



Information and Privacy  
Commissioner of Ontario

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

**VIA ELECTRONIC MAIL**

March 11, 2021

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

To Whom It May Concern:

**RE: Feedback from the Information and Privacy Commissioner of Ontario**

The Information and Privacy Commissioner of Ontario (IPC) has reviewed the College of Physicians and Surgeons of Ontario's current Professional Obligations and Human Rights policy (the Policy) and the current Advice to the Profession: Professional Obligations and Human Rights companion document (the Advice Document). The IPC has the following recommendations:

**(1) Add a clarification to the discussion of the duty to accommodate**

Section 4 of the Policy states:

Physicians must comply with their duty to accommodate as set out in the Code, and to make accommodations in a manner that is respectful of the dignity, autonomy and privacy of the person, unless the accommodation would:

- a. subject the physician to undue hardship, i.e. where excessive cost, health or safety concerns would result; or
- b. significantly interfere with the legal rights of others

To avoid confusion that may occur if the reader interprets the phrase "privacy of the person" to include the privacy of the individual with respect to their personal health information, the IPC recommends that a footnote be added after this phrase. The footnote should clarify that a physician's duty to protect the confidentiality of personal health information and the privacy of individuals with respect to that information is governed by the *Personal Health Information Protection Act, 2004* and is not subject to the exceptions listed at (a) and (b) of section 4 of the Policy.

**(2) Add a reminder about authority to disclose personal health information to interpreters**

In its discussion of the duty to accommodate, the Advice Document states: "Examples of accommodation may include: ... ensuring that patients with hearing impairment can be assisted by a sign-language interpreter..."



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A situation in which an interpreter assists in the communication between a physician and a patient would likely involve the disclosure of the patient's personal health information by the physician to the interpreter. The IPC recommends that a footnote be added after the word "interpreter". The footnote should remind physicians to ensure that they have legal authority, such as the patient's consent, before disclosing any personal health information to an interpreter.

Thank you for considering our recommendations.

Sincerely,