

JUL 17 2007

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**Newfoundland  
Labrador**

MINISTER'S OFFICE

**Fax**

REGISTRY

Communications Division

Department of Health &amp; Community Services

1<sup>st</sup> Floor, West Block, Confederation Building

P.O. Box 8700, St. John's, NL A1B 4J6

Telephone: (709) 729-1377

Fax: (709) 729-0121

*Louise:  
Is the database the  
same as NLCHI?  
RT*

**To:** Elizabeth Matthews  
Josephine Cheeseman  
Carmel Turpin  
Brian Crawley

**Date:** July 17, 2007**Organization:****Pages:** 4**Fax #:** 729-5875  
729-5645**From:** Tansy Mundon**Subject:** Eastern Health ER/PR ATIPPA request

*Copy*  
*- Minister*  
*- Robert*  
*- Monia*

*FYI*  
*Jansy*

**COMMENTS**

Please see attached response from Eastern Health Interim CEO, Louise Jones, to Mark Quinn regarding his request under ATIPPA. As you may recall, the Information and Privacy Commissioner released his report on June 29, 2007 which recommended that the request be disclosed with all identifying information severed. Eastern Health has agreed to release this information within 30 days of their letter (dated July 13, 2007). The Department has asked for a copy of the information prior to its release.

Tansy

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# Eastern Health

July 13, 2007

Mr. Mark Quinn  
Canadian Broadcasting Corporation  
P.O. Box 12010, Station A  
St. John's, NL  
A1B 3T8

Office of the President and Chief Executive Officer  
Eastern Health  
Executive Office  
Waterford Bridge Road  
St. John's, NL  
Canada A1E 4J8  
T: 709-777-1330  
F: 709-777-1302  
[www.easternhealth.ca](http://www.easternhealth.ca)

# COPY

Dear Mr. Quinn: *Mr. Quinn*

**Re: Your request to access to information under Part II of the *Access to Information and Protection of Privacy Act*.**

This is to confirm that, on February 15, 2007 Eastern Health received your request for access to the following records/information:

- The results of the hormone receptor tests in this province that were sent for retesting from 1997 to the present.
- I'm requesting the original result of the first test and the result for each re-test.
- I'm looking for the percentage changes that were found.
- In each case: What percentage of hormone receptor positivity did the original test show? What result did the retest find?
- I am not requesting the names of patients or any information that might identify them.

After Eastern Health responded to your request to deny access to the responsive records, you requested a review of the decision by the Information and Privacy Commissioner of Newfoundland and Labrador.

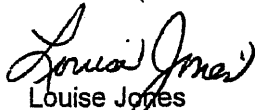
In his report, received on June 28, 2007, the Information and Privacy Commissioner recommended that "...Eastern Health ...provide the Applicant with a copy of the responsive records, identified as the documents containing the results of laboratory tests and retests for hormone receptors performed for 866 cancer patients of Eastern Health who subsequently had their samples retested by Mount Sinai Hospital..., with all names, identifying numbers, symbols, or other identifying information severed from the documents. However, the documents should be marked such that the Applicant is able to determine the original test result and the subsequent test result for each of the 866 patients. I would suggest that perhaps each patient could be randomly assigned a number and this number would be marked on each patient's original test result and the subsequent retest result."

Mr. Mark Quinn  
Canadian Broadcasting Corporation

13 July 2007

We have made the decision, *in the circumstances of this case*, to follow the recommendation of the Information and Privacy Commissioner. We are presently in the process of collecting the hormone receptors tests and retests for breast cancer patients from 1997 to the present and the collating the results in a database. Once the data has been entered and validated, a copy of the spreadsheet, with identifiers removed, will be sent to you. We anticipate that the data should be available within 30 days from the date of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Louise Jones", is written over the printed name.

Louise Jones  
President and Chief Executive Officer (Interim)

cc. Mr. Philip Wall, Information and Privacy Commissioner

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Office of the Information and Privacy Commissioner

June 29, 2007

### Report 2007-008 Released

The Information and Privacy Commissioner, Phil Wall, has released his Report 2007-008 under authority of the *Access to Information and Protection of Privacy Act*. A summary of the Report is included below.

To view the Report in its entirety, please go to <http://www.oipc.gov.nl.ca/>.

Report: 2007-008

Report Date: June 26, 2007

Public Body: Eastern Regional Integrated Health Authority ("Eastern Health")

Summary: The Applicant applied under the *Access to Information and Protection of Privacy Act* (the "ATIPPA") for access to the results of hormone receptor tests conducted by Eastern Health for 866 cancer patients and to the results of the subsequent retests for those patients conducted by Mount Sinai Hospital. The Applicant was not requesting disclosure of the names of the patients or of any other information that would identify the individual patients. Eastern Health refused to release the test results claiming that the responsive record contained the personal information of the patients and that it was therefore prohibited by section 30(1) of the ATIPPA from releasing the records. The Commissioner found that information in the records could be severed such that their release would not disclose personal information to the Applicant. The Commissioner recommended that the responsive record be disclosed with all identifying information severed.

-30-

Media contact:  
Sandy Hounsell  
Executive Director  
Office of the Information and Privacy Commissioner  
709-729-6309

2007 06 29

12:00 noon

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