



Office of the
Information and Privacy
Commissioner of Alberta

December 6, 2011

Pharmacist pleads guilty to misuse of Alberta Netcare

A pharmacist has pleaded guilty to knowingly obtaining or attempting to obtain health information in contravention of the Health Information Act (HIA). Marianne Songgadan has been fined \$15,000.

Marianne Songgadan was charged after an individual complained to the Office of the Information and Privacy Commissioner alleging that her health information had been accessed through Alberta Netcare and information about a prescription medication she had taken had been posted on Facebook. Following the initial complaint, three other women complained that their health information had been accessed by the same individual, and in addition audit logs revealed health information about eight other individuals had been compromised.

Information and Privacy Commissioner Frank Work says this was a serious violation of the Health Information Act. “Snooping through health information for personal purposes will not be tolerated and there will be prosecution. This office has the responsibility of overseeing the protection of health information, and we will not hesitate to prosecute. This serves as a very strong reminder to health care custodians that we take protection of health information very seriously”.

This is the second prosecution under the Health Information Act for misuse of health information. A medical clerk from Calgary pleaded guilty to accessing health information in contravention of the HIA in 2007 and was fined \$10,000.

A Background document outlining details of this offence is attached.

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Contact:

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Netcare Offence Backgrounder

The Information and Privacy Commissioner received a complaint from an individual on August 16, 2010 . The Complainant alleged that a pharmacist at the Zellers Pharmacy in Kingsway Garden Mall, Marianne Songgadan, inappropriately accessed her health information using Alberta Netcare and posted information about a prescription medication she had taken to Facebook. The Complainant stated she believed that Ms. Songgadan accessed her records for the purpose of humiliating her in front of her peers and as revenge for a personal conflict.

Alberta Netcare is Alberta's electronic health record system. The Alberta Netcare Portal is a web-based application that presents authorized users with a summary view of Albertans' health information. Alberta Netcare logs each time a user searches for an individual along with each module of Netcare that a user looks at after opening an individual's record. Individuals can obtain a copy of this list (a "Netcare audit log") by contacting Alberta Health and Wellness.

The Complainant provided the Commissioner with a copy of a Netcare audit log which indicated that Marianne Songgaden accessed her health information in Alberta Netcare on four occasions. She provided photos of several Facebook pages which she stated referenced her health information. The Complainant also advised that several of her friends had requested Netcare audit logs as they believed that Ms. Songgadan had accessed their Netcare records and posted information on medication they were taking to Facebook. AHW confirmed that Ms. Songgadan had accessed the Netcare records of these individuals. The individuals subsequently made independent complaints to the Commissioner.

It is an offence under the Health Information Act (HIA) to knowingly obtain or attempt to obtain access to health information in contravention of the HIA. Commission of such an offence is punishable by a fine of up to \$ 50 000.

The Commissioner considers application of the offences and fines provisions of the HIA where there is willful and deliberate misuse of health information. When advised of the nature of the complaint, the number of affected individuals and that AHW confirmed that access to Netcare had taken place, the Commissioner



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directed that the investigation consider whether or not an offence had occurred under the HIA.

The investigators learned:

- Ms. Songgadan became involved in an interpersonal conflict with a group of women who attended her church in the summer of 2009. The conflict related to the romantic interests and activities of one of the male members of the congregation.
- During this conflict, Ms. Songgadan posted disparaging comments about one of the women to Facebook.
- After the women made a complaint to the church about Ms. Songgadan's conduct, she accessed the complainants' Netcare records and posted information prescription medication the women were taking to Facebook.
- A detailed review of Ms. Songgadan's Netcare use revealed unauthorized access to an additional eight individuals' Netcare records. She identified most of these individuals as people who may have been sympathetic to the complainants.

Marianne Songgadan was charged with 11 counts of knowingly obtaining or attempting to obtain health information in contravention of the HIA on April 6, 2011. She pleaded guilty to a single charge on December 5, 2011 and was fined \$ 15 000.

While the offence investigation exclusively considered whether or not Ms. Songgadan knowingly contravened the HIA, additional issues related to HIA compliance on the part of Zellers and Alberta Health and Wellness were identified. The Commissioner will be releasing a full investigation report into this matter shortly.

In addition to the complaint to our Office, the Complainant also made a complaint of unprofessional conduct to the Alberta College of Pharmacists (ACP). On June 7, 2010, the ACP released its report into this matter.

https://pharmacists.ab.ca/Content_Files/Files/SonggadanDecision.pdf

