

Health Providers Against Poverty

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For Immediate Release:

McGuinty Government Forced to Correct Disability Privacy Breach

In response to a complaint to the Information and Privacy Commission of Ontario, the provincial government has quietly reversed a policy that breached the privacy rights of the tens of thousands of Ontarians who receive social assistance through the Ontario Disability Support Program (ODSP).

In December, 2005, a complaint was launched with the Information and Privacy Commissioner of Ontario by Dr. Gary Bloch, a family physician with St. Michael's Hospital in Toronto.

Prior to the filing of this complaint, the Ministry of Community and Social Services listed ODSP recipients' medical diagnoses in the client files accessible to front-line social services workers.

These diagnoses were reported in the form of codes from the International Classification of Diseases – codes that are accessible on the website of the World Health Organization. A quick web search by a client's worker could reveal diagnoses including HIV/AIDS and Hepatitis C.

It has been learned that, in January 2006, the government quietly corrected this breach by erasing these codes from every client file.

“The swiftness of the government's response to this complaint indicates both the gravity of the breach of privacy and the public relations nightmare this would have caused if it had become public,” states Dr. Bloch. “Unfortunately, it required an outside whistleblower to push the Ministry to bring its records in line with basic standards for the privacy of health information.”

This privacy complaint was filed as a follow-up to an outstanding complaint to the Privacy Commissioner, launched in November 2005 by Dr. Bloch, regarding changes to the application form for the “Special Diet Supplement”. The new form requires health providers to check off boxes that openly state their patients' health conditions.

“The government continues to demonstrate that it values the privacy rights of people living in poverty less than those of other citizens,” says Dr. Philip Berger, Chief of the Department of Family and Community Medicine of St. Michael's Hospital. “People living in poverty should not be forced to choose between revealing the intimate details of their health status and being able to buy food.”

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