy@eHealthOntario.on.ca).

4.0 For what purpose does the EMPI collect personal health information?

The EMPI collects personal health information relating to individuals receiving health services in Ontario in order to accurately identify records of personal health information that relate to that person. EMPI data elements include, for example, patient names, addresses, medical record numbers, dates of birth, health card numbers and other demographic information.

5.0 Under what authority can hospitals disclose personal health information to eHealth Ontario via the EMPI?

Section 43(1)(h) of PHIPA permits hospitals to disclose personal health information without a patient's consent if permitted or required by law. In addition, section 23(b) of Regulation 965 made under the Public Hospitals Act, 1990 permits hospitals to provide personal health information upon the request of the Minister to a person identified by the Minister (such as eHealth Ontario) for purposes of information and data collection, organization and analysis. In combination, these two statutory provisions permit hospitals to release personal health information to eHealth Ontario via the EMPI.

6.0 How is personal health information in the EMPI protected?

Personal health information in the EMPI is protected by administrative, technical and physical safeguards. Administrative safeguards have been implemented through contractual means and include an agency agreement between the MOHLTC and eHealth Ontario that addresses how the privacy rules under PHIPA will be met. This agreement provides specific privacy protective steps that eHealth Ontario must take as an agent of the MOHLTC to keep personal health information confidential and secure. Contractual privacy safeguards have also been included in the licensing agreement between eHealth Ontario and the EMPI software vendor to prevent unauthorized access to and disclosure of personal health information.

Technical safeguards, such as passwords, role-based access to information, and encryption, are used to protect the EMPI from unauthorized access.

The eHealth Ontario data centre, where the EMPI data is housed, incorporates a number of physical safeguards including restricted access to its operational environment, video monitoring and a security guard on duty 24 hours a day, 7 days a week. In addition, eHealth Ontario has facilities policies, which outline the physical controls in place to protect the EMPI Operations Team Office.

7.0 Do patients need to provide consent or be notified of such disclosures?

Patient consent is not required for hospitals to disclose personal health information to the MOHLTC for the purpose of the EMPI. This means that patients may not "lock" their personal health information from being disclosed to the MOHLTC for the purpose of the EMPI. However, hospitals are required to provide patients with notice of the purposes for which they collect, use and disclose their information, including disclosures relating to the EMPI. Hospitals may use frequently asked questions, such as this document, to describe the privacy practices of the MOHLTC in relation to the EMPI and to promote greater awareness about the privacy and security measures that have been implemented to support the EMPI.