

MEDICAL REFORM GROUP

Box 40074, Toronto, Ontario M6B 4K4

November 22, 2005

Dr. Ann Cavoukian
Information and Privacy Commissioner of Ontario
2 Bloor St. East, Suite 1400
Toronto, ON M4W 1A8

Dear Dr. Cavoukian:

I am writing to express my concern regarding the privacy implications of the new "Application for Special Diet Allowance and Pregnancy Nutritional Allowance" form implemented by the Ontario Ministry of Community and Social Services this month. I have enclosed a copy of the new form.

My primary concern is that this form requires the disclosure of confidential, private medical information to the Ministry of Community and Social Services. This new requirement will result in social services workers with no direct involvement in an individual's health care obtaining information about clients' health conditions. The potential ramifications of this are high, most obviously with a socially charged condition such as HIV, but any unnecessary revealing of a client's health status constitutes a breach of her or his right to privacy.

The special diet application process has functioned for many years without the need to reveal this information. The process (both old and new) requires an assessment of a client's eligibility for a special diet by her or his health care provider. There is no additional benefit to client care from a third party's involvement in this assessment process. In addition, this results in inequitable treatment of individuals already vulnerable due to their poverty.

I feel this new form represents an unnecessary impingement on individuals' right to privacy. I have attached a letter Dr. Philip Berger, Chief of the Department of Family and Community Medicine at St. Michael's Hospital, wrote to you in May, 2000, regarding similar concerns he had about a transportation allowance form for recipients of ODSP. I have also included your commission's response which outlines the negotiated settlement to address the privacy concerns in that case.

I greatly appreciate your attention to this matter.

Sincerely,

Gary Bloch MD CCFP