

Sent via email: kristen@secondstreet.org

August 24, 2022



Re: Request Number FOI 2022-005

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

Please provide data on the number of patients that died on a waiting list for surgery or a procedure fiscal year 2021-22. 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. While the information requested is not maintained in a record, after review of the information available, the hospital can provide data responsive to the request. Some information will be withheld 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, 2021 and March 31st, 2022, 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 this data is not formally maintained as a waitlist, as the scheduling of surgical procedures is dynamic and constantly being updated based on the health status of a 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 procedure and case information, including date the patient was referred to a specialist, decision date, date for the procedure, and date of cancellation. We are unable to do so because the patient population identified above is small and gives rise to the potential for patient identification. Information on the type of surgical procedure (s), referral date, and decision date will be withheld pursuant to Section 21 of the Act.

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>.

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

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).