

**ALBERTA**  
**INFORMATION AND PRIVACY COMMISSIONER**

INVESTIGATION REPORT

H2003-IR-003

**October 2, 2003**

**Family Care Medical Centre**  
**Calgary, Alberta**

Investigation Number H0283

This matter has now been resolved based  
on the recommendations provided in this Investigation Report.

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Frank J. Work, Q.C.  
Information and Privacy Commissioner

**ALBERTA  
INFORMATION AND PRIVACY COMMISSIONER**

**Report on the Investigation into Theft of Computers**

**Family Care Medical Centre  
Calgary, Alberta**

**September 25, 2003**

**Investigation Report # H0283**

**I. Introduction**

[1] On July 28, 2003, the Family Care Medical Centre (the Clinic) was broken into and computers were stolen. The computers were connected to the Clinic's electronic medical record (EMR) system.

[2] The Commissioner ordered an investigation into this matter under section 84(a) of the *Health Information Act* (HIA). This report outlines the findings and recommendations of this Office.

**II. Background**

[3] The physicians at the Clinic provide health services as defined in section 1(1)(m) of the HIA.

[4] The Clinic uses an EMR system to document patient health information. The Clinic is located in a strip mall with a front and rear exit. The Clinic has both a front and rear reception. The Clinic has placed a computer in each examination room and at both the front and rear reception. The Clinic also has two offices, which are used by the Clinic's four physicians. Each office has two computers and one of the offices also houses the Clinic's data server. The office that houses the data server is locked when the Clinic is closed.

[5] Sometime after 1:00 a.m. on July 29th, the fire exit was broken into and eight computers were stolen. Six computers were removed from examination rooms, one from the rear reception area and one from the unlocked office. The server and computers in the locked office were not removed.

[6] Alberta's HIA came into force on April 25, 2001. This law applies to custodians, which includes physicians and other health service providers paid by the Alberta Health Care Insurance Plan to provide health services. The physicians at the Clinic are custodians.

### **III. Assessment**

[7] Section 60 of the HIA requires custodians to take reasonable steps to maintain safeguards to protect health information. This includes safeguards related to protecting against any reasonably anticipated threat to the security and integrity of health information or loss of health information.

[8] Section 64 of the HIA requires custodians to submit a PIA to the Commissioner for review and comment before implementing any proposed new practice or system relating to the collection, use and disclosure of health information.

[9] The HIA requires a custodian to submit a PIA to the Commissioner before implementing an EMR, and to take reasonable steps to maintain administrative, physical and technical safeguards to protect health information. The safeguards that are necessary to protect health information in an EMR system will be determined through completion of the PIA.

[10] My investigation of this incident found that the Clinic submitted a PIA to the Commissioner on March 24, 2003. The PIA submitted by the Clinic detailed their examination of safeguards necessary to protect health information in their EMR system. The Clinic's PIA was accepted by the Commissioner on May 27, 2003.

[11] My investigation found that the Clinic had taken reasonable steps to maintain the safeguards detailed within their PIA. The Clinic implemented their EMR with defaults to automatically save health information to the data server and housed the data server in a locked office in a strategically planned location that afforded a higher level of security. The data server that stores all health information for the Clinic was not stolen. The Clinic is confident that, because they only saved health information to the server and not on individual computer hard drives, the stolen computers did not contain health information and there was no breach of privacy in this incident.

[12] I find that the Clinic met the requirements of the HIA by completing a PIA and implementing administrative, physical and technical safeguards to protect health information in their EMR.

[13] Regulation 8(3) of the HIA requires that a custodian periodically assess its safeguards in respect of confidentiality, privacy and security of health information. Since this incident, the Clinic has re-examined its safeguards and taken steps to increase the level of their physical security by installing a monitored alarm system and strengthening the rear exit door.

## **V. Conclusion**

[14] The Clinic met the requirements of the HIA to submit a PIA to the Commissioner for review and comment and to ensure reasonable safeguards to protect health information.

[15] It is unfortunate that the Clinic lost a significant amount of computer hardware. However, the steps taken by the Clinic to comply with the HIA and implement safeguards to protect health information served to keep this incident from becoming a privacy breach.

[16] It is noteworthy that the Clinic believes that completion of the PIA contributed to the secure implementation of their EMR. Safeguards were employed to protect health information that may not have been considered otherwise.

Submitted by,

LeRoy Brower  
Health Team Leader