



NEWS RELEASE

For immediate release

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Commissioner's investigation calls for Nova Scotia Health to take action to prevent future privacy breaches

HALIFAX – In her investigation report issued today ([IR23-01](#)), Information and Privacy Commissioner Tricia Ralph calls on Nova Scotia Health (NSH) to improve its practices to prevent employees from looking at the personal information of its patients for non-treatment purposes (commonly referred to as “snooping”).

In August 2020, the Commissioner began investigating a series of privacy breaches after NSH voluntarily reported that it caught eight employees snooping in the electronic health records of individuals associated with Nova Scotia's tragic mass casualty events of April 18 and 19, 2020. NSH further investigated the eight employees and found that some of them snooped into many patients' records over many years. They looked up friends, colleagues, and acquaintances when they were not providing care to these people. In total, NSH's investigation uncovered more than 1200 privacy breaches affecting 270 individuals.

The Commissioner determined that many steps taken by NSH were reasonable. For example, had it not proactively monitored employee access to electronic health information systems, these privacy breaches never would have been discovered. However, she also determined that there were some weaknesses in NSH's response to these privacy breaches.

Nova Scotians have no choice but to trust NSH with their sensitive and intimate personal health information if they are to receive health care. The Commissioner determined that while NSH does have privacy-relevant policies and protocols, they are at times outdated, unclear, and in many cases, not being followed. “Robust policies, compliance monitoring, and strong training along with enforcement of penalties for non-compliance are essential to protecting the privacy rights of Nova Scotians,” says Commissioner Ralph.

The Commissioner also noted that policies, training and penalties are not always enough to deter some employees from snooping. The temptation to snoop is irresistible for some. For that reason, the Commissioner recommends that NSH take steps to see if it can build a function into its electronic information systems that only allows those who have an active clinical relationship with a patient to view that patient's detailed medical information. “If you can't access the information, you can't snoop into it,” says Ralph.



Commissioner Ralph also calls for action to strengthen NSH’s culture of privacy by improving its privacy management program. “Privacy should be a core organizational value baked into day-to-day operations,” says Ralph.

The overall finding of this investigation is that despite the implementation of safeguards at NSH, employees snooping through patients’ electronic health records continues to be a recurring problem. “NSH now has a big task in front of it to set in motion what is required to prevent privacy breaches like these from happening in the future. This will require high-level leadership to champion a culture of privacy at NSH,” Ralph says.

Commissioner Ralph makes 12 recommendations to NSH for follow-up actions and to correct weaknesses in NSH’s information practices with the goal of preventing future snooping privacy breaches. NSH is considering the report and has preliminarily indicated that it intends to accept most of the recommendations. NSH will have 30 days to formally decide whether it will follow Commissioner Ralph’s recommendations.

To help raise awareness about the responsibility to protect personal health information, Commissioner Ralph has also released a guidance document for health custodians: [*Tips for Addressing Employee Snooping*](#).

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