

Privacy Review Summary

Date Originally Written: December 7th, 2015

Privacy Review – eConsult 2.0

The purpose of this document is to provide executives and partners a summary evaluation of the privacy posture of the OTN eConsult Service program. In depth analysis and details will be made available in the full PIA & TRA, which is expected with the provincial roll out pegged for October 2016. Where applicable, the summary risk document will identify potential legal, business, or technical privacy and security risks in the context of the eConsult Service. These findings were determined through a documentation review and interviews with key personnel, and reviews of technical documentation and business processes.

To reach its planned future state, eConsult is implementing three phases of development. eConsult 1.0, was implemented and reviewed for risks in July 2015, and the second and third phases are the eConsult 2.0 project, and eConsult 3.0. This privacy review applies only to the 2.0 release, through which several features and enhancements have been implemented. In the next release it is anticipated that 3.0 eConsult will integrate with Primary Care Electronic Medical Record Systems and potentially OMD and eHealth Ontario. OTN has adopted a risk tolerance level of low, meaning that low risks will not be immediately actioned, but will be monitored to ensure that they stay within tolerable levels. All high and medium risks are mitigated.

OTN completed a Privacy Review of eConsult 2.0 dated August 25th, 2015. PHIPA requires that organizations that share or host components that store PHI should assess, by means of a Privacy Impact Assessment, the risks to personal privacy associated with implementation of the hosted components; furthermore, organizations should implement appropriate privacy controls to mitigate identified risks. OTN has conducted a third party assessment for the Pilot in phase 1.0; subsequently internal reviews have taken place. It is recommended that OTN seeks independent evaluation of privacy services for eConsult 3.0.

The following is a summary of the Privacy Review, including a brief background on eConsult 2.0, key findings & recommendations, target date for completion, and contact information for the OTN Privacy Office.

Background

The eConsult project is an initiative undertaken by OntarioMD in partnership with Ontario Telemedicine Network (OTN) to offer a platform that reduces wait times and travel for patients to access care. The platform will enable a primary care provider (PCP) to send a question to a specialist electronically, and allow the specialist's advice to flow back. It will also enable a primary care provider to send a request to a program electronically; the program triage expert will then assign the request to an appropriate specialist.

The coordinated delivery of medical services across the province faces major issues such as orchestration, and eConsult is an OTN solution that is intended to be a regional or provincial application that meets that need. Recently in Ontario, many projects are conceived on a pilot basis, with the goal to figure out the clinical, billing, and the technical issues and to study adoption of electronic health records across the province.

While eConsult is a clinical application, it is currently thought of as a transient system that aids in the exchange of personal health information amongst participating health care providers. Furthermore, documentation of billing information in the form of capturing OHIP numbers, in addition to visit details and frequency and duration of services, is bringing eConsult closer to an Electronic Medical Record application such as those used in primary care.

Being at a crossroads of service definition, delivery, and technical execution generally adds uncertainty. The most prominent of which is the legislative authority, clarity around the function, and scope of the solution, particularly with respect to the billing capabilities included and the provisions required by the Ontario Ministry of Health and Long-Term Care. Last but not least, there are the risks related to the duplication of data and the potential for erroneous access without a centralized audit and organizational control.

Key Findings/Risks & Recommendations

OTN is in its second iteration of version 2.0 of roll out in order to facilitate gathering user feedback that will be used to inform future enhancements of the service. In an effort to maintain its legal obligations as a Health Information Network Provider under the 'Personal Health Information and Protection Act, 2004', and compliance to ISO Security standards, OTN has undergone a privacy and security risk review to provide recommendations and to define a mitigation plan. The Privacy Review and the threat risk assessments conclude that:

OTN is launching a provincial eConsult solution; if the eConsult solution is to function as a clinical mailbox application, it has to have all the capacities and requirements of a provincial solution as mandated by the Province and Canada Health Infoway. The eConsult 2.0 pilot still has a number of medium risks that if not addressed for eConsult 3.0, shall present themselves as high risks and would impact its launch as a provincial application.

The Security and Privacy assessments were done in compliance with Provincial requirements for privacy and Canadian Federal Directives and ISO standards. The findings provide assurance that OTN has the ability to support the eConsult service mandate.

The Privacy Review makes the following recommendations:

#	RATING	FINDING/RISK	RECOMMENDATION	STATUS
1	High	The software development lifecycle, systems should be developed based on Privacy and Security architecture templates and requirements. Currently, privacy and security requirements and	The team will mitigate this risk	Mitigate before eConsult 3.0 rollout

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		controls are introduced by way of reviews and not by way of design. During the assessment we were informed of security testing use case scenarios, however, the processes were not fully documented... Specifically, the architecture should include artifacts detailed in https://www.infoway-inforoute.ca/en/component/edocman/resources/technical-documents/387-ehr-privacy-and-security-architecture-full .		
2	Medium	<p>We anticipate that OTN must seek explicit confirmation from the Ministry of Health, specifying OTN's long-term capacity, role and mandate to:</p> <ol style="list-style-type: none"> 1. Manage and Run the eConsult Program for 1 year 2. To manage and operate billing and tracking of hours 3. To provide System Use Data and Analytics 4. To provide the Ministry or its Agents with research data where applicable 	Response to point 1 received, the rest of the items require mitigation.	Q4 2015-2016
3	Medium	There is currently a risk related to Openness. OTN ought to ensure that the eConsult project has a link to the Privacy Officer and the IPC on the eConsult Page.	Team will mitigate this risk	Q4 2016-2017
4	Medium	There is a risk that continuous internal assessments of eConsult may lack the independent validation sought by future members and by the Privacy Commissioner of Ontario. This risk will become an issue if not implemented by the full roll out of the eConsult 3.0 service.	Team will mitigate this risk in time for the release of eConsult 3.0	Q4 2015-2016

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5	Medium	OTN currently has agreements with its subcontractors, however, given their in-depth involvement, it is our *Recommendation* that contractors and third party developers provide results of penetration testing or security coder review for third party developed code.	In progress	Q1 2016-2017
6	Medium	In order to ensure data quality it is our recommendation that OTN designate a role within the organization that deals with data quality issues, to report, and to ensure that these are mitigated and corrected. It is also our recommendation that OTN provides a field flagging the urgency or the importance of a person at an elevated risk.	This is a corporate issue; eConsult will support an organizational plan to resolve data quality issues.	Q2 2016-2017
7	Low	It is our recommendation that the individuals who have direct access to un-encrypted health data be specifically trained and or better informed on a yearly basis of the risk of data breaches.	Team will mitigate this risk	Q4 2015-2016
8	Medium	OTN must be capable of identifying all users who have accessed or modified a given patient's/person's record(s) over a given period of time. It is a risk that current processes are undefined or untested. OTN to test and confirm. Reporting Every Access by a User	Team will mitigate this risk.	Q1 2016-2017
9	Low	It is our recommendation that OTN tests an individual's access request or a request of amendment to their PHI in eConsult. If OTN's policy is to direct the individual to the custodian, then that process must be tested or a process must be specified.	Team will mitigate this risk	Q4 2015-2016
10	Medium	It is recommended that OTN clarifies to its members and to the public the extent to which their data is being shared. Potentially, eConsult can and will	Team will mitigate this risk.	Q4 2015-2016

#	RATING	FINDING/RISK	RECOMMENDATION	STATUS
		increase access to a significant number of specialists. OTN ought to clarify the legal authority as detailed in the Jurisdictional Authority Section and the risk of increasing exposure. Furthermore, it is recommended that OTN clarifies its role vis-à-vis billing and handling of health card numbers.		
11	High	Although consent is the responsibility of the healthcare provider, the eConsult system and application must enable consent management. This is particularly important as integration with EMRs is being contemplated. OTN ought to record Consent in the eConsult system and application	Team will mitigate this risk.	Q1 2016-2017

Please contact the OTN Privacy Office should you have any questions:

OTN Privacy Office - Ontario Telemedicine Network
105 Moatfield Drive, Suite 1100, Toronto, ON M3B 0A2
Email: privacy@otn.ca | Tel: 416-446-4110