



SAFEGUARD

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Commissioner

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New Acting Information and Privacy Commissioner

On April 11, 2024, our former Commissioner Michael Harvey resigned from this role, effective May 5, 2024, after accepting the position of Information and Privacy Commissioner for British Columbia. For more information on this, please see [OIPC's news release](#).

Welcome Acting Commissioner Jacqueline Lake Kavanagh

Effective May 6, 2024, Jacqueline Lake Kavanagh was appointed as the acting Information and Privacy Commissioner until the position is permanently filled in accordance with the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015).



Ms. Lake Kavanagh previously served as this province's Child and Youth Advocate from 2016 to 2021. Prior to that role she served as Assistant Deputy Minister with the Department of Advanced Education, Skills and Labour, and Assistant Deputy Minister for the Public Safety and Enforcement Branch, Department of Justice and Public Safety. Throughout her public service career, she also had a number of senior positions with the Department of Justice and Public Safety.

Acting Commissioner's Message

I am pleased to take on my new role of acting Information and Privacy Commissioner while recruitment is underway to find a permanent Commissioner. I have always held this Office in high regard and I look forward

to providing leadership and supporting this valuable work during my time here. I have received a very warm welcome from staff. Their knowledge, expertise and commitment continues to impress me.

I wish former Commissioner Michael Harvey my sincere best wishes as he begins his new role as Information and Privacy Commissioner for British Columbia.

Permanent Commissioner Appointment Process

In accordance with section 85(3) of ATIPPA, 2015, the Speaker of the House of Assembly established a selection committee for the permanent appointment of the Information and Privacy Commissioner. For more information on this permanent appointment process, please see section 85 of ATIPPA, 2015 and the [House of Assembly news release](#).

OIPC New Forms, Guidelines and Website

Our Office has new forms and new guidelines to assist custodians and individuals in the complaint process. We have also changed the design and layout of our website in an effort to make the information more user friendly and accessible.

If you would like to see the new complaint forms that applicants will be using, please visit our [Public Forms webpage](#).

We have new guidelines to assist custodians when responding to access or correction complaints and privacy complaints. Analysts will send a copy of the applicable guidelines at the beginning of the complaint process. If you would like to review these guidelines ahead of time, please visit our [Complaint Process webpage for Custodians](#).

Here are some website links that Custodians may find useful:

- ❖ [Custodian Forms \(Breach Reporting\)](#);
- ❖ [Commissioner's Access Reports](#);
- ❖ [Commissioner's Privacy Reports](#);
- ❖ [Complaint Process Guidelines for Custodians](#);
- ❖ [OIPC Resources for Custodians](#); or
- ❖ [Safeguard Newsletter](#).

If you have any questions about these changes, please do not hesitate to call or email us!

If you have any feedback about what you like, dislike, or would like to see improved about these new changes (website redesign and form updates), please email us with your comments and title your email "Feedback".

The College Connection Podcast

Be sure to tune in to the **College Connection Podcast** presented by the College of Registered Nurses of Newfoundland and Labrador to listen to its latest episode (Season 3, Episode 2) as former Information and Privacy Commissioner Michael Harvey discusses privacy, personal health information and our province's **Personal Health Information Act (PHIA)**. Don't miss out on this in-depth discussion on patient privacy, confidentiality, and important information Registered Nurses and Nurse Practitioners should know about PHIA.



This episode is available on [YouTube](#), [Apple](#), or [Acast](#).

Personal Health Information Act Review Report

The second statutory review of the **Personal Health Information Act (PHIA)** is complete.

PHIA was proclaimed in 2011 and is required to undergo a review once every five years. PHIA establishes rules that custodians of personal health information must follow when collecting, using, and disclosing individuals' personal health information.

The Department of Health and Community Services engaged INQ Consulting to assist with the second statutory review of PHIA to assess whether there should be changes to modernize it. A statutory review committee was established with representatives from INQ Consulting and officials from the Department of Health and Community Services.

To read more about the second statutory review of PHIA you can visit www.phiareviewnl.ca, which provides an overview of the review as well as all the publications associated with the review. You can read all the written submissions provided to the committee, including [OIPC's submission](#) dated May 4, 2023, as well as other reports submitted to the committee.

The committee's [2023 PHIA Review Final Report](#) outlines a number of recommendations in the following areas:

- ❖ privacy protections;
- ❖ access to health data and interoperability;
- ❖ data and innovation;
- ❖ monitoring and oversight;
- ❖ consent; and
- ❖ literacy and social license.

The recommendations outlined in the report are currently being reviewed by the Department.

The first statutory review of PHIA resulted in a very comprehensive and detailed report which was released in May 2017, but ultimately did not result in amendments to the legislation. We hope that the second statutory review will update PHIA to ensure that privacy remains at the forefront of health

care, while enabling the integration of new technology to safely improve health services for residents of our Province.

PHIA Privacy Breach Statistics February 1, 2024 – April 30, 2024

Between February 1, 2024 and April 30, 2024, OIPC received ten breach notifications, doubling the breach notifications reported during the previous quarter. The ten breach reports came from five different custodians.

Reminder on Timely Reporting of Privacy Breaches

Please file breach reports with our Office as soon as possible and do not wait for a number to accumulate before reporting. It is important to report as soon as possible so that if notification is necessary and not already completed, individuals will be aware of the breach and their right to file a privacy complaint with our Office.

Want Training?

We would like to remind custodians that OIPC offers PHIA training that can be customized to their needs!

Interested custodians should email OIPC at commissioner@oipc.nl.ca.

There are also a number of PHIA resources available on OIPC's [website](#).