



December 17, 2020

Christine Sham, Director
Information Management Strategy and Policy Branch
Digital Health Division
Ontario Ministry of Health
Email: healthprivacy.moh@ontario.ca

Re: Amendment of Regulation O. Reg. 329/04 (General) under the Personal Health Information Protection Act, 2004 (PHIPA)

Dear Christine Sham,

I am writing regarding the proposed amendment to O. Reg. 329/04 under PHIPA shared via the Ontario Regulatory Registry (posting 20-HLTC040).

The Ontario Nonprofit Network (ONN) is the independent network for the 58,000 nonprofits in Ontario, focused on policy, advocacy and services to strengthen Ontario's nonprofit sector as a key pillar of our society and economy. ONN works to create a public policy environment that allows nonprofits to thrive. We engage our network of diverse nonprofit organizations across Ontario to work together on issues affecting the sector and channel the voices of our network to governments, funders, and other stakeholders.

In our role as chair of the Ontario nonprofit sector's [Data Policy Coalition](#), supported by Powered by Data, ONN has convened nonprofits with an interest in informing policies affecting administrative data sharing among Ontario ministries and nonprofits that deliver services on behalf of government. In the past two years, our coalition has engaged with the Ontario Government on the [Ontario Data Strategy](#), the [importance of data-sharing](#) (with an equity lens) during a pandemic, and [a proposed legislative framework for the protection of privacy in Ontario's nonprofit and private sectors](#).

Our coalition was pleased to see changes to the Freedom of Information and Protection of Privacy Act, FIPPA (see [our analysis of Bill 100](#), schedule 31) in May 2019, enabling the creation of Data Integration Units to allow for administrative data sharing between ministries and programs. We were also pleased to see Bill 138, schedule 30 (see [our analysis of Bill 138](#)) passed in November 2019, putting additional safeguards on de-identified private information.

The proposed regulatory amendment under PHIPA is a welcome change that would enable nonprofits that deliver health care on behalf of the Ministry of Children, Community and Social Services (MCCSS) to share, under appropriate conditions, personal health information required to support better evidence-based program design and delivery.

As the regulatory notice states, however, this regulatory change may increase the administrative burden on nonprofits, especially those 308 organizations with programs funded (directly) by both your ministry and MCCSS. As [an advocate for streamlined and harmonized reporting](#) under transfer payment agreements, we would strongly encourage you to ensure that reporting is integrated between your two ministries to keep the reporting burden to a minimum.

ONN is always prepared to convene nonprofits on issues related to the funding relationship with government, the reporting burden, and the appropriate use and sharing of administrative data. We encourage you to consider us and the Data Policy Coalition as partners as you advance the work of developing data-sharing mechanisms and platforms. Please let us know if you would like to meet with the Data Policy Coalition to discuss this work.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Taylor". The signature is fluid and cursive, with the first name "Cathy" being more prominent than the last name "Taylor".

Cathy Taylor
Executive Director