

NEW DISCUSSION POINT FOR NWT'S HSPL: PRIVACY IMPACT ASSESSMENTS

I. SIGNIFICANCE OF TOPIC

The rapid development of information technologies has created challenges for the continued protection of personal health information, as many of these information technologies have the potential to be very privacy intrusive. It is therefore desirable to establish a mechanism to evaluate the potential risks and impacts of a project, system or scheme before it is implemented.

II. STARTING POINT

The concept of a Privacy Impact Assessment (PIA) emerged and developed between 1995 and 2005. In contrast to earlier concepts of "impact statements", a PIA emphasizes the process rather than the product alone. It is also distinct from a privacy audit, in that a PIA is conducted prior to the implementation of a new system or project, allowing not only for the identification of problems, but also of possible solutions.

III. PAN-CANADIAN HEALTH INFORMATION PRIVACY AND CONFIDENTIALITY FRAMEWORK

This framework was developed by the Advisory Committee on Information and Emerging Technologies, and is intended to provide a consistent standard for the managing of personal health information. Section 1.1 addresses PIAs:

1.1 Privacy Impact Assessment

1.1.1.A Privacy impact assessments shall be conducted, publicized and maintained for new (or changes to existing) collections, uses and disclosures of personal health information in accordance with jurisdictional requirements.

1.1.1.B Privacy impact assessments shall also be conducted when creating or modifying personal health information systems and communication technologies.

IV. ALBERTA'S PIA SCHEME

Alberta's *Health Information Act* (the "Act") imposes a duty on custodians to prepare PIAs in respect of proposed administrative practices and information systems. The OIPC's form questionnaire is attached as Schedule A. The PIA must be submitted to the Commissioner for review, thus allowing an opportunity for the Commissioner to provide comments before the implementation of the new practice. These obligations are found in section 64 of the Act:

64(1) Each custodian must prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information.

(2) The custodian must submit the privacy impact assessment to the Commissioner for review and comment before implementing any proposed new practice or system described in subsection (1) or any proposed change to existing practices and systems described in subsection (1).

V. APPLICATION TO NWT'S HSPL

As a form of wrap-up exercise, to help apply the concept of PIAs as well as recap the topics discussed to date, we invite the Panel member to, either collectively or in groups, work through the PIA template using the following case scenario, being the one considered earlier this year as we began our discussions. We also invite Panel Members to apply the PIA to any other real life scenarios experienced or expected in the NWT. In working through all such scenarios, Panels members will come to map out information flows in consideration of the recommendations and collective vision for NWT's HSPL. Further, this exercise will help to identify focus points for the next stage of this project - the exciting stage where the work over the past years comes together in plans for legislative drafting.

Ms. T goes to the neighborhood pharmacy [C] and hands the pharmacist [C] two prescriptions [HI] that were written that morning by her family doctor [A of C/PFD]. The pharmacist [C] consults Ms. T's EMR [HI] and realizes that one of the medications is being prescribed for the first time. The dosage seems abnormally high for most uses of that medication. Concerned, the pharmacist [C] asks the pharmacy student that is working with him [A of C/Pharmacist] to call Ms. T's doctor [A of C/PFD] to verify the details of the prescription.

Fortunately, the pharmacy student [A of C/Pharmacist] is able to immediately speak to the doctor [A of C/PFD], who confirms that the dosage is appropriate for the illness being treated [HI]. The pharmacy student [A of C/Pharmacist] also learns that Ms. T has been taking this medication for six months, and that the other medication is being prescribed based on a series of blood tests carried out a few weeks ago, which revealed high levels of hypertension [HI]. The pharmacy student [A of C/Pharmacist] reports the information [HI] to the pharmacist [C].

The pharmacist [C] fills both prescriptions and, to make sure there are no undesirable side effects, asks Ms. T if she is taking any other medication she may have obtained elsewhere. Ms. T indicates that she cannot recall but that she recently provided a list of her medications to her niece [neither C nor A] as well as to the counselor [neither C nor A] that she is seeing under a HSS addiction program. The pharmacist [C] is unable to contact the doctor so decides to call Ms. T's counselor [neither C nor A] to obtain a copy of the list of medications [HI].

Once the pharmacist [C] is able to obtain the information [HI] and update the EMR, Ms. T, pleased with the comprehensive record, requests a printout of her information [HI] so she can use it for income tax purposes. The pharmacist [C] issues a print out [HI] however Ms. T returns to the pharmacy [C] one week later to say there is a mistake with her date of birth [HI], and asks the pharmacist [C] to correct that information [HI].

Privacy Impact Assessment: Full Questionnaire

Privacy impact assessments must be submitted to the Information and Privacy Commissioner with a covering letter from the Head of the FOIP public body or the CEO of the HIA custodian.

Project ¹ Information	
Project Name:	Date:
Organization ² :	

Contact Information:	
Name:	
Title:	
Office:	
Phone:	Fax:
Email:	

¹ Throughout this questionnaire, the term 'project' is intended to subsume the words 'scheme', 'program', 'initiative', 'application' and 'system', as well as any other word or term that refers to a defined course of endeavour.

² Throughout this questionnaire, the term 'organization' is used to refer to a public body under the *Freedom of Information and Protection of Privacy Act* or a custodian under the *Health Information Act*. When appropriate, the term may also refer to an affiliate under the *Health Information Act*.

#	QUESTION	Yes	Yes and No (partial, incomplete, in preparation, etc.)	No	N/A	Encl. Ref.
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A: Organizational Privacy Management

PREVIOUS PIA SUBMISSIONS

A1a	Has organizational privacy management information for questions A2 through A7 previously been provided with another PIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A1b	If so, has any of this information changed since the previous PIA was submitted? <i>If "No", please provide the title and date of the previous PIA and proceed to section B of the questionnaire.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

PRIVACY POLICIES AND CONTROLS

A2	Is there an organizational strategic plan or business plan that addresses privacy protection? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A3	Does a written privacy charter or policy exist? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A4	Have privacy guidelines been developed for various aspects of the organization's operations? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A5	Is the organization subject to statutory provisions regarding privacy and confidentiality, other than those provided by the Freedom of Information and Protection of Privacy Act and the Health Information Act? <i>Please enclose details.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

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A6	<p>Are organizational policies or procedures in place to ensure that:</p> <ul style="list-style-type: none"> ▪ There is a business purpose for all personal information collected ▪ There is statutory authority for the collection of all personal information ▪ Individual consent is obtained whenever possible ▪ Individuals are duly informed of the purpose and authority for collection ▪ Information about personal information collected is readily available to individuals ▪ Personal information correction and annotation are available when required ▪ Physical records are appropriately stored and managed to maintain privacy <p><i>Please enclose copies.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A7	<p>Are privacy controls in place in the organization?</p> <ul style="list-style-type: none"> ▪ Need-to-know policies and procedures for personal information access ▪ Physical security and access controls ▪ IT security and access controls ▪ Waste management controls for personal information ▪ Records management & disposition schedules ▪ Others <p><i>Please enclose copies of related documents.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

PRIVACY STRUCTURE AND ORGANIZATION						
A8	Is there an appointed privacy director or champion within the organization? <i>If so, please identify the position.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration:

A9	Does a management reporting process exist to ensure that management is informed of any privacy compliance issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A10	Is senior management actively involved in the development, implementation and/or promotion of privacy measures within the organization?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

A11	Are employees with access to personal information provided training related to privacy protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

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B: Project Privacy Management

PROJECT DESCRIPTION

B1	Has a summary of the proposed project been prepared, including a description of the needs behind the development of project, and how the proposed project will meet those needs? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B2	Has a listing of all personal information or data elements to be collected, used or disclosed in the project been prepared? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B3	Have diagrams been prepared depicting the flow of personal information for this project? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B4	Have documents been prepared showing which persons, positions, or employee categories will have access to which personal information? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

AUTHORITY FOR COLLECTION, USE AND DISCLOSURE

B5	Has the legal authority for the collection, use and disclosure of all personal information for this project been established? <i>Please enclose relevant documentation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B6	Does individual consent provide the primary basis for the collection, use and disclosure of personal information for this project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B7	Have arrangements been made to provide full disclosure of all purposes for which personal information is collected? <i>Please elaborate.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B8	Have the purposes for which the personal information is collected been documented? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

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B9	Is personal Information used exclusively for the identified purposes and for uses that an individual would reasonably consider consistent with those purposes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

PRIVACY RISK ASSESSMENT						
B10	Will personal information collected or used in this project be disclosed to any persons who are not employees of the responsible organization?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration:

B11	Will this project involve the collection, use or disclosure of any personal information beyond Alberta's borders? <i>If so, please provide details.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B12	Have this project's potential risks to privacy been assessed? <i>If so, please provide documentation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B13	If potential risks to privacy have been identified, have means to avert or mitigate those risks been incorporated into the project design?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B14	Have key stakeholders been provided with an opportunity to comment on the privacy protection implications of the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B15	Are project staff trained in the requirements for protecting personal information and aware of the relevant policies regarding breaches of security or confidentiality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

B16	Are personal identifiers used to link or cross-reference multiple databases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

PRIVACY CONTROLS AND SECURITY						
B17	Have security procedures for the collection, transmission, storage, and disposal of personal information, and access to it, been documented? <i>If so, please enclose.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration:

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B18	Are privacy controls in place for the project?					
	▪ Need-to-know policies and procedures for personal information access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Physical security and access controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ IT security and access controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	▪ Others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Please enclose related documentation.</i>						

Note/Elaboration:

B19	If personal information will be used in the electronic delivery of services, have technological tools and system design techniques been considered which may enhance both privacy and security (e.g. encryption, technologies of anonymity or pseudo-anonymity, or digital signatures)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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Note/Elaboration:

AUDIT AND ENFORCEMENT						
B20	Have arrangements been made for audit, compliance and enforcement mechanisms for the proposed project, including fulfillment of the commitments made in the PIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Note/Elaboration:

General Notes: