

PET Scans Ontario Web Application
Frequently Asked Privacy Questions
for Health Care Providers

About this Document

Cancer Care Ontario (CCO), an agency of the Ontario Ministry of Health and Long-Term Care (MOHLTC), is the lead organization in Ontario on matters related to cancer control and cancer services. CCO is the provincial government's principal adviser on cancer issues, with a mission to improve the performance of the cancer system by driving quality, accountability and innovation in all cancer-related services. In addition to cancer, CCO has other core lines of business including supporting and hosting the provincial Access to Care (ATC) which is part of the Government of Ontario's Wait Times Information Strategy.

CCO has created this set of "frequently asked questions" (FAQs) for physicians and PET centres using the PET Scans Ontario web application provided by CCO (as part of the PET Scans Ontario program). This FAQ provides hospital privacy officers, as well as administrators and security officers, with information on CCO's privacy roles and responsibilities with respect to the PET Scans Ontario program, and how CCO meets these responsibilities.

Health care providers may find this information helpful in answering questions from patients and their families about the collection, use, disclosure, and protection of personal health information via the PET Scans Ontario program. CCO also makes available a public-facing plain language set of FAQs accessible to patients and their families describing the services and safeguards provided with respect to the PET Scans Ontario program. For a copy of these FAQs, please visit the Privacy page on the PET Scans Ontario website.

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1. What is the PET Scans Ontario web application?

The PET Scans Ontario web application provides web-based forms to physicians to allow them to request PET scans for their patients. The web application also provides web-based forms to PET centres to allow them to submit results from PET scans performed at their institutions.

This web application is expected to improve the efficiency of existing manual processes and increase the security and data quality of information exchange between physicians and PET centres.

CCO will use the PET scan data which it collects from physicians and PET Centres for analysis and reporting purposes to provide aggregate-level reports to the MOHLTC and the PET Steering Committee.

2. What type of information is collected using the PET Scans Ontario web application?

Physicians collect the following personal health information (**PHI**) about patients via the PET Scans Ontario web application:

- **Demographic Information:** Patient's name, birth date, gender, health card number, phone number, province and postal code.
- **Provider Information:** Referring physician name, phone number, fax number, email and CPSO number; PET scan reading physician name.
- **Health Care Facility Information:** PET Centre.
- **Clinical Information:** Disease information, diagnosis, clinical and pathological stage, purpose for PET scan, prior imaging studies, biomarkers, and other relevant clinical documentation.
- **PET Scan Result Information:** PET scan date, PET scan findings, and source and type of radiopharmaceutical used.

This information is retained in a secure database at CCO.

3. Under what statutory privacy authority is personal health information collected, used, and disclosed via the PET Scans Ontario web application?

The collection, use, and disclosure of PHI (e.g. patient name, health card number, and PET scan results) by health care providers and CCO is governed under the *Personal Health Information Protection Act, 2004 (PHIPA)*. This Act establishes the rules that “health information custodians” and other parties in the health care continuum must comply with in managing the confidentiality of patient information. Referring physicians and PET centres, for example, are classified as “health information custodians” under section 3(1) of PHIPA.

In providing the PET Scans Ontario web application to health information custodians to enable them to share information about their patients, CCO is acting as an agent, as the term is defined in section 2 of PHIPA, of the health information custodians, and as a “health information network provider” as defined in section 6(2) of the Regulation to PHIPA. This section describes a health information network provider as a person who enables two or more health information custodians (e.g. physicians and PET Centres) to use electronic means to share PHI. In this capacity, CCO’s use of PHI collected through the PET Scans web application is strictly limited to that which is necessary to support the provision of information technology services.

CCO manages the PET Access Program domain, which includes facilitating an adjudicative process to determine patient eligibility to receive a PET scan. Under the PET Access Program domain, CCO, on behalf of the health information custodians (physicians) and with a patient’s express consent, anonymises PET scan request packages received via the PET Scans Ontario web application and provides the anonymised request packages to a clinical expert panel. The clinical expert panel reviews the anonymised PET scan request to determine a patient’s eligibility to receive a PET scan.

In addition, CCO is listed as a “prescribed entity” under section 18 of the Regulation to PHIPA. Prescribed entities are organizations that are permitted under PHIPA to collect PHI without a patient’s consent from health information custodians (e.g. referring physicians and PET centres) for the purposes of analysis or compiling of statistical information with respect to the evaluation, monitoring, management, or planning of all or part of the health care system, or for allocating resources, including the delivery of health services (per section 45(5) of PHIPA). CCO’s mandate, for example, is to plan and coordinate Ontario’s cancer services. Section 45(6) of PHIPA permits prescribed entities to use PHI (without the patient’s consent) for the same purpose. This means that CCO is permitted to collect PHI about cancer patients from health care providers and use this information to plan and coordinate cancer services in the province.

4. Are health care providers required to obtain their patient’s consent to submit and access his or her personal health information from the PET Scans Ontario web application?

PET Registry and PET Insured Services Domains

Health care providers may assume that they have a patient’s implied consent to collect, use, and disclose PHI for the purpose of providing or assisting in the provision of health care, unless the health care provider is aware that a patient has expressly withheld or withdrawn consent for this purpose. The express instructions of a patient to withhold or withdraw consent for the use or disclosure of PHI for purposes related to health care are described in sections 20(2), 37(1)(a) and 38(1)(a) of PHIPA and are commonly referred to as the “lock box”.

This means that health care providers are permitted to assume they have their patient’s consent to submit and/or access the patient’s information via the PET Scans Ontario web application for the purpose of providing care under the PET Registry and PET Insured Services domains. However, patients may “lock” their PHI from use by or disclosure to a particular provider or organization.

Where a patient chooses to “lock” their information, the information should not be entered into the PET Scans Ontario web application (or, where applicable, will be removed from the web application).

PET Access Program Domain

Under the PET Access Program domain, health care providers must obtain their patient’s express consent to provide the patient’s information to CCO via the PET Scans Ontario web application for the purposes of adjudication to determine eligibility for the patient to receive a PET scan.

5. What are the privacy roles and responsibilities of those using the PET Scans Ontario web application?

As discussed in Question #4, physicians and PET Centres are defined as “**health information custodians**” and subject to specific privacy requirements outlined in PHIPA, which include requirements to appoint a privacy contact person, have in place privacy practices, and notify affected patients if their PHI is lost or stolen.

CCO hosts the PET Scans Ontario web application to provide referring physicians and PET Centres with a secure channel to submit patient data (including PHI) relating to PET scans to one another for the purposes of completing PET scans for patients. As such, CCO falls under the definition of a “**health information network provider**” and must comply with specific requirements set out in section 6(3) of the PHIPA Regulation. A detailed description of how CCO complies with these requirements is found in the CCO Health Information Network Provider Privacy Policy, which is available on the CCO and PET Scans Ontario websites or by contacting the CCO Privacy & Access Office at privacyandaccessoffice@cancercare.on.ca.

Physicians and PET Centres also use the PET Scans Ontario web application to disclose information related to PET scans to CCO for the purposes of using this information to plan, manage, and coordinate cancer services in the province. As a “prescribed entity” under PHIPA, CCO is required to make publicly available a description of its functions and the privacy practices in place to protect the PHI it collects (per section 18(2) of the PHIPA Regulation). A Statement of Information Management Practices is available on CCO’s website to meet this requirement. Moreover, the Information and Privacy Commissioner/Ontario must review and approve CCO’s privacy practices every three years (per section 45(4) of PHIPA). CCO’s last approval from the Information and Privacy Commissioner/Ontario was received in November of 2008.

6. How is personal health information in the PET Scans Ontario web application accessed and by whom?

The PHI retained in the PET Scans Ontario web application may be accessed in four ways:

- 1) By health care providers (referring physicians and PET Centres) through a secure website¹;
- 2) By PET Scans Ontario staff through a secure website to support the operations of the program;
- 3) By CCO technical support staff to support the application; and
- 4) By CCO informatics staff for the purpose of planning and managing cancer services in the province.

Health care providers enter or view patient information in the PET Scans Ontario web application through a secure website. Health care providers' access must be authorized by a Registration Authority who validates the user's identity and confirms that the user requires access to the PET Scans Ontario web application.

PET Scans Ontario and CCO technical support and informatics staff have access to PET Scans Ontario web application in order to support the operations of the program, support the application, carry out requests for changes to patient records (e.g. to correct errors), and extract information for the purpose of cancer care planning and management (i.e. based on CCO's "prescribed entity" status). Technical support staff also have physical access to the PET Scans Ontario server, which is securely located in CCO's data centre.

7. Does the PET Scans Ontario web application have an audit log of who accesses information in PET Scans Ontario?

Yes. A role-based administrative function will be included in the PET Scans Ontario web application to allow privacy officers (or their delegates) to produce an audit log of accesses to and transfers of information held in the PET Scans Ontario web application. The CCO Helpdesk will support users in this function upon request.

8. What safeguards are in place to protect the personal health information in the PET Scans Ontario web application?

The PHI in the PET Scans Ontario web application is protected by administrative, technical, and physical safeguards.

- **Administrative Safeguards:** PET centres using the PET Scans Ontario web application must sign a License Agreement with CCO which contains detailed Terms of Use to be accepted by its authorized users (employees, consultants and contractors) prior to accessing the PET Scans Ontario web application. Referring physicians must accept detailed Terms of Service prior to accessing the PET Scans Ontario web application. Both agreements require PET Scans Ontario web application users to keep confidential

¹ CCO's Department of Information Technology (IT) currently provides a 128-bit encrypted, SSL website; security specifications are subject to evolve as IT security best-practices / technology evolve.

the PHI they access via the PET Scans Ontario web application and their user credentials. CCO staff with access to the PET Scans Ontario database are required to sign confidentiality agreements and regularly attend privacy and security training to ensure they understand the safeguards they must employ to protect PHI retained in the database.

- **Technical Safeguards:** PET Scans Ontario web application users are registered by a Registration Authority who validates the user's identity and confirms they require access to the PET Scans Ontario web application. Users access the PET Scans Ontario web application with a unique username and password and through a secure website.
- **Physical Safeguards:** The PET Scans Ontario database is located in CCO's secure data centre. Access to the data centre is limited to a small number of technical support staff, \ controlled by electronic access cards and monitored with video surveillance.

9. Did CCO conduct a Privacy Impact Assessment on PET Scans Ontario?

Yes. CCO conducted a Privacy Impact Assessment (**PIA**) that included a privacy analysis of the PET Scans Ontario web application. A summary of the PIA has been posted on CCO's website. A copy of the PIA can be obtained by contacting the CCO Privacy & Access Office at privacyandaccessoffice@cancercare.on.ca.

10. Did CCO conduct a Threat Risk Assessment on the PET Scans Ontario web application?

Yes. CCO conducted a Threat Risk Assessment (**TRA**) that included an analysis of the PET Scans Ontario web application, and the servers and network supporting it. A copy of the TRA is available to hospital privacy or security officers, subject to the signing of a non-disclosure agreement, by contacting the CCO Enterprise Information Security Office at itsecurity@cancercare.on.ca.

More Information

For more information about the **PET Scans Ontario web application**, please contact the PET Information Line 1-877-4PET-411 (1-877-473-8411).

More information about **Cancer Care Ontario's (CCO) privacy practices** and **Privacy Program** is available on CCO's website or by contacting the CCO Privacy & Access Office.

- **Website:** www.cancercare.on.ca > About Us > Privacy Policy
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