



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

April 16, 2019

Re: **Minimizing the Risk of Abandoned Health Records through Succession Planning**

I am writing to ask for your assistance in addressing a matter that has serious implications for the privacy of individuals with respect to their personal health information.

Abandonment of health records continues to be a problem in Ontario, resulting in serious implications for the privacy of individuals and the security of their health information. Under Ontario's health privacy law, custodians have a duty to safeguard health information until such records are appropriately transferred to another, legally authorized, custodian.

Every year my office receives complaints related to abandoned records. These complaints are distressing for people whose privacy has been compromised and time-consuming and costly to adjudicate. After a review of the issue, we found that records are vulnerable to abandonment when there is a change in a health care professional's practice. Changes may occur due to incapacity, bankruptcy, relocation, retirement, or death. We also found that the consequences of abandoned records are far-reaching. Not only do they include an increased risk of privacy breaches, but they may also deprive individuals of their right to access and correct their health records and disrupt the continuity of care.

My office has developed a new fact sheet, [*Succession Planning to Help Prevent Abandoned Records*](#). This document recommends, as a best practice, that health care professionals develop — and routinely review — their succession plan. A succession plan should be in place well before any change in practice occurs.

The fact sheet forms part of a strategy to prevent abandoned records that includes plans to seek amendments to legislation governing health care professionals. This strategy has the potential to strengthen accountability in the health care sector and ensure processes are in place to safeguard privacy. In the future, we may seek your input as we take additional steps to address the problem.

Please share our new fact sheet with your members and encourage them to take proactive steps to minimize the risk of abandoned records if their practices change.



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Thank you in advance for your cooperation. Please do not hesitate to contact me if you have any questions about the guidance document or other strategies for addressing the problem of abandoned records.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Beamish', written in a cursive style.

Brian Beamish
Commissioner