

The Ottawa Hospital Portal Services Expansion – Phase 2

Privacy Impact Assessment Summary

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Introduction

eHealth Ontario has completed a Privacy Impact Assessment (PIA) on eHealth Ontario's The Ottawa Hospital (TOH) portal services expansion—phase 2 in November 2012, in accordance with Ontario Regulation (O.Reg.) 329/04 under the *Personal Health Information Protection Act, 2004* (PHIPA), and eHealth Ontario's Personal Health information privacy policy.

The PIA, which is a follow up to the TOH Portal Services Expansion PIA conducted in October 2011, found that eHealth Ontario has the authority under section 6.2 of O.Reg. 329/04 to provide portal services to health care practitioners outside the four walls of TOH, as eHealth Ontario is receiving personal health information (PHI) from the Ministry of Health and Long-Term Care (MOHLTC) for the purpose of creating or maintaining one or more electronic health records.

The following is a summary of the PIA, including a brief background on the TOH Portal Services Expansion—Phase 2 initiative, key findings, and eHealth Ontario's progress in implementing the recommendations identified in the PIA.

Background

The primary objectives of the portal services initiative are to develop portlets that provide clinicians with greater access to clinical data such as that stored in the Ontario laboratories information systems (OLIS) and Ontario drug benefit (ODB) databases. Portlets are web-based applications that will enable clinicians (for example, at hospitals), to access data within repositories such as OLIS and ODB, through a portal (e.g., TOH Portal). A portlet must be accessed through a portal, and can be distributed across as many applicable portals as are necessary.

eHealth Ontario has been working with TOH to integrate eHealth Ontario's portal services into the MyTOH Portal. This project is currently in its second phase of expansion, providing access to eHealth Ontario's portal services to health care practitioners outside the four walls of TOH who have TOH access identities. The Phase 2 expansion of portal services at TOH will extend access to personal health information (PHI) in the OLIS database, but it will not, until MOHLTC approval is given, extend access to PHI in the ODB database beyond the initial pilot group for the portal services initiative.

OLIS contains laboratory results on patients who have had laboratory tests conducted in Ontario. A clinician can log into the MyTOH Portal and have access to the lab results for patients who are receiving or have received health care services at TOH or at another facility associated with TOH. A new portlet called the client selector portlet, introduced for Phase 2, will enable clinicians who are part of a patient's circle of care, to run a query against the client registry (CR) in order to identify patients who are not included in TOH's own patient registry, for the purpose of providing health care. The client registry is an authoritative directory of all individuals who have been assigned a health number in Ontario and includes demographic information on patients as well as OHIP numbers. It is compiled from data in the Registered Person's Database, for which the MOHLTC is the health information custodian (HIC).

The MOHLTC is the HIC of the PHI in OLIS database (eHealth Ontario is acting as an agent to the MOHLTC to operate and manage OLIS). The MOHLTC has the authority under PHIPA to disclose PHI in OLIS for the purpose of assisting in the provision of health care. eHealth Ontario, as an agent to the MOHLTC in respect of OLIS, provides OLIS data to itself under section 6.2 of O.Reg. 329/04 for the purposes of creating or

maintaining one or more electronic health records and making OLIS data available to clinicians at TOH and other facilities associated with TOH, through a portlet.

The MOHLTC is the HIC of the data contained in the CR as it is compiled from RPDB data. eHealth Ontario operates the CR under section 6.2 of O. Reg. 329/04 for the purpose of creating or maintaining one or more electronic health records. The client selector portlet will facilitate the ability of an end-user HIC (for example a community practitioner or hospital) to directly query against the data contained in the CR to verify a patient in order to provide health care. This is a HIC to HIC disclosure of PHI. The MOHLTC has authority under s. 39 (1) (a) of PHIPA to disclose the PHI contained in the CR to end-user HICs and this is facilitated through eHealth Ontario's role under s. 6.2 of O. Reg. 329/04.

eHealth Ontario makes OLIS and CR data available to clinicians at TOH as well as those outside TOH's four walls, as part of its role in creating and maintaining electronic health records under O.Reg.329/04. eHealth Ontario's role under O.Reg. 329/04 and its policies and procedures require that a PIA of the portal services initiative be undertaken.

Summary of Privacy Impact Assessment

The TOH portal services expansion–Phase 2 PIA considers the initiative as of November, 2012. The PIA addresses the second phase of the Portal Services expansion project which extends access to eHealth Ontario portal services through the MyTOH Portal to users with TOH access identities who are outside the four walls of TOH. The PIA analyzes the legislative authority under which eHealth Ontario receives PHI from contributing HICs (in this case, the MOHLTC), and flows this information to end-user HICs (for example, TOH or facilities associated with TOH). The PIA also considers the technical, administrative and physical safeguards which have been put in place to ensure that all flows of PHI occur in a secure and privacy-protective manner, and are in compliance with legislative requirements, relevant agreements, best practices as represented in the Canadian Standards Association Privacy Code and eHealth Ontario's privacy policies, procedures and privacy best practices.

The PIA recommends several measures to ensure that the data received and utilized by eHealth Ontario, for the purposes of the TOH portal services expansion-Phase 2 initiative, complies with PHIPA and O.Reg. 329/04, as well as eHealth Ontario policies, procedures and privacy best practices.

Summary of the Implementation Plan for the Privacy Impact Assessment Recommendations

The PIA provides a number of recommendations associated with the TOH portal services expansion–Phase 2 initiative, as summarized below:

1. eHealth Ontario to seek an amendment to its agreement with the MOHLTC to allow eHealth Ontario to access and make accessible the relevant PHI to support delivery of portal services for the purpose of verifying patient identity in the course of providing or assisting in the provision of provincially funded health care as per s. 39 (1) (a) of PHIPA.
2. eHealth Ontario to incorporate relevant language into its agreements with community practitioners who will be consuming eHealth Ontario portal services, as well as TOH, to ensure appropriate accountabilities and obligations with respect to protecting PHI.

- eHealth Ontario to ensure all agreements with consumers of its portal services are executed prior to the targeted go-live date for the initiative.

eHealth Ontario is currently in the process of implementing each of the recommendations identified in the TOH portal services expansion–Phase 2 initiative.

Glossary

CR	Client registry is an authoritative directory of all individuals who have been assigned a health number in Ontario
HIC	Health information custodian
HINP	Health information network provider
MOHLTC	Ministry of health and long-term care
O.Reg.	Ontario regulation
OHIP	Ontario health insurance plan
OLIS	A repository containing laboratory results on patients who have had laboratory tests conducted in Ontario
ODB	Ontario drug benefit
PHIPA	<i>Personal Health Information Protection Act, 2004</i>
PHI	Personal health information
PIA	Privacy impact assessment
RPDB	Registered Person’s Database is a repository containing information on all persons who are registered to receive Ontario health insurance coverage

Contact Information

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