

**Ministry of Health and
Long-Term Care**

Emergency Health
Services Branch
5700 Yonge Street, 6th Floor
Toronto ON M2M 4K5
Tel.: 416-327-7925
Fax: 416-327-7879
Toll Free: 800-461-6431

**Ministère de la Santé et des
Soins de longue durée**

Direction des services de
santé d'urgence
5700 rue Yonge, 6^e étage
Toronto ON M2M 4K5
Tél.: 416-327-7925
Télééc.: 416-327-7879
Appels sans frais: 800-461-6431



October 25, 2006

To: Municipal and Designated Delivery Agent EMS Directors,

From: Dennis Brown
Senior Manager
Operations & Quality Management

Re: Sharing and Disclosure of Personal Health Information

I am writing in follow-up to a recent investigation that was initiated on the request of a Regional Coroner. A finding of this investigation was that while on the scene of a call, photographs were taken by a paramedic of a crime scene using a personal digital cellular telephone camera and these photographs were then downloaded to a website not under the control of the certified EMS agency. **This investigation also determined that when questioned by the police concerning the call scene, one of the paramedics involved had provided the police with a copy of the Ambulance Call Report and an Incident Report without being served with either a warrant or a release letter signed by the police agency citing the relevant sections of the *Municipal Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act*.**

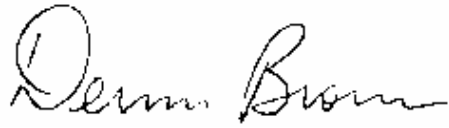
On April 28, 2006 I wrote to you to draw your attention to the stipulation in the *Ambulance Act* that only the persons listed in Subsection 19 (2) have the authority to make disclosures of personal health information for the purposes set out under Subsection 19(3). I wish to re-emphasize the importance of all ambulance services and their staff having a good working understanding of the requirements of Subsections 19 (2) and (3) of the *Ambulance Act* and the measures that must be taken to comply with those requirements as well as other items of relevant legislation.

In order to limit the potential for further breaches of the legislation relating to the personal privacy of patients and other persons receiving or involved in the provision of ambulance services, clear policies need to be in place and enforced regarding the use of cameras and other recording devices by ambulance service staff. I would suggest that such policies need to identify under what circumstances and which ambulance service staff are permitted to take photographs of a scene/patient and under what criteria are such instances necessary for recording evidence that may be required to fulfill your obligations under the *Ambulance Act*. I would also like to encourage that ambulance services staff be further advised as to the legal requirements for providing law enforcement agencies with Ambulance Call Reports and other documents as per the provisions of the *Ambulance Act* and or the *Personal Health Information Protection Act*.

EMS Directors

If the personal health information privacy specialist(s) or legal counsel for your jurisdiction have questions regarding the specific requirements relating to these items of legislation, we will be pleased to arrange for an information sharing opportunity with the appropriate provincial authorities in this area of interest.

Thank you in advance for your attention to this matter and for you efforts toward ensuring compliance with this important part of our governing legislation.



- c. M. Bates
Senior Field Managers
Field Managers
C. Francis
A. Campeau
R. Brady
L. Colvin
J. Van Pelt.

Dennis Brown

c.