

**NORTHWEST TERRITORIES
INFORMATION AND PRIVACY COMMISSIONER**
Review Report 18-HIA04

File: 18-107-6
October 31, 2018
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BACKGROUND

In January of 2018, I received notice from the Northwest Territories Health and Social Services Authority (NTHSSA) pursuant to section 87 of the *Health Information Act* indicating that there had been an unintentional disclosure of the personal health information of one of their clients.

The client had been referred to a health specialist in southern Canada. An employee of the Yellowknife Region of NTHSSA was assisting the client to make the necessary arrangements. The employee understood the client to be a GNWT employee or dependent and sent the client's name, the date, and the place and time of the appointment to the GNWT Human Resources Benefit Officer to request authorization for the travel through the GNWT's third party employee insurance plan. Within a few days, the employee contacted the client to advise that the medical travel had been approved in accordance with policies and procedures in place for GNWT employees. It was at this point that the client noted that he was not a GNWT employee or dependent.

Upon discovering this, GNWT Human Resources was contacted and requested to discard the client information without keeping a copy or distributing it and NTHSSA received confirmation that the information had been confidentially discarded. The client was advised of the breach and of his rights to seek a review by my office. No review was requested.

It appears from the information provided by the NTHSSA that the employee assisting the client had either not been clear in asking the client about his employment status or the client had misunderstood the question. In order to prevent a similar occurrence in

the future, the NTHSSA indicated they had changed their protocol for completing the medical travel forms so that they now ask directly whether the client is a GNWT employee or dependent and if they have benefits with the GNWT. They will also take the additional step of asking what GNWT department or agency the client is employed with so as to ensure there is no misunderstanding.

DISCUSSION

I was initially quite confused about the flow of information in the case of medical travel and why information was being sent to the GNWT. It was explained to me that for clients who have third party insurance (including GNWT employees) NTHSSA has to seek authorization from the insurer prior to the travel in order to properly claim the expense. In the case of GNWT employees and their dependents, that is done by submitting the request for authorization to the GNWT Human Resources Benefit Officer, who approves the travel. It is unclear, in this case, how the travel approval was provided even though the client was not a GNWT employee or dependent. But that is not a question within my jurisdiction.

During the course of this review, I met with employees of both NTHSSA and GNWT Human Resources to get a better understanding about the normal flow of information and explore whether there was room for streamlining the process so as to better protect the personal information and the personal health information of clients. As a result of these discussions, suggestions were made with respect to how to streamline the internal process such that fewer employees within GNWT Human Resources have access to these authorization requests. I am satisfied that the steps taken will help to reduce the number of employees in Human Resources who have access to personal information and personal health information.

The breach in this case, however, is not about how many employees in the GNWT Human Resources Office had access to medical travel information. The issue here is how the GNWT Human Resources Office had access to the information in the first

place. What was the error made that resulted in the client's information being sent to GNWT Human Resources and how can we prevent that from happening again? The answer to the question of "how" appears to be a matter of miscommunication and/or inattention to detail. NTHSSA has made changes to the administrative process in seeking third party insurance authorization help to prevent similar errors from happening in the future and have included the facts of this incident within their educational materials for future training. In the circumstances, I am satisfied that NTHSSA has addressed the issues that led to this breach. I therefore do not propose to make any further recommendations at this time.

I would like to thank NTHSSA for working with me to address the issues and answer my questions in this case. The exercise we went through helped to address not only the problems that resulted in this breach, but also identified other vulnerabilities that we could address to avoid the possibility of breaches in the future. For me, working together to identify problems and solutions is the most effective way to achieve privacy protective policies and procedures.

Elaine Keenan Bengts
Information and Privacy Commissioner