



Information and Privacy  
Commissioner of Ontario  
Commissaire à l'information  
et à la protection de la vie privée de l'Ontario

February 18, 2015

VIA ELECTRONIC MAIL

Policy Department  
The College of Physicians and Surgeons of Ontario  
80 College Street  
Toronto, ON  
M5G 2E2

To Whom It May Concern:

**Re: Planning for and Providing Quality End-of-Life Care**

Thank you for inviting the Information and Privacy Commissioner of Ontario to comment on the College of Physician and Surgeons of Ontario's *Planning for and Providing Quality End-of-Life Care Policy* ("Policy").

It is our understanding that the Policy updates the College of Physicians and Surgeons of Ontario ("the College") current *Decision-making for the End of Life Policy*. The Policy sets out the expectations of the College regarding planning for and providing quality care at the end of life and provides guidance on a range of issues relating to quality end-of-life care.

The Policy indicates that communication regarding end-of-life care situations is of paramount importance and states that:

Patients and/or substitute decision-makers may want to involve family and/or others close to them in the patient's ongoing care...Physicians must obtain consent from the patient or substitute decision-maker to communicate personal health information about the patient and must document this decision accordingly.

This statement does not specify the type of consent that is required when disclosing personal health information to family members and friends. *The Personal Health Information Protection Act* ("PHIPA") generally requires express consent prior to disclosing personal health information to family members and friends. As well, this statement suggests that consent is always required when disclosing personal health information to family members and friends. PHIPA permits physicians to disclose personal health information to family members and friends without consent in a limited number of defined circumstances. Finally, it is recommended that the word "communicate" be replaced with the word "disclose" in order to maintain consistent terminology with PHIPA.

Thank you once again for providing the Information and Privacy Commissioner of Ontario with the opportunity to participate in this consultation process. I hope these comments will be of assistance to the College in reviewing the Policy.



2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
Canada M4W 1A8

2, rue Bloor Est  
Bureau 1400  
Toronto (Ontario)  
Canada M4W 1A8

Tel: 416-326-3333  
1-800-387-0073  
Fax/Téléc: 416-325-9195  
TTY: 416-325-7539  
www.ipc.on.ca

Please be advised that the comments provided are not binding on the Information and Privacy Commissioner of Ontario and should not be construed to interfere with the ability of the Information and Privacy Commissioner of Ontario to discharge his duties under *PHIPA*.

If you have any questions about our comments, please do not hesitate to contact me.