

## WDGPH Annual Privacy Program Update (2020)

---

**To:** Chair and Members of the Board of Health

**Meeting Date:** March 3, 2021

**Report No.** **BH.01.MAR0321.R01** Pages: 6

**Prepared By:** Charles Wright, Privacy and Health Information Analyst

**Approved By:** Kyle Wilson, Director, Information Systems & Chief Privacy Officer

**Submitted By & Signature:** *Original signed document on file*

---

**Dr. Nicola J. Mercer, MD, MBA, MPH, FRCPC**  
**Medical Officer of Health & CEO**

---

## Recommendations

---

It is recommended that the Board of Health:

1. Receive this report for information.

## Key Points

---

- The agency response to COVID-19 has impacted Wellington-Dufferin-Guelph Public Health's (WDGPH) privacy program, including the temporary pausing of yearly internal privacy symposium.
- Privacy breaches in 2020 were slightly higher than 2019, which could be attributed to staff working in unfamiliar roles as part of the pandemic response.
- In concert with the Office of the Information and Privacy Commissioner of Ontario (IPC), WDGPH successfully resolved a large-scale privacy breach event.

- Information requests in 2020 were lower than normal, however the requests received were of significant size. Timelines for responding to requests were longer than normal due to the impact of the COVID-19 response.
- 2020 has seen significant changes in the Canadian privacy landscape with changes in both provincial and federal law.

## Discussion

---

### Privacy Breaches

In 2020, WDGPH had nine (9) documented privacy breaches. Privacy breaches in 2020 included faxes that were sent to the incorrect destination, vaccination records sent home with the incorrect child after a clinic, and a large breach that occurred due to an issue in an online dashboard.

The nine (9) breaches in 2020 is slightly higher compared to the 2019 total of eight (8) breaches and an upward deviation from the five-year average of 7.4 breaches, per year. Overall, the trend over the past five years appears relatively stable. 2020 saw many staff working with new processes and systems, and in less familiar roles as part of the pandemic response. This is likely the explanation as to why the number of privacy breaches is higher than average.

Year	Number of Privacy Breaches
2020	9
2019	8
2018	4
2017	7
2016	9

Figure 1: Number of documented privacy breaches experienced by WDGPH in each year over the period of 2016 to 2020.

### Dashboard Breach

WDGPH experienced a larger than average privacy breach in 2020. In May, a technical issue was discovered in an information dashboard with information on Influenza activity. Upon discovery of the breach, the dashboard was removed from the WDGPH website. This dashboard did not contain information about COVID-19.

The breach was proactively reported to the IPC. WDGPH worked with the IPC to respond to the breach, notify the affected parties in an appropriate manner and to implement changes to our internal processes to prevent similar breaches in the future.

## Access Requests

Under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), WDGPH is required to provide access to information at the request of clients and members of the public. In 2020, WDGPH received six (6) formal MFIPPA requests. While the volume of requests in 2020 were relatively low, a number of the requests were for a large number of records. 2020 requests were mainly related to COVID-19.

Year	Number of MFIPPA Requests
2020	6
2019	11
2018	5
2017	12
2016	3

Figure 2: Number of formal MFIPPA requests received by WDGPH in each year over the period of 2014-2019

## Privacy Impact Assessments

Any new projects or substantial changes to ongoing processes involving personal information or personal health information are subject to the Privacy Impact Assessment (PIA) process. PIAs are a central tool used to analyze projects from a privacy perspective and are an important part of ensuring WDGPH's compliance with applicable legislation and privacy standards. By conducting PIAs, WDGPH demonstrates a commitment to protecting the privacy of the public.

Only one PIA was initiated and completed in 2020. This was in regard to online booking software that was acquired to assist in booking clients for vaccination clinics. The low number of PIAs in 2020 is attributed to the agency focus on responding to COVID-19.

## The Effects of COVID-19

The privacy program was significantly affected by the agency response to COVID-19. Staff in the Privacy Office were assigned duties to assist with the COVID-19 response, thus decreasing the amount of dedicated privacy program support available. The redeployment to COVID-19 support for privacy staff has increased the amount of time

required to respond to information requests and other privacy issues. However, privacy staff have remained able to promptly respond to urgent privacy issues and support agency operations throughout the COVID-19 pandemic response.

The program WDGPH instituted, pre-COVID, of yearly staff training and an annual internal symposium, has been suspended during the COVID-19 response. New staff continue to receive privacy training when they are on-boarded to the agency. Privacy staff have continued to generate privacy reminders for distribution through staff communications to keep a privacy mindset and awareness in place.

COVID-19 has significantly changed the way that WDGPH conducts its operations. New privacy challenges have been encountered and dealt with due to the increased need to work from home throughout the pandemic. WDGPH has had to rapidly adapt to more remote interactions and communications with our clients. In the past year, WDGPH has seen many more interactions with clients occurring through email and video chat systems. Fortunately, PIAs and evaluations had already been done on all remote working software solutions needed for these virtual interactions, in 2018 and 2019, and therefore WDGPH was in a strong position to pivot to using these systems more fully.

## Privacy Trends

2020 saw many developments in privacy across Canada. In Ontario, there were substantial changes to the health privacy law. This brought in new provisions for provincial electronic health records, commercial providers of electronic health services and new requirements for the storage of electronic health information. The Privacy Commissioner has also been granted new powers, including the ability to directly levy fines.

Federally, there were significant changes proposed to the private sector privacy law known as PIPEDA (Personal Information Protection and Electronic Documents Act). These proposed changes would greatly change the role of the Federal Privacy Commissioner by allowing the Commissioner greater power to enforce their findings. The changes would also introduce new standards for consent and the use of information. These changes would bring Canada much closer to the level of protection offered in Europe by the General Data Protection Regulation.

## Conclusion

---

Privacy is an ongoing focus for WDGPH. Privacy breaches constitute the potential for serious financial and reputational risk to any company. WDGPH has responded to this challenge with a robust privacy program that utilizes the PIA process as a proactive measure to prevent privacy breaches and a privacy breach response process that effectively responds to privacy breaches to minimize fallout, comply with legislative requirements and utilizes a root cause analysis approach to assist in preventing future breaches.

In 2020, privacy programs were disrupted by the demands placed on the organization by the response to COVID-19. However, WDGPH has continued to uphold a high standard of privacy protection.

The privacy landscape continues to change. WDGPH will need to continually adapt and adopt new methods of carrying out its work. As the Agency continues to adjust to changes in the technical and legal landscape, privacy continues to be of the utmost importance for WDGPH.

## 2021 WDGPH Strategic Direction(s)

---

- ☒ **Service Delivery:** We will provide our programs and services in a flexible, modern and accessible manner, and will ensure they reflect the immediate needs of our Clients and our role in the broader sector.
- ☒ **System Transformation:** We will equip the Agency for change in all aspects of our work so that we are ready for transformational system change when the time comes.
- ☒ **Knowledge Transfer:** We will ensure that our decision-making and policy development efforts are informed by meaningful health data at all times.

## Health Equity

---

A core part of delivering WDGPH's mandate to protect the health of the public is retaining the trust of the public in providing health care. Maintaining the trust of the public allows WDGPH to effectively and efficiently deliver the mandatory health programs and services outlined in the Health Protection and Promotion Act (HPPA).

Breaches of privacy are an all too common occurrence that can greatly erode the trust of the public. Erosion of trust could cause members of the public to lose faith in WDGPH and create an environment where they are less likely to seek out services. Such an erosion would be likely to disproportionately affect marginalized and vulnerable populations who are already less likely to seek out services from WDGPH. This makes it essential for WDGPH to maintain a responsible and transparent privacy program in order to best serve the most vulnerable in the community.

## References

---

None.

## Appendices

---

None.