

APPENDIX 1

Notifying Individuals of Security Breaches – Factors to Consider

The Calgary Health Region considers the factors listed in the chart below when deciding whether to notify affected individuals of a security breach.

<u>Factor</u>	<u>Weighs in favor of notifying individuals</u>	<u>Weighs against notifying individuals</u>
Who has unauthorized possession of the information?	External individual or organization?	CHR staff or agent, or another custodian under HIA?
What information was breached	Sensitive health or personal information?	Basic demographic or health information (e.g. blood pressure)
Was the information recovered by the CHR or is it likely to be recovered?	No.	Yes.
Did the recipient of the information (or other unauthorized individuals) access or view the information?	Yes.	No.
How long was the information in possession of the unauthorized individual?	Several days or more	A short period of time (less than 24 hours)
What is the motivation of the recipient with respect to the information?	Hostile to Region or potential to use information for criminal purposes.	Friendly towards the Region and understands the importance of patient privacy.
Is there any indication that the individual is specifically targeting the data for criminal purposes?	Yes, there are some indications that information was specifically targeted.	No, there are few or no indications that information was specifically targeted.
Are there any concerns that notifying individuals about this incident would cause significant additional harm?	No.	Yes.
Will disclosure result in any	No.	Yes.

potential CHR staff safety issues?		
Will media coverage about the incident increase the probability of identity theft or other harm?	No.	Yes, additional information could alert the thief/recipient of the value of this information.
How easy or difficult will it be to notify individuals. How up to date is the contact information?	Contact information is reliable and generally accurate.	Contact information is unreliable and presents a risk of sending notice to the wrong address.

Other factors that favor notifying affected individuals.

The Region is committed to a culture of transparency and openness. Just as the Region favors disclosing medical errors to those affected individuals, it also favors notifying the individuals affected by a breach of confidentiality. Openness helps build trust in the community.

The Region is committed to treating its patients with respect and autonomy. Notifying affected individuals about a breach of confidentiality respects the ability of the individual to respond appropriately.

Currently, there are no laws in Alberta requiring organizations to notify affected individuals about security breaches. However, many states in the U.S. have mandatory reporting laws. Canada may be considering a similar disclosure law. The legal standard for responding to breaches appears to be moving towards mandatory notification of affected individuals unless there are contrary compelling reasons.