OLIS-MORE FAQs — Privacy

As new technologies and processes are introduced across the province, Specimen Collection Sites may have questions related to data and privacy. This document provides responses to some of these questions. Please note that these responses are subject to change.

Who owns the data that is collected?

The Specimen Collection Sites and the labs that perform the testing are the Health Information Custodians (HICs) of the data, and so they own the data. Ontario Health acts as a Health Information Network Provider (HINP) as defined under section 6(2) of O.Reg. 329/04, to facilitate the information exchange.

What are the Specimen Collection Site obligations in terms of data retention?

The Specimen Collection Sites are the HICs of the data under PHIPA and should contact their local Privacy or Legal Office to confirm their legal obligations in terms of data retention. They must retain the data in accordance with their internal policies and procedures.

Notice of purpose in collection of Personal Health Information (PHI)

It is the responsibility of each Specimen Collection Site to develop their own “notice of purpose” to provide to patients.

In the event of a security or privacy breach, what is the process for the site—e.g., notifications, support from Ontario Health, response plan?

- The HIC that caused the privacy breach, or the HIC whose agents caused the privacy breach, should report it to Ontario Health as soon as possible.
- The responsible HIC should follow its internal policies, procedures, and practices to contain the privacy breach and, where required, request assistance from Ontario Health. For example, audit reports may be provided by Ontario Health if audit logs cannot be accessed by the HICs themselves and are required for breach response.
- In the event of a breach caused by Ontario Health, it will follow its internal policies and procedures and notify and request assistance from HICs where needed to investigate and contain the breach.

Privacy complaints or inquiries can be submitted as follows:

- Email: privacy@ontariohealth.ca

Inquiries submitted to Ontario Health by email may not be secure. Please do not include PHI, including health card numbers, in your correspondence.

- Phone: 1-877-280-8538
- Mail: Chief Privacy Officer

525 University Avenue, 5th Floor
Toronto, ON M5G 2L3

What is the obligation of primary care (College of Physicians and Surgeons of Ontario (CPSO)) in the case of a laboratory test requisition?

In primary care, like in all other settings, there is an obligation to maintain a copy of the assessment or decision that led to the testing, as well as a copy of the requisition in the EMR. Access to that information, like all patient access requests, should be managed through the organization's Privacy Officer.

How long is data retained?

The Health Information Custodian (HIC) of the lab requisitions and audit logs in the Lab Requisitions Database are the respective care settings. Ontario Health should only retain the lab requisitions and audit logs for as long as the HICs are required to keep the data.

- Audit logs and audit reports that contain PHI created and maintained for troubleshooting and other operational purposes need be retained for no longer than 60 days, unless Ontario Health's CPO or an authorized delegate expressly authorizes longer retention.
- System-level logs, tracking logs, reports, and related documents for privacy and security tasks that do not contain PHI should be retained for a minimum of 2 years.

What is the process if a site directs Ontario Health to delete information stored in the repository?

- If a Health Information Custodian receives a request to apply a consent directive to a patient's lab test results (rather than the requisition), the Specimen Collection Site or lab may request Ontario Health's Privacy department to delete the patient's information (lab results) from OLIS. Ontario Health will need to provide the site with a contact in the event a request for deletion is made.
- If a patient contacts Ontario Health directly, they will be re-directed to contact the HIC.

What is the process for correcting information in the repository?

The process for correcting information in the repository is handled by the Specimen Collection Sites and labs, as they are the HICs of the information, and so the patient should contact them directly.

Patients contacting Ontario Health about information correction, as well as any other access requests, will be redirected to the applicable HIC. If the HIC needs assistance it will contact Ontario Health in writing or open a Service Desk ticket.

Does Ontario Health assist when there is a Patient Access Request?

As the Specimen Collection Sites and Performing Labs are the HICs of the data, and Ontario Health is simply acting as a HINP (Health Information Network Provider), access requests are processed by the HICs as required under the *Personal Health Information Protection Act* (PHIPA) and per their internal policies and procedures, and not by Ontario Health.

The Specimen Collection Sites and Labs should be able to respond to most individual access requests without the assistance of Ontario Health, but if assistance from Ontario Health is required, the Specimen Collection Sites and Labs may contact Ontario Health.

What should the Specimen Collection Site tell patients about the purposes for which their Personal Health Information (PHI) will be collected, used, and disclosed?

As part of the implied consent model, all care settings, including Specimen Collection Sites, are obliged to provide a notice describing the purpose for collecting, using, and disclosing PHI, prior to collecting it. Patient Personal Health Information (PHI) is collected to accurately complete the COVID-19 Virus Test Requisition, ensure results are accurately submitted to the Ontario Lab Information System for patient or authorized health care providers to access and to assist in Public Health case and contact management systems.

Pursuant to section 18(6) of PHIPA:

> 'unless it is not reasonable in the circumstances, it is reasonable to believe that an individual knows the purposes of the collection, use or disclosure of personal health information about the individual by a health information custodian if the custodian posts or makes readily available a notice describing the purposes where it is likely to come to the individual's attention or provides the individual with such a notice.' 2004, c. 3, Sched. A, s. 18(6).

Note: The Specimen Collection Sites are the HICs of the data and are required to retain it in accordance with their record-keeping obligations.