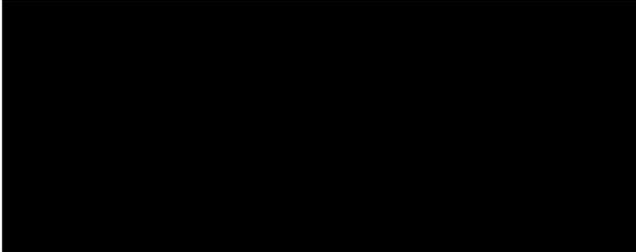


31 December 2020



Re: Request Number FOI A2020-000010

I am writing in response to your access request under the *Freedom of Information and Protection of Privacy Act* (hereafter, 'the Act'). The Hospital for Sick Children (SickKids) has received your request on December 2nd, 2020 as follows:

Please provide data on the number of patients that died while on a waiting list for a surgical procedure in fiscal year 2019-20. Please break the data out by procedure and case info – date the patient was referred to a specialist, decision date, date for the procedure and date of cancellation. Please also note the government's target time for providing the procedure in question. (Note: many hospitals/health regions were able to identify such cases as they track the reason for cancelled operations)

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, 2019 and March 31st, 2020, 10 patients were seeing a surgery team provider with a view to having a surgery but died before the surgery was performed. 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 and case information, date the patient was referred to a specialist, decision date, date for the procedure, and date of cancellation. The hospital does not collect information on 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. In this circumstance, we cannot provide a procedure date as the surgery did not occur.



THE HOSPITAL FOR
SICK CHILDREN

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. Instead, we have provided the type of service the patient was referred to.

2. Government's Target Time for Procedure

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>.

Search Fees

We have set out the corresponding fees for search and preparation time for each record, required to be charged by the Act. The total time spent for search and preparation of this record was 6 hours; a search fee is calculated at \$7.50 for every 15 minutes of record search time. We ask that you provide payment in the amount of \$180 following which we will provide the records to you. You can provide payment for these records by cheque payable to the Hospital for Sick Children, and mailed to the Compliance & Privacy Office at the following address:

Compliance & Privacy Office
555 University Avenue
Toronto, ON
M5G 1X8

Request for Review

You may request the Information and Privacy Commissioner to review the sufficiency of our institution's search for records 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, 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.

Case #	MRN	Name	Death Date	Service	Date of Cancellation	Case Cancel Reason	Patient Status
50677				General	2019	Patient Expired	Deceased
69633				Urology	2019	Patient Expired	Deceased
73590				Cardiovascular	2019	Patient Expired	Deceased
47794				Otolaryngology	2019	Patient Expired	Deceased
79387				General	2019	Patient Expired	Deceased
13357				Urology	2019	Patient Expired	Deceased
88890				Otolaryngology	2019	Patient Expired	Deceased
45007				General	2020	Patient Expired	Deceased
109508				Cardiovascular	2020	Patient Expired	Deceased
112453				Cardiovascular	2020	Patient Expired	Deceased