

Privacy Impact Assessment Summary

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Privacy Impact Assessment – eConsult Phase 1

A Privacy Impact Assessment (PIA) is a risk management tool that allows the Ontario Telemedicine Network (OTN) in its role as a Health Information Network Provider under the 'Personal Health Information Protections Act, 2004'¹ to assess a technology, program or information system's privacy risks and its compliance with provincial and federal legislative requirements and standards. Where required, a PIA also details mitigating strategies by way of recommendations and an action plan. A critical element of the PIA process is the implementation of those recommendations detailed in the assessment.

A PIA has the benefit of generating and communicating confidence that privacy requirements are being met and risks mitigated. It can also promote fully informed policy decision-making and system design choices, ensuring privacy is considered throughout the business redesign/project redevelopment cycle. A Privacy Impact Assessment is meant to be used and expanded over the cycle of the initiative's development and implementation, to continuously identify and address risks that impact or have the potential to impact the confidentiality, integrity and accessibility of personal health information held/handled by OTN and/or its partners. OTN has adopted a risk tolerance level of low, meaning that low and very 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 Impact Assessment (PIA) on its eConsult Phase 1 service dated May 29th, 2013. The PIA assesses the process by which OTN will collect the data, how OTN plans to use the data, and ensure public trust that OTN handles PHI in a responsible manner.

The following is a summary of the PIA, including a brief background on the eConsult Prototype service, key findings & recommendations and contact information for the OTN Privacy Office.

Background

The eConsult project is comprised of a web-based application, supporting business processes and an underlying *store and forward* technology infrastructure. The eConsult application will enable healthcare professionals to more efficiently exchange patient health information with one another, to electronically request advice from one another, to refer patients to one other, and to better coordinate the overall care of their patients.

eConsult addresses the clinical needs of two groups of potential users: referring health care practitioners and medical specialists. First of all, the Ontario health care system is facing problems with access to specialist physicians such as barriers to health professionals who need advice from specialists, disparate organizational structures and referral requirements of specialists, and long wait times for patients who have been referred to specialists. At the same time, specialists encounter their own set of issues including high volumes of consult requests, incomplete information from referring health care professionals, and a plethora of inappropriate referrals. Although many propose electronic consult and referral management systems as the solution to these problems, there are currently no broadly available electronic systems in Ontario that support secure, on-line consultations between clinicians. Based on this information, it is apparent that Ontario needs a simple, scalable solution, which is integrated into the existing workflow and information systems used by health care professionals.

Key Findings/Risks & Recommendations

The PIA identified some privacy controls that should be enhanced to support the eConsult Phase 1 service. OTN has already closed some of the recommendations and has plans in place to address others in the coming months. The PIA makes the following recommendations:

#	RATING	FINDING/RISK	RECOMMENDATION(S)	STATUS
1	Low	Agreements Although OTN's role as a HINP (O. Reg. 329/04 s. 6(3)) is addressed in the Membership Agreement, its role as an "e-service supplier" (O. Reg. 329/04 s. 6(1)) is not addressed.	OTN should ensure that agreements with Members address OTN's obligations pursuant to O. Reg. 329/04 s. 6(1).	Completed
2	Low	OTN Privacy Program Various documents were in draft form or undergoing revision at the time of the PIA. For example: privacy policies, privacy governance framework, information practice statements etc.	OTN should prioritize efforts to revise and finalize the following artifacts: Privacy policies and procedures Privacy program governance framework Information practice statements (e.g. Privacy Services and Safeguards)	Completed
3	Medium	OTNs Membership Agreement Agreement is specific to Videoconferencing services and does not address Store and Forward services such as eConsult	OTN should revise the Membership Agreement to specifically address Store and Forward services or else develop alternate/supplementary agreements specifically governing these services	Completed
4	High	Consent Management The eConsult application requires Referrers to indicate whether consent has been obtained from patients for eConsultations. This is not necessary because for use and disclosure of PHI via eConsult, the Referrer can rely on the consent for the initial collection of PHI already obtained in the course of treating the patient ¹ . The eConsult	OTN should remove the currently implemented patient consent functionality from the eConsult application, and replace it with a simple 'tick box' allowing Referrers to indicate that only limited consent was obtained, and that some information was withheld from the Consultant HICs should be provided with appropriate training by OTN to ensure that they are aware that, if a patient decides to withhold some PHI from the eConsultation	Completed Completed

¹ PHIPA s. 20.(2)

		<p>application only need provide the Referrers with the ability to indicate situations where <i>limited</i>² consent was obtained. Furthermore, the current implementation of consent in eConsult could lead to confusion on the part of the participating HICs (both Referrers and Consultants) by, for example, causing them to believe that they must obtain express consent for eConsultations.</p>	<p>that would normally be provided to the Consultant, then the Consultant must be informed of this appropriately by the Referrer</p> <p>OTN's terms of service should inform HICs that they are responsible for obtaining consent from their patients, and that eConsult does not provide functionality to support withdrawal of consent (i.e. "Lock Box")</p>	Completed
5	Medium	<p>Information Retention OTN's data retention policy requires that eConsult PHI be retained for a significantly longer period than is necessary or legally required.</p>	<p>OTN should retain eConsult data only for as long as is necessary to fulfil the purposes of the eConsultations</p> <p>OTN's terms of service should require HICs to acknowledge that eConsult is not intended to function as a persistent patient record and that PHI held in the eConsult database will not be retained longer than necessary for the purpose of conducting eConsultations</p> <p>OTN should modify the eConsult application so that in order to close an eConsultation, the HIC must acknowledge that they have copied or transferred sufficient information from the eConsultation to meet all legal requirements for maintaining patient records</p>	All Completed

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

² PHIPA s. 20.(3)