

MEDICAL REFORM GROUP

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April 6, 2006

Mark Ratner, Arbitrator
Information and Privacy Commission of Ontario
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Toronto, ON M4W 1A8
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Dear Mr. Ratner:

In follow-up to my complaint to the Privacy Commission regarding the Ministry of Community and Social Services' Special Diet Supplement application form, I would like to submit a few more thoughts for the Commission's consideration.

My patients have asked me to complete the new application form dozens of times over the past four months, and I have now had ample opportunity to consider the real implications of its structure, both for my medical practice and for my patients.

As a medical practitioner, I am placed in a conflict of interest by the new forms. In revealing my patients' medical conditions to front line social services workers, my duty to maintain the confidentiality of medical information is compromised. On the other hand, I feel bound by a duty to assist my patients to obtain extra income to alleviate the significant burden poverty places on their health.

While I have apparent consent from my patients, in that they present me with the form and take it to the welfare office themselves, I do not trust this consent is provided without significant duress. Most of my patients live in dire poverty, and when asked to choose between a potentially life-saving income supplement, and maintaining the confidentiality of their health information, it is easy to see how they feel they have no real space to make a choice.

The previous special diet application form did not require private health information to be revealed. There was no health-related reason to change the form, and the change in the form's structure has had only a negative impact on my ability to provide quality health care. From my perspective as a health provider, the health impact of a privacy breach should be a primary consideration in determining whether a health-related privacy breach is justified.

The changes in the form were brought about for political, not health, reasons. By requiring that I, as a health provider, complete and sign this form, the government turns me into a political tool to legitimize this breach of privacy.

Finally, the change to the form results in an inequitable burden on those living in poverty. The requirement to reveal private health information is only demanded of recipients of social assistance, and the largest burden falls on those with the greatest degree of disability.

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I sincerely hope the privacy commissioner will feel a duty to speak out against this unnecessary forced breach of the sacrosanct privacy of personal health information, and its inequitable impact on some of the most vulnerable groups in our society.

I would, as always, be happy to discuss this further.

Sincerely,

Gary Bloch MD CCFP