

Program/Service Information Report

WDGPH Annual Privacy Program Update

January – December 2023

To: Board of Health

Meeting Date: March 6, 2024

Report No.: **BH.01.MAR0624.C05**

Key Points

- Privacy breaches in 2023 were lower than 2022, continuing a downward trend of breach incidents within the Agency.
- Information requests in 2023 were near the same as the previous year.
- The Privacy team has been presenting to other Agency teams throughout the year and reintroduced the Privacy Day event in October following a COVID-related hiatus.

Program Requirements

Compliance with OPHS and Accountability Indicators:

In compliance

Not in compliance. If not in compliance, provide additional information about the variance and how it will be addressed.

Highlights

Privacy Breaches

In 2023, WDGPH had two (2) documented privacy breaches. Privacy breaches in 2023 included personal health information being accidentally included in an email and a misdirected fax.

After a large decrease in 2022 following COVID and IMS protocol, 2023 sees the second consecutive year with declining numbers. This can likely be attributed to the Agency's ongoing return of staff to primary roles and a continued easing of workloads following the peak of the

pandemic response. The Privacy team has also made a point throughout the year of presenting to Agency teams and providing information on the Privacy program at WDGPH.

Year	Number of Privacy Breaches
2023	2
2022	5
2021	22
2020	9
2019	8
2018	4

Figure 1: Number of documented privacy breaches experienced by WDGPH in each year over the period of 2018 to 2023.

There were also no major breaches that occurred in 2023. This means that no 'point-in-time' reporting to the Information and Privacy Commissioner of Ontario (IPC) was necessary and only the standard annual report submissions were required.

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 2023, WDGPH received 14 formal MFIPPA requests, a small decrease from the previous year. All requests were met with a response within the legislated 30-day period.

Year	Number of MFIPPA Requests
2023	14
2022	16
2021	16
2020	6
2019	11
2018	5

Figure 2: Number of formal MFIPPA requests received by WDGPH in each year over the period of 2018-2023.

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.

Sixteen (16) Privacy Impact Assessments were initiated in 2023. This is a significant increase from the three initiated in 2022 and can likely be attributed to the Agency returning to pre-pandemic levels and staff refamiliarizing themselves with their primary roles.

Privacy Trends

The last year has seen some key developments in privacy across the country. In Ontario, the General Regulation under the Personal Health Information Protection Act (PHIPA) was amended to provide specifics concerning the administrative monetary penalties levied by the IPC against those that contravene the Act. These changes set the maximum penalty at \$50,000 for individuals and \$500,000 for organizations. The IPC may also increase a penalty by an amount equal to the economic benefit derived from the contravention. These changes came into effect January 1, 2024.

Federally, the second reading of Bill C-27 was completed on April 24, 2023. This Act includes the replacement of Canada's private-sector privacy legislation, the Personal Information Protection and Electronic Documents Act (PIPEDA), with the Consumer Privacy Protection Act. It also includes, among other things, the federal government's first piece of legislation concerning artificial intelligence (the Artificial Intelligence and Data Act). The bill now resides before the Standing Committee on Industry and Technology and there is some hope it could be passed this year.

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 privacy impact assessment process as a proactive measure to mitigate privacy breaches and a breach response process that effectively responds to breaches to minimize fallout, comply with legislative requirements, and utilize a root cause analysis approach to assist in preventing future occurrences.

Following a period of great disruption seen throughout the Agency during the peak of the pandemic response it is apparent that there has been a return to the level of efficiency expected pre-pandemic. The number of breach incidents decreased for a second consecutive year while all MFIPPA requests were met with a response within the initial 30-day period. The number of Privacy Impact Assessments initiated in 2023 also returned to levels more consistent with the pre-pandemic period.

The privacy landscape continues to change and 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.

Prepared By: Ryan Ochocki, Privacy and Health Information Analyst

Approved By: Dr. Kyle Wilson, PhD, MBA, MSc
Director, Information Systems

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