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Minister of Health

Ministaat Aanniaqtailinirmut

Ministre de la Santé

September 17, 2024

Mr. Graham Steele

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

Dear Commissioner,

RE: Review Report 24-266-RR - Privacy Breach

IPC file: 24-146, 24-150

GN file: 1029-30-2425DH0505

Thank you for your letter dated July 2, 2024, and the accompanying Review Report 24-266-RR.

Please find below our responses to your recommendations on Meditech:

[81] I recommend that Health develop a comprehensive anti-intrusion plan for the Meditech system.

Response:

Health has implemented controls that are considered an "anti-intrusion" plan including the following items and actions:

- Annual privacy training and training for new employees. The training covers information handling practices and staff obligations to protect patient privacy. If users fail to complete the current training on time, their access to Meditech will be denied. See the attached announcement for our second annual online privacy launch on June 25, 2024.
- Created and distributed tip sheets and guidelines for staff on best practices for handling information, including the proper use of electronic patient records.
- Health has implemented a proactive monitoring and audit solution for Meditech Nunavut Health's Fairwarning audit tool. There are plans to introduce additional features and capabilities in the future. Information was communicated to all staff about this tool and that all unauthorized access to patient information is tracked and monitored. This is the same system that was referenced in earlier correspondence.

- Privacy Controls were implemented for Meditech:
- The Seal/Unseal (Mask) feature of the Meditech Clinical Information System (CIS) has been tested and verified.

It enables staff to seal an entire record or a particular visit and include or exclude users who are permitted to see or not see the patient chart/visit.

If a user tries to access a sealed record, they will receive a message indicating that the record is sealed.

If the "Break the Glass" action is activated, the audit log will track the user accessing the sealed record.

Warnings are in place when viewing sensitive patient information.

An individual has been identified to follow up on red-flag behaviors.

- Health has developed and communicated the Health Information Privacy Policy. This policy provides guidance to employees, contractors, and agents of the Government of Nunavut (GN) regarding the protection of personal information (PI) and personal health information (PHI) associated with digital health initiatives, including the Electronic Health Record system and Virtual Care Program.
- Access control to Meditech CIS —a process for approving users to access Meditech and removing users from accessing the system is in place.
- Health has implemented a Working Group for Meditech CIS access control. The Working Group manages access control to the Meditech system within the Department of Health. The Working Group will focus on three key areas: approval of new user roles, approval of complex access requests for existing user groups, and the termination of user roles for access to Meditech CIS.
- As part of the employment conditions, all staff must sign confidentiality agreements acknowledging their responsibilities and the penalties for violations. Health will collaborate with HR to ensure regular employee reminders about their obligations regarding information handling practices.

[82] I recommend that Health complete its roll-out of the recently-acquired audit software.

Response:

Health has implemented a proactive monitoring and audit solution (referenced above) for Meditech and plans to introduce additional features and capabilities in the future.

[85] I recommend that Health develop a communications plan to accompany its roll-out of the audit software.

Response:

Health has implemented a proactive monitoring and audit solution for Meditech and plans to introduce additional features and capabilities in the future. A memo (see attached) has been sent to all staff regarding this solution to inform them that any unauthorized access to patient information will be tracked and monitored.

[83] I recommend that Health consider placing EMP1 on its "do not hire" list, if it has not already done so.

Response:

Please note that Health HR does not have a "do not hire" list. If someone's employment is terminated there are sometimes conditions that are communicated to the individual and union representative that prevent them from being hired for a certain period of time. This is handled between a department, the individual and where applicable the Union, and with input from the Department of Human Resources. Health does not recommend preventing EMP1 from pursuing other opportunities with the Government of Nunavut, as it may create risks for the employee.

Health has mechanisms in place through the hiring process of Indeterminate hires such as references/internal references/and licence restrictions.

[84] I recommend that Health develop a written policy with respect to the procedure for laying a professional disciplinary complaint in cases of data intrusion.

Response:

For your recommendations regarding written policy with respect to the procedure for laying a professional disciplinary complaint, we already have a "Managing Nursing Professional Practice and Professional Conduct" policy, which provides guidance on how to manage professional misconduct allegations, including breach of code of ethics (i.e. Case of data intrusion). While the policy speaks specifically to nursing, the same principles and steps apply to all healthcare staff when managing practice and misconduct concerns. Please find the attached policy.

By referring to the above policy, the Managers including Supervisors Community Health Programs, Directors, and Executive Directors are aware that they will have to report professional disciplinary complaints when received against indeterminate and casual staff to the regulatory and professional bodies for registered nurses such as College and Association of Nurses of the Northwest Territories and Nunavut (CANNN). Health commits to reminding staff about these resources and the process for complaints and concerns about professional practice.

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

Murugesh Narayanan, ATIPP Coordinator, Health Ron Elliott, Political Advisor to Minister Main

Enclosed: Health Information Privacy Policy
Memo - Implementing Proactive Monitoring
Managing Nursing Practice and Professional Conduct Policy