

Title: P1 – Privacy Policy in Respect of the Ministry of Health’s Status as Health Information Custodian for the Ontario Health Data Platform.	
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Version History			
Version No.	Date	Summary of Change	Changed By
2.0	Jan 26, 2021	Enhanced procedures and update language consistent with PHIPA Agent Agreement and OHDP privacy artifacts.	Mary Gavel, OHDP Privacy Lead
3.0	Feb 4, 2021	Edits consistent with P7 Statement of Information Practice for OHDP (Privacy Notice)	Mary Gavel, OHDP Privacy Lead

1. Purpose

On April 12, 2020, the Ontario government that it was taking steps that leverages safe and secure data sets to better detect, plan, and respond to the COVID-19 pandemic in Ontario. A time-limited, two-year regulation under the [Personal Health Information Protection Act, 2004 \(O. Reg 329/04\)](#) was established July 30, 2020 for two main purposes:

- **researching, analyzing, investigating, preventing, responding to, or alleviating COVID-19 or its effects; or**
- **evaluating or monitoring the impact of COVID-19 on the management of, the allocation of resources to or planning for all or part of the health system.**

This regulation permitted the collection of personal health information (PHI) data sets for authorized research and data analytics to better support health system planning and responsiveness, including the immediate need to analyze the current COVID-19 pandemic. OHDP links large PHI data sets from a variety of sources that allows the province to support:

- increased detection of COVID-19;
- discovery of risk factors for vulnerable populations;

- prediction of when and where outbreaks may happen;
- evaluation of how preventative and treatment measures are working;
- identification of where to allocate equipment and other resources; and
- improved decision-making for health care and aiding in efforts to beat COVID-19.

The Ministry has implemented privacy practices to protect PHI data sets from theft, loss, unauthorized access, copying, modification, use, disclosure, and disposal.

The Ministry is subject to Ontario's health information privacy legislation, the *Personal Health Information Protection Act, 2004*.¹

2. STATUS UNDER PHIPA

Health Information Custodian

The Ministry is a health information custodian (HIC) under the *Personal Health Information Protection Act, 2004* (PHIPA) for the purposes of the Ontario Health Data Platform (OHDP). The Ministry only collects, uses, and discloses PHI data sets that are necessary for the purposes of research to better detect, plan, and respond to the COVID-19 pandemic. The Ministry has implemented the required information practices in compliance with PHIPA for the protection of PHI against theft, loss, unauthorized access, copying, modification, use, disclosure, and disposal.

3. PRIVACY PROGRAM FOR OHDP

The Ministry is committed to complying with the requirements under PHIPA for the permitted purposes of OHDP. The protection of PHI data sets, and the authorized collection, use and disclosure is important to all Ontarians. Trust is the foundation of a successful health data platform in Ontario, and the Ministry continues to work closely with all stakeholders supporting OHDP to ensure that PHI data sets which have been entrusted for the permitted purposes of OHDP are protected.

¹ PHIPA is based on the 10 privacy principles set out in the Canadian Standards Association Model Code for the Protection of Personal Information ("CSA Model Code"). The CSA Model Code, which became recognized as a national standard for privacy protection in 1996, is used across Canada as the basis for health information privacy legislation, policies, and procedures. The CSA Model Code includes the following 10 principles:

1. Accountability;
2. Identifying Purposes;
3. Consent;
4. Limiting Collection;
5. Limiting Use, Disclosure and Retention;
6. Accuracy;
7. Safeguards;
8. Openness;
9. Individual Access; and
10. Challenging Compliance.

The Ministry through a PHIPA Agent Agreement, has authorized the PHIPA Agent to collect, use and disclose PHI data sets for the permitted purposes of OHDP as set out in the agreement. Implementation of cybersecurity and privacy mechanisms is included in the agreement to ensure the privacy of Ontarians is protected and PHI data sets remain secure within OHDP at all times.

The Ministry ensures technology, data management services and privacy policies, procedures, and practices are implemented by the PHIPA Agent in compliance with PHIPA.

OHDP is supported by a Privacy Lead, appointed to promote a culture of privacy to ensure *Privacy-by-Design* principles are embedded to protect the privacy of PHI data sets while preserving as much utility in the information as possible to achieve the permitted purposes of OHDP.

4. SCOPE

This Policy applies to the Ministry as custodian for the PHI data sets under its custody or control, for OHDP.

This Policy does not apply to the Ministry's collection, use and disclosure of personal information ("PI") under the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), for which the Ministry's privacy requirements are set out under the Ministry's FIPPA Privacy Policy.

The Ministry's Privacy Policy for OHDP complies with PHIPA. If there is a discrepancy between the Policy and PHIPA, PHIPA takes precedence.

5. POLICY

Principle 1: Accountability

A project governance framework was established by the Ministry to provide accountability and oversight, and to guide the development of OHDP. The project governance framework is comprised of a wide range of leaders with health care, privacy, ethics, and research expertise. The established Committees for the project provide forums for discussions on the policies and best practices that govern the collection, use and disclosure of PHI data sets for OHDP.

The Ministry is accountable for ensuring compliance with PHIPA and ensuring compliance with privacy and security policies, procedures and practices that govern OHDP.

The Ministry is responsible for PHI used by the PHIPA Agent and must approve privacy policies, procedures, and practices, that set out the privacy roles and responsibilities for Authorized PHIPA Agents to collect, use, and disclose PHI data sets for the permitted purposes of OHDP. The Ministry sets out the controls and specific means by which the PHIPA Agent will meet (i)

commitments set out in OHDP privacy policies, (ii) privacy legislative and regulatory requirements, and (iii) the Ministry's commitment in relation to the protection of PHI data sets.

Related Document

- *PHIPA Agent Agreement*

Principle 2: Identifying Purposes for PHI

The Ministry collects PHI data sets from ICES and Ontario Health, when the Minister has determined that they are necessary for the two main purposes of OHDP in accordance with subsection 18(11) of O.Reg. 329/04 made under PHIPA.

The Ministry documents the purpose for which it collects each PHI data set and publishes a list that includes the purpose, data source, name, and description on OHDP's website.

The Ministry publishes a general description of the information practices for OHDP in the form of a Statement of Information Practices on OHDP's website. The statement includes information about the physical, technical, and administrative safeguards, implemented to protect PHI data sets maintained within OHDP from theft, loss, unauthorized access, copying, modification, use, disclosure, and disposal; provides contact information for OHDP's Privacy Lead and describe how to make a complaint to the Ministry and Information and Privacy Commissioner of Ontario (IPC).

Related Documents

- [List of PHI Data Sets for OHDP](#)
- [Statement of Information Practices](#)
- *PHIPA Agent Agreement*

Principle 3: Knowledge and Consent for the Collection, Use or Disclosure of PHI

The Ministry of Health, is permitted to collect, use, and disclose PHI data sets without consent in accordance with section 29 (b) of PHIPA pursuant to the authority under subsection 18(11) of the PHIPA regulation.

When the Minister determines that a PHI data set that has been collected by ICES or Ontario Health as prescribed entities, is necessary for, researching, analyzing, investigating, preventing, responding to, or alleviating COVID-19 or its effects; or evaluating or monitoring the impact of COVID-19 on the management of, the allocation of resources to or planning for all or part of the health system, the Ministry collects the PHI data set.

Related Documents

- [Statement of Information Practices](#)
- [List of PHI Data Sets](#)

Principle 4: Limiting Collection

The OHDP is a safe, secure, high performance data platform for COVID-19 research. The data sets collected include extracted information from:

- clinical information systems and registries, genomics, and public health, hospital, laboratory, and diagnostic imaging information systems;
- hospital discharge summaries and emergency department visits;
- physician claims submitted to the Ontario Health Insurance Plan;
- medical drug claims submitted to the Ontario Drug Benefit Program; and
- claims submitted for home care and long-term care.

Learn more about PHI data sets collected on [Data Sets](#).

The Ministry limits the collection of PHI data sets to those which are necessary for the identified purposes of OHDP and in accordance with the requirements set out in PHIPA. The Ministry does not collect PHI data sets if other information will serve the purposes and does not collect more PHI data sets than is reasonably necessary to meet the purposes as outlined above. To that end, the Ministry has established policies, procedures, and practices, to ensure that the amount and type of PHI data sets collected is limited to those which are necessary for the permitted purposes of OHDP and to ensure that the collection is permitted by PHIPA.

Collection of PHI data sets is predicated on a written direction from the Ministry for the transfer of the PHI data set(s) from ICES and Ontario Health. Each direction includes a statement of the authority and purpose for the collection, and a description of the PHI data set(s) that the Ministry has determined are necessary for the permitted purposes of OHDP.

Principle 5: Limiting Use, Disclosure and Retention of PHI

Use

OHDP links the data sets to support research for:

- increased detection of COVID-19;
- discovery of risk factors for vulnerable populations;

- prediction of when and where outbreaks may happen;
- evaluation of how preventative and treatment measures are working;
- identification of where to allocate equipment and other resources; and
- improved decision-making for health care and aiding in efforts to beat COVID-19.

Learn more about the COVID-19 [Health Research Priorities](#).

The Ministry will only use and disclose PHI data sets for the purpose for which they are collected, and/or as permitted or required by PHIPA. The Ministry will not disclose more PHI data sets than necessary to meet the permitted purposes of OHDP.

The Ministry uses PHI data sets to apply privacy-protective measures to reduce the risk of re-identification to the data set(s).

The Ministry uses the PHI data set(s) to link data sets and generate project-specific data sets based on research project data requirements that the Ministry has approved.

Access and Disclosure

Authorized PHIPA Agents are only permitted to access and use PHI data sets on a “need-to-know” basis when required to perform their assigned duties in accordance with the PHIPA Agent Agreement. The Ministry prohibits the access and use of PHI data sets that are not reasonably necessary to meet the identified purposes. The Ministry ensures that when an Authorized PHIPA Agent does not require access and use to PHI data sets for their assigned duties, their access to OHDP is terminated in accordance with the PHIPA Agent Agreement.

PHI data sets are disclosed by the Ministry, as authorized by PHIPA, to researchers who comply with research requirements set out in section 44.

The Ministry limits disclosure to researchers who are affiliated with an Ontario University, College or Research Institution who have submitted an application in writing that includes the approval of a Research Ethics Board (REB) approved research plan. The Ministry only discloses the data sets that are necessary or relevant for the research purpose and method.

The approved researchers are required to comply with OHDP privacy policies and enter into a research agreement that sets out the terms and conditions for their access and use of data.

Limiting Retention

The Ministry retains PHI data sets for only as long as necessary to fulfill the purposes of OHDP in accordance with PHIPA.

Upon the conclusion of the time-limited, two-year regulation under PHIPA, if there is no extension provided, or if no new authority or purposes are in place, the Ministry will stop collecting, using, and disclosing PHI data sets. Any copies of PHI data sets under the Ministry's custodianship will be securely disposed of or de-identified at the conclusion of the two-year time limit.

Principle 6: Accuracy of Personal Health Information

The Ministry takes all reasonable steps to ensure that all PHI data sets are fit for use as required for the purposes for which they are collected, used, and disclosed. Where the PHIPA Agent is not able to ensure this, they are required to promptly advise and notify the Ministry with respect to any limitations on the accuracy, completeness and currency of the PHI data sets maintained for OHDP.

Principle 7: Safeguards for Personal Health Information.

OHDP data sets are protected by physical, technical, and administrative safeguards that adhere to industry best practices to protect PHI from theft, loss, unauthorized access, copying, modification, use, disclosure, and disposal.

Safeguards include:

- privacy policies and procedures implemented to ensure compliance
- functionality for logging access and disclosure of PHI
- privacy-protective measures to reduce the risk of re-identification of an individual through data masking
- access to data limited to view-only
- cybersecurity mechanisms including implementation of integrated, multi-layer security technologies and processes and a security incident management tool

Principle 8: Openness

The Ministry makes information publicly available on OHDP's website about the privacy policies, procedures and practices relating to the management data sets and the permitted collection, use and disclosure.

The Ministry ensures that the following are publicly available:

- general information on the Ministry’s privacy practices for OHDP in the form of a Statement of Information Practices (Privacy Notice)
- description of the OHDP Data Sets;
- contact information for the OHDP Privacy Lead, the Ministry’s Access and Privacy Office, and Information and Privacy Commissioner of Ontario

Related Documents

- [Statement of Information Practices \(Privacy Notice\)](#)
- [List of PHI Data Sets](#)

Principle 9: Individual Access to and Amendment of PHI

All Access and Correction requests related to personal information and personal health information can be made in writing to the Ministry’s Access and Privacy Office:

Manager, Access and Privacy Office
Ministry of Health and Long-Term Care
1st floor, 99 Adesso Drive
Concord, ON L4K3C7
Telephone: 416-327-7040

Website: http://www.health.gov.on.ca/en/public/publications/information/state_of_info.aspx

The contact information and the link to the website is made available on the Statement of Information Practices posted on the OHDP website.

The Ministry has a FIPPA program in place to process Freedom of Information (“FOI”) requests from the public. Individuals may make a request to the Ministry’s Access and Privacy Office, Ministry of Health.

Principle 10: Complaints or Inquiries About the Ministry’s Handling of PHI

The Ministry makes information publicly available on how to submit an inquiry or complaint about the OHDP privacy policies or compliance with PHIPA, including the title and email address where the inquiry or complaint should be directed.

Individuals can submit an inquiry, or complaint regarding the privacy policies, procedures and practices implemented for OHDP and OHDP’s compliance with PHIPA the Ministry’s information practices for OHDP, its compliance with PHIPA to the OHDP Privacy Lead by email: privacy@ohdp.ca

Individuals can also make a complaint regarding OHDP's compliance with PHIPA to the Information and Privacy Commissioner of Ontario:

Information and Privacy Commissioner of Ontario
2 Bloor Street East, Suite 1400
Toronto, ON M4W 1A8
Email: info@ipc.ca
Website: www.ipc.on.ca