



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

VIA ELECTRONIC MAIL

October 30, 2020

Mr. Alex Munter, President and CEO
Children's Hospital of Eastern Ontario
401 Smyth Road
Ottawa, ON K1H 8L1

Dear Mr. Munter:

RE: Review of the Report on the Practices and Procedures of Children's Hospital of Eastern Ontario in respect of the Better Outcomes Registry and Network

Pursuant to subsection 13(2) of Regulation 329/04 under the *Personal Health Information Protection Act, 2004* ("the *Act*"), the Office of the Information and Privacy Commissioner of Ontario (IPC) is responsible for reviewing and approving, every three years, the practices and procedures implemented by an organization designated as a prescribed person under clause 39(1)(c) of the *Act*. Such practices and procedures are required for the purposes of protecting the privacy of individuals whose personal health information such organizations receive, and maintaining the confidentiality of that information.

Given the practices and procedures of the Children's Hospital of Eastern Ontario (CHEO), in respect of the Better Outcomes Registry and Network (BORN), were last approved on October 31, 2017, the IPC was required to review these practices and procedures again and advise whether they continue to meet the requirements of the *Act* on or before October 31, 2020.

In accordance with the process set out in the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* ("the *Manual*"), CHEO, in respect of BORN, as a prescribed person seeking the continued approval of its practices and procedures, submitted a detailed written report and sworn affidavit to the IPC. These documents were to conform to the requirements set out in the *Manual*.

The IPC has now completed its review of your report and affidavit. Based on this review, I am satisfied that CHEO, in respect of BORN, continues to have in place practices and procedures to protect the privacy of individuals whose personal health information it receives and to maintain the confidentiality of that information in accordance with the requirements of the *Act*.

Accordingly, effective October 31, 2020, I hereby advise that the practices and procedures of CHEO, in respect of BORN, continue to be approved for a further three-year period.



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Attached is an Appendix containing recommendations to enhance the practices and procedures of CHEO, in respect of BORN. My staff will continue to monitor CHEO's progress towards implementing these recommendations. Please be advised that these recommendations are to be addressed prior to the next cyclical review of the practices and procedures of CHEO, or sooner, if and as indicated in the attached Appendix.

I would like to extend my gratitude to you and your staff for your cooperation during the course of the review, including your diligence and timeliness in submitting the requested documentation, in responding to requests by my office for further information, and in making the amendments requested.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kosseim", with a stylized flourish underneath.

Patricia Kosseim
Commissioner

cc: Mr. Todd Harrold, Privacy Officer and Counsel
Ms. Lise Bisnaire, Executive Director
Ms. Mari Teitelbaum, VP of Provincial Programs and CIO

Appendix

1. It is recommended that BORN ensure appropriate encryption standards are in place and consistently maintained throughout the migration of the BORN Information System (BIS) into the Microsoft Azure Cloud system (using the services of Dapasoft). In particular, it is recommended that BORN remains vigilant to changes in encryption technology standards over time to ensure that Microsoft will have no access to personal health information. Further, it is recommended that BORN remain alert to the risk that, in a situation where data may not have been properly encrypted, the data would then be considered personal health information subject to different legal requirements.
2. It is recommended that any material variations to BORN's template for its third party service provider agreements must meet all the requirements of the *Manual for the Review and Approval of Prescribed Persons and Prescribed Entities* (the "Manual") or BORN must provide an explanation for any material variation. The IPC understands that, under BORN's revised 3.0 Plan, each third party service provider agreement is normally based on the approved template and that material variations will be subject to an internal approval process. Nonetheless, it is recommended that BORN report back to the IPC as soon as is practicable, and prior to the execution of any contract containing material variations to third party service provider agreements that are reasonably expected to involve access to personal health information, in order to explain the variation to the template.
3. It is recommended that BORN's *Ontario Privacy and Security Management Plan*, which is being revised from the "2.0 Plan" to the "3.0 Plan", be communicated to the BORN agents as soon as it is finalized, in accordance with the *Manual's* requirements and BORN's policies and procedures for communicating new policies and procedures.