



Re: Request Number FOI A2020-00004

I am writing in response to your access request under the *Freedom of Information and Protection of Privacy Act* (hereafter, 'the Act').

A search has been conducted and responsive records have been reviewed. A decision has been made to grant access in part for a portion of this request. Some information will be withheld or redacted pursuant to Section 21 of the Act, as set out below, as personal health information cannot be released.

1. Number of Patients and Case Information

Between April 1st 2018 and March 31st, 2019, 7 patients were seeing a surgery team provider with a view to having a surgery, but died before the surgery was performed. Of these 7 patients, some already had received more than 1 surgery, and were intending to undergo another surgery before date of death. Enclosed, is a record responding to your request. Please note that the data on this record is not formally maintained as a wait list, as the scheduling of surgical procedures is dynamic and constantly being updated based on the health status of the patient. As a result, the data may not be accurate or complete. This data should not be relied on or interpreted as a specific cause / reason for death. The hospital cannot confirm that these patients died because they were waiting for surgery, and patients may have died for a variety of reasons.

You requested that this data be broken out by the following: procedure, date the patient was referred to a specialist, date of the procedure(s) and date of cancellation. The hospital does not collect information on the date a patient was referred to a specialist or the date of the procedure scheduled, as the date of procedure is dynamic and constantly changing in relation to the patient's health status and readiness for surgery.

The patient population identified above is small and gives rise to the potential for patient identification. As a result, information on the type of surgical procedure (s) will be withheld pursuant to Section 21 of the Act.



THE HOSPITAL FOR
SICK CHILDREN

2. Government's Target Time for Procedure

The Hospital for Sick Children does not have any responsive records relating to the government's target times for surgical procedure(s). The Ontario Ministry of Health provides information on target times for surgical procedures on the following website: <https://www.ontario.ca/page/wait-times-ontario>

You may request the Information and Privacy Commissioner to review this decision within thirty days from the date of this letter. The Commissioner's address is Suite 1400, 2 Bloor Street East, Toronto, Ontario, M4W 1A8. The appeal fee is \$25.00 for general record requests payable by cheque or money order to the Minister of Finance and must be included with your correspondence.

A copy of Section 21 of the Act is enclosed for your information.

Please contact the Compliance & Privacy Office at privacy.office@sickkids.ca if you have any questions about our handling of your request.

We would appreciate you using the request number assigned to the request in any future correspondence.

Sincerely,

Compliance and Privacy Office
Encl.

Freedom of Information and Protection of Privacy Act

(Section 21)

Personal privacy

21 (1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
- (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;
- (e) for a research purpose if,
 - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,
 - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and
 - (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. F.31, s. 21 (1).

Criteria re invasion of privacy

(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;
- (b) access to the personal information may promote public health and safety;
- (c) access to the personal information will promote informed choice in the purchase of goods and services;
- (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;
- (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;
- (f) the personal information is highly sensitive;
- (g) the personal information is unlikely to be accurate or reliable;
- (h) the personal information has been supplied by the individual to whom the information relates in confidence; and
- (i) the disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. F.31, s. 21 (2).

Presumed invasion of privacy

- (3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,
 - (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
 - (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
 - (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;
 - (d) relates to employment or educational history;
 - (e) was obtained on a tax return or gathered for the purpose of collecting a tax;
 - (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;

(g) consists of personal recommendations or evaluations, character references or personnel evaluations; or

(h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. F.31, s. 21 (3).

Limitation

(4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

(a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution or a member of the staff of a minister;

(b) discloses financial or other details of a contract for personal services between an individual and an institution;

(c) discloses details of a licence or permit or a similar discretionary financial benefit conferred on an individual by an institution or a head under circumstances where,

(i) the individual represents 1 per cent or more of all persons and organizations in Ontario receiving a similar benefit, and

(ii) the value of the benefit to the individual represents 1 per cent or more of the total value of similar benefits provided to other persons and organizations in Ontario; or

(d) discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons. R.S.O. 1990, c. F.31, s. 21 (4); 2006, c. 19, Sched. N, s. 1 (2).

Refusal to confirm or deny existence of record

(5) A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. F.31, s. 21 (5).

Section Amendments with date in force (d/m/y)

Species at risk

21.1 A head may refuse to disclose a record where the disclosure could reasonably be expected to lead to,

(a) killing, harming, harassing, capturing or taking a living member of a species, contrary to clause 9 (1) (a) of the *Endangered Species Act, 2007*;

(b) possessing, transporting, collecting, buying, selling, leasing, trading or offering to buy, sell, lease or trade a living or dead member of a species, any part of a living or dead member of a species, or anything derived from a living or dead member of a species, contrary to clause 9 (1) (b) of the *Endangered Species Act, 2007*; or

(c) damaging or destroying the habitat of a species, contrary to clause 10 (1) (a) or (b) of the *Endangered Species Act, 2007*. 2007, c. 6, s. 61.

Death Date	Case #	MRN	Service	Patient Name	Date of Cancellation
	22972				2018
	22118				2018
	25243 & 24269				2018
	37330				2019
	37970				2019
	41829				2019
	303201				2018