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Building *Nunavut* Together
Nunavut liuqatigiingniq
Bâtir le *Nunavut* ensemble

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Minister of Health
Ministaat Aanniaqtailinirmut
Ministre de la Santé

June 23, 2023

Mr. Graham Steele
Information and Privacy Commissioner
PO Box 1000, Station #270
Iqaluit, Nunavut X0A 0H0
Email: admin@atipp-nu.ca

Re: Response to Recommendations Report: 23-239-RR

Dear Commissioner,

I am writing to provide our response to the recommendations made by your office regarding your Report 23-239-RR. We appreciate your thorough review and guidance on this matter, and we are committed to addressing these recommendations effectively to ensure the protection of patient information and maintain compliance with privacy regulations.

The Department of Health (Health) accepts the majority of recommendations and has already completed some of the work with the warning in place and an individual identified to follow up on red flags. Work continues to fully implement the auditing software.

The following recommendation was accepted but no further action will be taken.

1. Recommend that Health, in collaboration with the GN Department of Justice, consider prosecution of the doctor under section 59(1) of the ATIPPA.

The Government of Nunavut did not refer this matter for prosecution as it was uncovered well after the expiry of the six-month limitation period for the prosecution of territorial offences as specified in section 3 of the Summary Conviction Procedures Act, CSNu, c S-140.

In light of the challenges posed by the six-month limitation, the Government of Nunavut would be open to discussing with the Commissioner the possibility of a limitation period or an administrative penalty regime specific to offences under the ATIPP Act.

The following recommendations have been considered but declined.

1. Recommend that Health develop a comprehensive anti-intrusion plan.

Health has decided not to develop an anti-intrusion plan on its own. An anti-intrusion plan is best served as a GN wide initiative.

2. Recommend that Health modify the Meditech system so that a given user can be blocked from accessing a given patient's records.

Health carefully considered the impact of blocking user access to patient records. Due to patient safety concerns, it was determined not to implement blocking measures. However, Health is exploring alternatives such as masking sensitive information and implementing "break the glass" protocols that provide controlled access in exceptional circumstances. The focus remains on striking a balance between privacy protection and the timely delivery of critical healthcare services.

Health will prepare an update to your Office prior to end of 2023 on the various Meditech measures, specifically on the monitoring and flagging.

We appreciate the guidance and support provided by your office throughout this process. Health remains dedicated to continuously improving our privacy practices to safeguard patient information effectively. If you require any further information or have additional concerns, please do not hesitate to contact me directly.

Thank you for your attention to this matter.

Matna,



Hon. John Main
Minister of Health
Minister responsible for Suicide Prevention

cc: Megan Hunt, Deputy Minister of Health
Susan Anderson, Chief Information Officer
Murugesh Narayanan, ATIPP Coordinator