eHealth *Ontario*
www.ehealthontario.on.ca

TOH Portal Services Expansion

Privacy Impact Assessment Summary

Ontario
eHealth Ontario

Copyright Notice

Copyright © 2011, eHealth Ontario

All rights reserved

Trademarks

Other product names mentioned in this document may be trademarks or registered trademarks of their respective companies and are hereby acknowledged.

Introduction

eHealth Ontario completed a Privacy Impact Assessment (PIA) on the expansion of portal services at The Ottawa Hospital (TOH) in October 2011, 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 TOH portal services expansion PIA found that eHealth Ontario has the authority under section 6.2 and 6(3) of O.Reg. 329/04 to operate portal services within 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 EHRs and for providing electronic services to two or more health information custodians (HICs) where the services are provided primarily to HICs to enable the HICs to use electronic means to disclose PHI to one another. The PIA also analyzed, on a conceptual level, the expansion of Portal Services beyond the four walls of TOH to authorized health care practitioners within the Champlain Local Health Integration Network (LHIN).

The following is a summary of the PIA, including a brief background on portal services at TOH, 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 (e.g., 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 a pilot phase and will begin to rollout more broadly to authorized users.

Through this pilot, TOH clinicians have access to PHI in the OLIS and the ODB databases. OLIS contains laboratory results on patients who have had laboratory tests conducted in Ontario. ODB contains drug claims histories of individuals who receive benefits through the ODB Program or the Trillium Drug Program. A clinician at TOH can log into the TOH web portal and have access to the lab results and prescription information for patients who are receiving or have received health care services at TOH.

The MOHLTC is the HIC of the PHI in the ODB and OLIS databases (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 and ODB for the purpose of assisting in the provision of healthcare. 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 making OLIS data available to clinicians at TOH through a portlet.

eHealth Ontario makes OLIS data available to clinicians at TOH as part of its role in creating and maintaining EHRs under O.Reg.329/04. Additionally, eHealth Ontario is acting as a health information network provider under O.Reg. 329/04, for the ODB data, in providing electronic means to two or more HICs to enable them to disclose PHI to one another. eHealth Ontario's roles 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 scope of the TOH portal services expansion PIA includes a physical analysis of all components of the initiative up to and including Release 2, scheduled for November 2011, and a conceptual analysis of portal services expansion beyond the four walls of TOH, scheduled for early 2012. 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 (clinicians at 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 concludes that eHealth Ontario has the overall PHIPA authorities for providing Portal Services to TOH, for the purpose of creating or maintaining one or more (EHRs), under section 6.2 of O.Reg. 329/04 and for providing electronic means to two or more HICs to enable them to disclose PHI to one another, under section 6(3) of O.Reg. 329/04. Additionally, eHealth Ontario has a robust infrastructure for the processing of sensitive PHI, with policies and practices to protect the privacy of Ontarians and the security of the information in the custody of eHealth Ontario.

The PIA recommends several measures to ensure that for the TOH portal services expansion, eHealth is in compliance with PHIPA and O.Reg. 329/04 as well as eHealth Ontario policies, procedures and privacy best practices.

Summary of Recommendations made in the Privacy Impact Assessment

The PIA provides a number of recommendations associated with portal services at TOH, as summarized below:

1. eHealth Ontario to review, and if required, revise relevant agreements with TOH and MOHLTC to allow Portal Services to expand to all clinicians at TOH who require access to the PHI. eHealth Ontario to include provisions in compliance with section 6(3)7 of PHIPA O. Reg 329/04, where eHealth Ontario is acting as a health information network provider.

2. eHealth Ontario to develop a formal project charter, governance framework and terms of reference for expansion of portal services beyond the four walls of TOH.

3. In the current release of portal services within the four walls of TOH, all users act under the authority of TOH, such that a temporary reinstatement of consent applies to all clinicians within the four walls of TOH who are authorized to access data through eHealth Ontario's portlets. eHealth Ontario to enhance existing technical capabilities to ensure each individual user must perform an override of consent directives in order to access a patient's record.

4. eHealth Ontario to review, and if required, update privacy and security incident management procedures to specifically address the new requirement in O.Reg. 329/04 to notify contributing HICs (i.e., MOHLTC), of inappropriate access, use, or disclosure of PHI made available through portal services.

5. eHealth Ontario to develop and document a procedure for managing individual access requests for data made available through portal services prior to expansion beyond the four walls of TOH.

6. eHealth Ontario to finalize and implement its privacy health check toolkit prior to expansion of portal services beyond the four walls of TOH.

eHealth Ontario is currently in the process of implementing each of the recommendations identified in the 2011 TOH portal services expansion PIA.

Glossary

HIC	health information custodian
LHIN	Local Health Integration Network
MOHLTC	Ministry of Health and Long-Term Care
ODB	Ontario Drugs Benefits
OLIS	Ontario laboratories information system
O.Reg.	Ontario Regulation
PHIPA	*Personal Health Information Protection Act, 2004*
PHI	personal health information
PIA	Privacy Impact Assessment
TOH	The Ottawa Hospital

Contact Information

Please contact the eHealth Ontario privacy office should you have any questions about the TOH portal services expansion PIA Summary:

eHealth Ontario
Privacy office
777 Bay Street, Suite 701
Toronto Ontario M5B 2E7
Tel: (416) 946-4767
privacy@ehealthontario.on.ca