

Doyle, Toyoko FIN:EX

From: Rintoul, Don B HLTH:EX
Sent: Friday, November 16, 2012 3:23 PM
To: Tonn, Greg HLTH:EX
Cc: Taylor, Wendy E LCTZ:EX
Subject: FW: 2012-0601: Data sets identified for further investigation by OIPC as at October 2
Attachments: Data sets identified for further investigation by OIPC as at October 2.docx; s.22
s.22

Hello Greg,

Wendy mentioned that you were working on describing these incidents and that you could use this information. How else may I help you.

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch Ministry of Health 2-1, 1515 Blanshard St Victoria BC V8W 3C8 ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca

P Please consider the environment before printing this email

-----Original Message-----

From: Rintoul, Don B HLTH:EX
Sent: Wednesday, October 10, 2012 4:21 PM
To: Brownlee, Sara PSA:EX
Subject: FW: 2012-0601: Data sets identified for further investigation by OIPC as at October 2

Sorry, I should have copied you on this.

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch Ministry of Health 2-1, 1515 Blanshard St Victoria BC V8W 3C8 ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca

P Please consider the environment before printing this email

-----Original Message-----

From: Rintoul, Don B HLTH:EX
Sent: Friday, October 5, 2012 11:25 AM
To: Taylor, Wendy E LCTZ:EX; Flanagan, Hamish
Subject: 2012-0601: Data sets identified for further investigation by OIPC as at October 2

This is what I have so far.

Don Rintoul
Director, Informatics

Information Management and Knowledge Services Branch Ministry of Health 2-1, 1515 Blanshard St Victoria BC V8W 3C8 ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca

P Please consider the environment before printing this email

-----Original Message-----

From: Taylor, Wendy E LCTZ:EX

Sent: Friday, October 5, 2012 10:16 AM

To: Rintoul, Don B HLTH:EX

Subject: FW: Data sets identified for further investigation by OIPC as at October 2

Can you send him the summaries you prepared please. Thanks so much!

Wendy Taylor

250 952 6161 Office

250 516 3818 Cell

240 356 1182 Fax

s.3

Page 003

Withheld pursuant to/removal as

s.3

Data sets identified for further investigation by OIPC as at October 2, 2012

From review of s.22 binder on 26/27 September 2012:

1) s.22

2)

3)

4)

5)

6)

From review of s.22 white binder on 27 September 2012:

7) s.22

8)

9)

10)

From review of suspension and termination letters provided by Sarah of PSA 26 September 2012:

11) s.22

12)

13)

14)

15)

16) ^{s.22}

s.22

17)

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21)

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28)

29)

30)

s.22

31)

32)

33)

2012-0601: Disclosure of linked sensitive personal information ^{s.22}

Contrary to government policy, on or about June 28, 2012, ^{s.22} prepared a flash drive containing linked, sensitive personal information identified by PHN, gender, date of birth and postal code. This information was then loaded onto the hard drive of workstation ^{s.15,s.22} to the directory located at '^{s.15,s.22}

The files include information on 38,492 individuals with BC PHN numbers as follows:

- Hospital admissions and discharges
- Medication History
- Medical Service Plan Claims
- Detailed Demographic data linked to the BC PHN
- Canadian Community Health Survey information for respondents who gave consent for their survey responses to be linked by the Ministry of health for use in statistical studies.

The files below were disclosed as described. A summary of each is found on separate worksheet tabs:

CREATE DATETIME	FILE SIZE	FILE NAME
2012-06-28 03:25 PM	236,225,536	cchs_0506.sas7bdat
2012-06-28 03:36 PM	240,288,768	cchs_0708.sas7bdat
2012-06-28 03:46 PM	228,819,968	cchs_0910.sas7bdat
2012-06-28 04:06 PM	126,944,256	cchs_cycle2.sas7bdat
2012-06-28 04:44 PM	2,097,152	client_registry.sas7bdat
2012-06-28 08:44 PM	25,395,200	clnt0102_1011.sas7bdat
2012-06-28 04:33 PM	17,253,376	hospitals.sas7bdat
2012-06-28 07:04 PM	864,493,568	medhist_0001_1112.sas7bdat
2012-06-28 07:37 PM	702,595,072	msp_0001_1112.sas7bdat
2012-06-28 08:02 PM	1,315,840	phn_encrypted_key.sas7bdat
2012-06-28 04:14 PM	631,808	phn_list.sas7bdat

2012-0601: Disclosure of sensitive personal information without authorization.

Contrary to government policy, on or about October 4, 2010 ^{s.22} a flash drive containing linked, sensitive personal information identified by PHN and age. ^{s.22}
^{s.22}

Note that the layout is based on a reconstruction from excel spreadsheets used to generate the programs and the log files. But without the actual file to confirm the contents, this is a best guess as to what was shared.

TABLE: Joint 0102 1011**COLUMN NAME**

PHNNUM

gp_services

gp_paid_amount

mhd_encounters

mhd_paid_amount

msp_services

msp_encounters

msp_paid_amount

TOTAL_PCARE_PAID_AMOUNT

ar_days

ar_cases

alcdays

acute_rehab_cost

day_care_cost

Sex of the Client

LHA of the client's billing address in R&PB

age10

diabetes

year

SAMPLE DATA**s.22**

INDIVIDUALS: 5,201,072

RECORDS: 8,176,708

MIN_PHN: **s.22**

MAX_PHN

This file includes the unmasked PHN, Fiscal Year, Age Group, Gender and Local Health Area that may be used for identity. The file also includes metrics on Medical Services Plan services and costs for the individual. The file summarises individuals' MSP services for two fiscal years, 2001/02 and 2010/11 of 5,201,072 people with BC Personal Health Numbers.

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Withheld pursuant to/removed as

s.14;s.22

Doyle, Toyoko FIN:EX

From: Coopsie, Laine HLTH:EX
Sent: Tuesday, June 19, 2012 4:06 PM
To: Taylor, Wendy E LCTZ:EX
Cc: Boomer, Ted HLTH:EX
Subject: FW: s.22

This is the initial email that Bob sent to me and Hilary. He wanted to run the email by Hilary and I first before responding to Mitch – Hilary told him to respond how he saw fit.

Laine Coopsie, Senior Audit Advisor
Finance & Decision Support
Financial & Corporate Services Division
Ministry of Health
Direct Ph: 250-952-1980 Fx: 250-952-2913
mailto: laine.coopsie@gov.bc.ca

From: Woodward, Hilary C HLTH:EX
Sent: Wednesday, May 2, 2012 5:29 PM
To: Hart, Bob N HLTH:EX
Cc: Coopsie, Laine HLTH:EX
Subject: RE: s.22

Thanks, Bob.

Your suggested response is fine.

From: Hart, Bob N HLTH:EX
Sent: Wednesday, May 2, 2012 4:07 PM
To: Woodward, Hilary C HLTH:EX
Cc: Coopsie, Laine HLTH:EX
Subject: FW: s.22

Hilary, another note I received today.....I was going to respond to Mitch with something like:

s.22

I spoke with Laine before I responded and she suggested I send to you first to see how or if I should respond.

Bob Hart
Data Access, Research and Stewardship
250 952-1272

From: Moneo, Mitch HLTH:EX
Sent: Wednesday, May 2, 2012 12:01 PM
To: Hart, Bob N HLTH:EX
Subject: s.22

Hi Bob,

s.22

Please let me know if you would like to discuss this further.

Mitch Moneo
A/Executive Director, Policy Outcomes, Evaluation and Research
Pharmaceutical Services Division
BC Ministry of Health
3-2 -- 1515 Blanshard Street
Victoria BC V8W 3CB
Tel: (250) 952-2642
Fax: (604) 660-5405
E-mail: mitch.moneo@gov.bc.ca

Doyle, Toyoko FIN:EX

From: Rintoul, Don B HLTH:EX
Sent: Friday, December 7, 2012 2:33 PM
To: Bersenev, Elena Y HLTH:EX
Subject: RE: 2012-0601 s.22 letter
Attachments: s.22

I had thought something like this.

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch
Ministry of Health
2-1, 1515 Blanshard St Victoria BC V8W 3C8
ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca



Please consider the environment before printing this email

From: Bersenev, Elena Y HLTH:EX
Sent: Friday, December 7, 2012 2:30 PM
To: Rintoul, Don B HLTH:EX
Cc: Swiatlowski, Alan HLTH:EX
Subject: FW: 2012-0601 s.22 letter

Good afternoon Don,
Could you please review data sets that I incorporated into s.22 letter and advise if they are correct.
I got this information from e-mail below.
Thank you.

Elena Bersenev
Data Access, Research and Stewardship
Phone: (250) 952-1249

From: Swiatlowski, Alan HLTH:EX
Sent: Tuesday, November 27, 2012 1:24 PM
To: Bersenev, Elena Y HLTH:EX; Rintoul, Don B HLTH:EX
Cc: Taylor, Wendy E LCTZ:EX
Subject: FW: 2012-0601 - FW: s.22 data access

Upon further review of the s.22 it appears that the s.22 server was located at s.15
Victoria. (See also attached s.22)

From: Swiatlowski, Alan HLTH:EX
Sent: Tuesday, November 27, 2012 1:17 PM

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Withheld pursuant to/removed as

s.22

Doyle, Toyoko FIN:EX

From: Taylor, Wendy E LCTZ:EX
Sent: Tuesday, November 27, 2012 10:21 AM
To: Rintoul, Don B HLTH:EX; Swiatlowski, Alan HLTH:EX
Cc: Bersenev, Elena Y HLTH:EX
Subject: RE: 2012-0601 - s.22 - Update...

s.22

From: Rintoul, Don B HLTH:EX
Sent: Tuesday, November 27, 2012 9:59 AM
To: Swiatlowski, Alan HLTH:EX
Cc: Taylor, Wendy E LCTZ:EX; Bersenev, Elena Y HLTH:EX
Subject: RE: 2012-0601 - s.22 - Update...

I also reviewed and also could find no sending of government information to non-government personal accounts for

s.22

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch
Ministry of Health
2-1, 1515 Blanshard St Victoria BC V8W 3C8
ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca



Please consider the environment before printing this email

From: Swiatlowski, Alan HLTH:EX
Sent: Monday, November 26, 2012 5:10 PM
To: Rintoul, Don B HLTH:EX
Cc: Taylor, Wendy E LCTZ:EX; Bersenev, Elena Y HLTH:EX
Subject: 2012-0601 - s.22 - Update...

s.22

For your info,
Alan

Doyle, Toyoko FIN:EX

From: Swiatlowski, Alan HLTH:EX
Sent: Monday, November 5, 2012 2:40 PM
To: Tonn, Greg HLTH:EX
Subject: RE: 2012-0601 - Letter from s.22 to s.22

Hi Greg. Yes, you are correct in that I believe this letter was found in s.22 LAN drive. I will confirm this and will let you know IF this was actually attached to an e-mail note.

Thanks Greg,
Al

Alan Swiatlowski, BSc, CISA
Manager, Systems Audit and Compliance
Corporate Information Security and Audit
eHealth Privacy, Security and Legislation Office
Health Sector IM/IT Division
Ministry of Health Services
2nd Floor, 1515 Blanshard St, Victoria BC V8W 3C8
Ph: (250) 952-3648
alan.swiatlowski@gov.bc.ca

"Security is *everyone's* responsibility!"

From: Tonn, Greg HLTH:EX
Sent: Monday, November 5, 2012 1:21 PM
To: Swiatlowski, Alan HLTH:EX
Subject: RE: 2012-0601 - Letter from s.22 to s.22

Hi Alan,

s.22

Best regards,

GT

Greg Tonn, Policy Analyst

Information Management and Knowledge Services | Health Sector IM/IT | Ministry of Health
Cell: 604-652-2181

From: Swiatlowski, Alan HLTH:EX
Sent: Tuesday, October 23, 2012 4:57 PM
To: Tonn, Greg HLTH:EX
Subject: FW: 2012-0601 - Letter from s.22 to s.22

From: Swiatlowski, Alan HLTH:EX
Sent: Friday, September 21, 2012 2:25 PM
To: Taylor, Wendy E LCTZ:EX
Cc: Rintoul, Don B HLTH:EX; Bersenev, Elena Y HLTH:EX
Subject: 2012-0601 - Letter from s.22 to s.22

s.22

Doyle, Toyoko FIN:EX

From: Swiatlowski, Alan HLTH:EX
Sent: Tuesday, November 27, 2012 11:04 AM
To: Bersenev, Elena Y HLTH:EX
Subject: RE: 2012-0601 - s.22 - Data Update

Will do right now...

From: Bersenev, Elena Y HLTH:EX
Sent: Tuesday, November 27, 2012 10:32 AM
To: Swiatlowski, Alan HLTH:EX
Subject: RE: 2012-0601 - s.22 - Data Update

Thank you Alan,
Could you please attach couple of e-mails with aggregated data.
Thank you.

Elena Bersenev
Data Access, Research and Stewardship
Phone: (250) 952-1249

From: Swiatlowski, Alan HLTH:EX
Sent: Tuesday, November 27, 2012 10:31 AM
To: Bersenev, Elena Y HLTH:EX; Rintoul, Don B HLTH:EX
Cc: Taylor, Wendy E LCTZ:EX
Subject: 2012-0601 - s.22 - Data Update

s.22

Thanks,
Alan

Alan Swiatlowski, BSc, CISA
Manager, Systems Audit and Compliance
Corporate Information Security and Audit

eHealth Privacy, Security and Legislation Office
Health Sector IM/IT Division
Ministry of Health Services
2nd Floor, 1515 Blanshard St, Victoria BC V8W 3C8
Ph: (250) 952-3648
alan.swiatlowski@gov.bc.ca

"Security is *everyone's* responsibility!"

Doyle, Toyoko FIN:EX

From: Security Investigations, CITZ
Sent: Wednesday, October 10, 2012 3:50 PM
To: Rintoul, Don B HLTH:EX
Cc: Security Investigations, CITZ; Taylor, Wendy E LCTZ:EX
Subject: RE: 2012-0601 s.22

Afternoon Don,

Upon checking, I have found that:

Folder s.15 does *not* exist on the server but we have captured
folder s.15,s.22 assuming that this is
folder of interest.

This folder has been zipped and is now available on s.15
s.15

Roy Watson

Senior Security Specialist
Investigations and Forensics Unit
Information Security Branch
Office of the Chief Information Officer
Citizens' Services and Open Government
Phone: 250-387-8833

From: Rintoul, Don B HLTH:EX
Sent: Wednesday, October 10, 2012 3:29 PM
To: Security Investigations, CITZ
Cc: Taylor, Wendy E LCTZ:EX
Subject: RE: 2012-0601 s.22

Any word on this capture?

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch
Ministry of Health
2-1, 1515 Blanshard St Victoria BC V8W 3C8
ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca



Please consider the environment before printing this email

From: Security Investigations, CITZ
Sent: Monday, October 1, 2012 11:50 AM
To: Rintoul, Don B HLTH:EX
Cc: Security Investigations, CITZ; Taylor, Wendy E LCTZ:EX
Subject: RE: 2012-0601 s.22

Morning Don,

We are working on this request.

The file share has been moved to s.15 from s.15 and there was a firewall that did not allow us access.

This issue should be resolved soon and the folders and files will be captures ASAP.

Roy Watson

Senior Security Specialist
Investigations and Forensics Unit
Information Security Branch
Office of the Chief Information Officer
Citizens' Services and Open Government
Phone: 250-387-8833

From: Rintoul, Don B HLTH:EX
Sent: Friday, September 28, 2012 4:27 PM
To: Taylor, Wendy E LCTZ:EX; Security Investigations, CITZ
Subject: RE: 2012-0601 s.22

Resending. Wendy, did you approve?

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch
Ministry of Health
2-1, 1515 Blanshard St Victoria BC V8W 3C8
ph 250-952-1244/250-952-2002 fx/email Don.Rintoul@gov.bc.ca



Please consider the environment before printing this email

From: Rintoul, Don B HLTH:EX
Sent: Tuesday, September 25, 2012 12:00 PM
To: Taylor, Wendy E LCTZ:EX; Security Investigations, CITZ
Subject: RE: 2012-0601 s.22

s.15,s.22

Don Rintoul
Director, Informatics
Information Management and Knowledge Services Branch



Please consider the environment before printing this email

From: Taylor, Wendy E LCTZ:EX
Sent: Tuesday, September 25, 2012 11:01 AM
To: Rintoul, Don B HLTH:EX; Security Investigations, CITZ
Cc: Brownlee, Sara PSA:EX
Subject: FW: 2012-0601 s.22

Do we have this drive yet?

From: Shypitka, James M EDUC:EX
Sent: Tuesday, September 25, 2012 11:00 AM
To: Taylor, Wendy E LCTZ:EX
Subject: RE: 2012-0601 s.22

This is the share :
s.15

Can you have this checked through OCIO security as we can't see it, would need Roy to do so.

James

From: Taylor, Wendy E LCTZ:EX
Sent: Friday, September 21, 2012 3:37 PM
To: Shypitka, James M EDUC:EX
Subject: FW: 2012-0601 s.22

Look at this please

From: Bersenev, Elena Y HLTH:EX
Sent: Friday, September 21, 2012 3:20 PM
To: Taylor, Wendy E LCTZ:EX
Cc: Rintoul, Don B HLTH:EX
Subject: 2012-0601 s.22

Hi Wendy,
Attached below is e-mail where s.22

Elena Bersenev
Data Access, Research and Stewardship
Phone: (250) 952-1249

Page 025 to/à Page 030

Withheld pursuant to/removed as

s.22

Doyle, Toyoko FIN:EX

From: Whitmarsh, Graham HLTH:EX
Sent: Thursday, August 9, 2012 10:11 AM
To: Kislock, Lindsay M HLTH:EX; Sidhu, Manjit HLTH:EX; Samsonoff, Dale J HLTH:EX
Subject: RE: Internal Review Report - DRAFT - July 18 2012 v2 (GT Edits) (2).docx

OK, these are huge sums of money. I think the report is going to need to address the scale of the alleged fraud.

From: Kislock, Lindsay M HLTH:EX
Sent: Thursday, August 09, 2012 10:07 AM
To: Whitmarsh, Graham HLTH:EX; Sidhu, Manjit HLTH:EX; Samsonoff, Dale J HLTH:EX
Subject: RE: Internal Review Report - DRAFT - July 18 2012 v2 (GT Edits) (2).docx

s.22

LK

From: Whitmarsh, Graham HLTH:EX
Sent: Thursday, August 9, 2012 8:26 AM
To: Kislock, Lindsay M HLTH:EX; Sidhu, Manjit HLTH:EX; Samsonoff, Dale J HLTH:EX
Subject: RE: Internal Review Report - DRAFT - July 18 2012 v2 (GT Edits) (2).docx

Couple of quick questions;

s.22

When, to

who and what was reported, and was anything done?

The report puts no scale on the potential wrong doings? Can we quantify the value of the contracts awarded? The scope in terms of post signature changes to rates and scale?

From: Kislock, Lindsay M HLTH:EX
Sent: Wednesday, August 08, 2012 10:52 PM
To: Whitmarsh, Graham HLTH:EX
Subject: Fwd: Internal Review Report - DRAFT - July 18 2012 v2 (GT Edits) (2).docx

This is the most current copy of the review report. If you have any questions or concerns, please let me know.

LK

Begin forwarded message:

From: "Taylor, Wendy E LCTZ:EX" <Wendy.Taylor@gov.bc.ca>

Date: 8 August, 2012 9:42:08 PM PDT

To: "Kislock, Lindsay M HLTH:EX" <Lindsay.Kislock@gov.bc.ca>

Subject: FW: Internal Review Report - DRAFT - July 18 2012 v2 (GT Edits) (2).docx

Sorry for the delay could not get on network

s.3

Doyle, Toyoko FIN:EX

From: Kislock, Lindsay M HLTH:EX
Sent: Wednesday, May 30, 2012 7:40 AM
To: Taylor, Wendy E LCTZ:EX
Subject: Re: Issue raised by auditor General

My understanding a secret individual raised the issue with AG. They asked Manjit what he know about it. Manjit got staff to do some research. Then we decided that perhaps OCG could investigate. OCG too busy - and Barb preferred internal option, then we asked you.

AG/OCG have been briefed - and we will keep in loop. They have not asked us to do anything.

From: Taylor, Wendy E LCTZ:EX
Sent: Wednesday, May 30, 2012 07:29 AM
To: Kislock, Lindsay M HLTH:EX
Subject: Re: Issue raised by auditor General

Just re read email from manhunt was oag that met with him so do you want me to add ocg asking him to review in addition

Sent from my iPhone

On 2012-05-30, at 7:08 AM, "Kislock, Lindsay M HLTH:EX" <Lindsay.Kislock@gov.bc.ca> wrote:

Hi Wendy,

It looks great. Section 2 - auditor General got allegation, raised issue with MoH and we have decided to Review. Not OAG asking us - small point but will be impt to Manjit.

If you can make change send to Barb for review. If she likes - send to the three sponsors.

From: Taylor, Wendy E LCTZ:EX
Sent: Wednesday, May 30, 2012 12:16 AM
To: Kislock, Lindsay M HLTH:EX
Subject: RE: Issue raised by auditor General

Hi Lindsay, I did not get much time today to work on this but here is the first draft for your early review.

Wendy

From: Kislock, Lindsay M HLTH:EX
Sent: Tue, May 29, 2012 11:53 AM
To: Taylor, Wendy E LCTZ:EX
Subject: FW: Issue raised by auditor General

From: Sidhu, Manjit HLTH:EX
Sent: Wednesday, May 23, 2012 11:33 AM

To: Whitmarsh, Graham HLTH:EX
Cc: McKnight, Elaine L HLTH:EX; Kislock, Lindsay M HLTH:EX
Subject: Issue raised by auditor General

Hi Graham. The purpose of this e-mail is to give you the background on an issue that has been raised (anonymously) with the OAG.

Some weeks ago, in a meeting with staff from the OAG, they showed me a copy of a document that had been sent to them, alledging some wrong doing by staff members/contractors in Pharmaceutical Service Division. A PDF copy of that document is attached to this e-mail. The OAG staff asked me to look into the issue and let them know if there were any “red-flags” that they should be concerned about, or required further investigation.

I had my staff do some work on this, and we also met with staff from IM/IT to discuss some of the issues raised in the complaint document. Our purpose was not to do an audit, but to try and understand what wrong-doing (if any) was being alleged because this was not very clear from the complaint document. As part of this, we asked the staff in IM/IT **s.22**

s.22, to lay out for us a concrete example of where they believed some wrong-doing had occurred, and exactly what that wrong-doing was. The staff were very reluctant to provide this information as they felt quite strongly that this matter should only be looked into by someone from outside the Ministry, but in the end they agreed to comply.

Attached is the example that they have provided.

I have discussed with both Elaine and Lindsay, and we agree that it would be a good idea if we asked OCG Internal Audit to look into this matter further – not because we have any evidence of any serious wrongdoing, but because there are some issues that warrant further investigation, and OAG will likely insist on this anyway.

I would appreciate if you could take a look at the attached documents, and give Elaine, Lindsay and I your thoughts. I have made an initial contact with Stuart Newton to let him know that the OAG have raised an issue, and that we may need his help to look into the matter further, but I have not discussed it with him in any great detail.

I’m happy to discuss further if you wish. Thanks.

Manjit Sidhu, C.A.
Assistant Deputy Minister
Financial and Corporate Services
Ministry of Health

Page 035

Withheld pursuant to/removed as

s.3

Page 036 to/à Page 048

Withheld pursuant to/removed as

s.22

FOR INTERNAL USE ONLY

QUESTIONS AND ANSWERS

PharmaCare Review

Ministry of Health
Sept 2012

Key messages:

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- We asked the RCMP to investigate after we found evidence of inappropriate conduct, contracting and data-management practices in the area of drug research.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- I am personally disappointed something like this could happen. I am satisfied, however, that the ministry has acted with integrity to quickly and thoroughly respond to this matter.
- We must ensure confidence in the public service is maintained - and that all civil servants execute their duties in a manner that meets the high standards of conduct expected of them.

Draft: August 31, 2012: 9:15 a.m.

1. What have you asked the RCMP to investigate? What branch of the RCMP have you contacted?

- We have been in contact with the Corporate Crime Section of the RCMP. We have provided the information we have gathered through our investigation for their review and action as appropriate.

2. What evidence did you find that warrants further investigation?

- Because this is an ongoing police matter, I cannot speak to specific evidence.
- Suffice it to say that the allegations were serious enough to ask the RCMP to investigate.

3. How much money is involved?

- Again, as this is a criminal investigation we cannot comment at this time.

4. When did you become aware of this situation Minister?

- I was made aware on August 3rd and directed my deputy minister to take any necessary step to further the investigation as quickly as possible.
- I asked for recommendations to improve contracting, granting and data access practices in the Research and Evidence Development section of the Pharmaceutical Services Division.
- We will take any steps necessary to make sure confidence in the public service is maintained.

5. Why did you take so long to make this public?

- These were serious allegations, and deserved a fulsome review to determine whether they could be substantiated.
- As the review progressed, it became obvious that not only were the allegations serious, they were complex.
- We felt it was now appropriate to release what level of information we could to the public now that this matter has been referred to the RCMP.

6. Can you explain what you mean by inappropriate employee/contractor relationships?

- This is the subject of our investigation and the RCMP investigation.

7. What kind of research was done in the research and evidence development division? How were these research contracts provided, and for what purpose?

- PSD needs to provide specific details

8. Who are the two outside contractors you are referring to?

- We will not name names until our investigation is complete. However, I can assure you that all contracts with these individuals have been terminated. During

the investigation, all contracts with universities on related research were also suspended.

9. Who are the employees you have suspended – what are their titles?

- We will not discuss HR matters publicly. More importantly, we have turned our information over to the RCMP, so we cannot confirm specifics of our investigation at this time.

10. How long has this been going on – in terms of the issues identified in the ministry investigation?

- This is part of the investigation that is ongoing. We can confirm that elements of our review go back a number of years and some individuals have been with the ministry for more than a decade.

11. Has there been an issue in respect to privacy? Has personal privacy been breached?

- The majority of the information used for research included trends in the use of pharmaceuticals, prescription trends and reactions to medications.
- We are aware that some of the data may have included personal information, and we have notified the Office of the Information and Access and Privacy Commissioner in respect to this matter.
- The Ministry will follow all directives and requirements for data incidents from the Office of the Information, Access and Privacy Commissioner.
- And we will continue to brief and work with the office of the Privacy commissioner.

12. Have you notified patients that their privacy could have been breached?

- Although we're aware that some personal information has been accessed, at this time there is no evidence that anyone's personal information has been misused.
- However, the Ministry is in contact with the Office of the Information, Access and Privacy Commission and will follow all directives and requirements issued by that office.

13. How many staff have been suspended? How many with pay? How many terminated?

- **s.22** Two contractors have also had their contracts frozen.

14. How will you ensure that this does not happen again?

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.

- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- We will, however, act to implement any, and all, measures necessary and recommended as a result of this review.
- The Ministry has taken a number of interim measures, which we've outlined today, and we are committed to taking further actions that may be required as the investigation progresses.
- We understand that public confidence must be maintained in all members of the public service to execute their duties in a manner that meets the high standards of conduct expected of them.

15. Why were there not checks and balances in the contract procurement process to prevent this type of event from happening?

- The Government of B.C. has created an open and accountable procedure for procuring contracts.
- The Office of the Comptroller General conducted a thorough review of our contract procedures – and the Ministry has implemented every one of the recommendations.
- When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- We will, however, act to implement any, and all, measures necessary to ensure our processes are strong.

16. How much does the government spend on these contracts?

- Need answer
- Answer
- Answer

17. Why is the Auditor-General not involved in this investigation?

- The Auditor-General received the original allegation related to this and asked the ministry to investigate.
- We would welcome a review by the Auditor General if that office feels one is necessary.
- The Ministry has followed-up and has brought in appropriate reviewers from the Ministry, the Ministry of Labour, Citizen's Services and Open Government and the office of the Comptroller General.
- We have also shared information with the RCMP to help them with their investigation.

18. Would this issue have happened if you didn't let drug reviews under the Therapeutics Initiative go out to tender?

- While some of those involved with these allegations have connections to the Therapeutics Initiative, it does not appear to have anything to do with how the general contracts for drug reviews were tendered by the Ministry.
- Some of these allegations stem from before our drug review model was redesigned.
- This issue has to do with contracting irregularities for other contracts and the inappropriate use of data.

Comment [r1]: Barbara has asked if we can say this?

19. The Auditor General was alerted to these concerns in March. Why has it taken so long to move on this?

- These were serious allegations, and deserved a fulsome review.
- As the review progressed, it became obvious that not only were the allegations serious, they were complex and needed a formal investigation, lead by a lead investigator from Labour and Citizen Services. This investigation began in May.
- The ministry has responded appropriately and decisively to this situation. These things take time, but I can assure you that as soon as we determined that there was sufficient evidence, we froze these individuals' accounts and their purchasing authority.
- I am satisfied that the ministry has acted with integrity to quickly and thoroughly to respond to this matter.

20. Why was personal information allowed to be given to researchers?

- Personal information is allowed to be used, under strict conditions, by certain Ministry staff and contractors.
- Anyone with that access is expected to act in accordance with their Oath of Employment – to act with integrity, to safeguard confidential information and conduct oneself honestly and ethically.
- It is alleged that these employees and contractors failed to follow those rules and broke their trust with British Columbians.

21. How many contracts are involved?

- Several
- Answer

- Answer

22. Is valid research being held up by this investigation?

- One of the unfortunate byproducts of this matter is that we have had to suspend drug research contracts to investigate these concerns.
- Our goal is to ensure that valid research, using properly sourced and valid data continues.
- However, it is vital to ensure that privacy and proper data management is being used, and we will complete our review before reinstating these contracts.

23. Was this information given to large pharmaceutical companies?

- The investigation is ongoing, but at this time it does not appear that any data has been supplied to any pharmaceutical companies.

24. How long have these employees worked for the Ministry?

- The suspended employees have been with the Ministry for between 3 to 28 years.

25. Are you aware of the full extent of this?

- This is an ongoing investigation.
- As Minister, I have instructed the ministry to take whatever steps are necessary to respond to this in a thorough manner and engage outside parties to ensure this is done properly.

26. How long will the review take?

- Until we've got all the answers we need. I cannot speculate as to how long that investigation will take.

27. Is there a problem with the culture of the Ministry that has allowed this to happen?

- We take all matters of this nature seriously.
- It is important to be clear that the Ministry of Health has hundreds of workers who work with integrity and uphold the public's trust every day.

28. Who alerted the Auditor-General to these concerns?

- The auditor-general received an allegation regarding contracting irregularities.

- I want to publicly thank this person and encourage this commitment to a public service that functions with integrity.
- However, we will not disclose the individual who has brought this matter to our attention because we must protect the anonymity of the whistle blower.

29. We saw the Ministry of Health go through a similar issue in 2007 with contracts for eHealth and former ADM Ron Danderfer. Has nothing changed?

- There was an issue with eHealth contracts awarded by the former ADM. When that problem was discovered, it was dealt with appropriately – both internally and through the justice system.
- The Comptroller-General has since done a follow-up report on contract procurement within the Ministry of Health and found that the Ministry is doing a good job in ensuring fair contract procurement.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- I am very disappointed and saddened by this. We expect better from those who serve British Columbians.
- We will act to implement any, and all, measures necessary to ensure our processes are strong.

30. Wasn't it suspicious that ^{s.22} _{s.22} Shouldn't that have raised alarm bells?

- The concept of ^{s.2} _{s.2} contracts is not unusual within government. It allows for mutually beneficial work to be done in accordance with proper data procedures.
- However, there are very strict rules on access and release of information. These rules do not appear to have been followed and instead, ministry data appears to have been used for personal gain.
- It is unfortunate that the alleged misuse of data by a contractor puts the work of several excellent, dedicated researchers into a bad light.

31. (FUTURE LOOKING) (The researchers involved may claim they are the only ones who have the expertise to review this data...) What are you going to do now you have cancelled the contract?

- There is no denying that these people are talented researchers – however, we expect that researchers and public servants respect the rules that are in place to protect information and the public purse.

- We will move on to use other researchers, who will operate in accordance with the standards that are expected.

FOR INTERNAL USE ONLY

QUESTIONS AND ANSWERS

PharmaCare Review

Ministry of Health

Sept 2012

Revised Sept. 13, 2012

Key messages:

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- We asked the RCMP to investigate after we found evidence of inappropriate conduct, contracting and data-management practices in the area of drug research.
- I am personally disappointed something like this could happen. I am satisfied, however, that the ministry has acted with integrity to quickly and thoroughly respond to this matter.
- We must ensure confidence in the public service is maintained - and that all civil servants execute their duties in a manner that meets the high standards of conduct expected of them.

Draft: Sept. 13, 2012, 10:30 am

The provincial investigation/RCMP investigation:

1. What have you asked the RCMP to investigate? What branch of the RCMP have you contacted?

- We have been in contact with the Corporate Crime Section of the RCMP. We have provided the information we have gathered through our investigation for their review and action as appropriate.

2. What evidence did you find that warrants further investigation?

- Because this could be the subject of a police investigation, I cannot speak to specific evidence.
- Suffice it to say that the allegations were serious enough to ask the RCMP to investigate.

3. Do you have an update on the RCMP's involvement? ?????

4. How much money is involved?

- Again, as this could be the subject of a criminal investigation we cannot comment at this time.

5. How long has this been going on – in terms of the issues identified in the ministry investigation?

- This is part of the investigation that is ongoing.
- We can confirm that some of our investigation relates to employees who have been with the ministry a short time and some for quite a while.

6. Who alerted the Auditor-General to these concerns?

- The auditor-general received an allegation regarding contracting irregularities.
- I want to publicly thank this person and encourage this commitment to a public service that functions with integrity.
- However, we will not disclose the identity of individual who has brought this matter to our attention because that would not be appropriate.

7. Why did you take so long to make this public?

- These were serious allegations, and deserved a fulsome review to determine whether they could be substantiated.
- As the review progressed, it became obvious that not only were the allegations serious, they were complex.

- We felt it was now appropriate to release what level of information we could to the public now that this matter has been referred to the RCMP.

8. How long will the review take?

- Until we've got all the answers we need. I cannot speculate as to how long that investigation will take.

9. Why is the Auditor-General not involved in this investigation?

- The Auditor-General received the original allegation related to this and asked the ministry to investigate.
- We would welcome a review by the Auditor General if that office feels one is necessary.
- The Ministry has followed-up and has brought in appropriate reviewers from the Ministry, the Ministry of Labour, Citizen's Services and Open Government and the office of the Comptroller General.
- We have also shared information with the RCMP and asked them to investigate.

10. The Auditor General was alerted to these concerns in March. Why has it taken so long to move on this?

- These were serious allegations, and deserved a fulsome review.
- As the review progressed, it became obvious that not only were the allegations serious, they were complex and needed a formal investigation, led by a lead investigator from Labour and Citizen Services. This investigation began in May.
- The ministry has responded appropriately and decisively to this situation. These things take time, but I can assure you that as soon as we determined that there appeared to be substance to the allegations, we froze these individuals' data accounts and their purchasing authority.
- I am satisfied that the ministry has acted with integrity to quickly and thoroughly respond to this matter.

11. Are you aware of the full extent of this?

- This is an ongoing investigation.
- As minister, I have instructed the ministry to take whatever steps are necessary to respond to this in a thorough manner and engage outside parties to ensure this is done properly.

12. How will you ensure that this does not happen again?

- We understand that public confidence must be maintained in all members of the public service to execute their duties in a manner that meets the high standards of conduct expected of them.
- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- We will, however, act to implement any, and all, measures necessary and recommended as a result of this review.
- The Ministry has taken a number of interim measures, which we've outlined today, and we are committed to taking further actions that may be required as the investigation progresses. These include:
 - 1) Four employees have been terminated and three have been suspended without pay – and their access to ministry-data and government assets have been frozen.
 - 2) Two outside contractors had their contracts and data access suspended.
 - 3) All ministry data-sharing with drug and evidence development researchers has been temporarily suspended.
 - 4) All work on contracts related to drug and evidence development has been suspended.
 - 5) All spending for the pharmaceutical services division now requires approval by the assistant deputy minister.
 - 6) The ministry will tighten its policy regarding awards of contracts to universities. All contracts entered into by the ministry will now be reviewed by the ministry's contract management branch.
 - 7) The ministry has retained an independent consultant to review and enhance the ministry's data security measures.

13. Why were there not checks and balances in the contract procurement process to prevent this type of event from happening?

- The Government of B.C. has created an open and accountable procedure for procuring contracts.
- The Office of the Comptroller General conducted a thorough review of our contract procedures – and the Ministry has implemented every one of the recommendations.
- When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.

- We will, however, act to implement any, and all, measures necessary to ensure our processes are strong.

14. Is there a problem with the culture of the ministry that has allowed this to happen?

- We take all matters of this nature seriously.
- It is important to be clear that the Ministry of Health has hundreds of workers who work with integrity and uphold the public's trust every day.

15. We saw the Ministry of Health go through a similar issue in 2007 with contracts for eHealth and former ADM Ron Danderfer. Has nothing changed?

- There was an issue with eHealth contracts awarded by the former ADM. When that problem was discovered, it was dealt with appropriately – both internally and through the justice system.
- The Comptroller-General has since done a follow-up report on contract procurement within the Ministry of Health and found that the Ministry is doing a good job in ensuring fair contract procurement.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- I am very disappointed and saddened by this. We expect better from those who serve British Columbians.
- We will act to implement any, and all, measures necessary to ensure our processes are strong.

16. How many people work for the Pharmaceutical Services Division? Where are they located?

- About 113 people work for this division, with its main office in Victoria and a secondary office in Vancouver.

17. Would this issue have happened if you didn't let drug reviews under the Therapeutics Initiative go out to tender?

- No. This has nothing to do with that decision, nor is what occurred related to that decision.

18. Was this information given to large pharmaceutical companies?

- The investigation is ongoing, but at this time it does not appear that any data has been supplied to any pharmaceutical companies.

19. How much does the ministry spend on these contracts? What is the scope of the current investigation?

- Our investigation continues, but the current remaining value of the contracts that have been suspended is approximately \$4 million.
- If pressed:
- These were multi-year contracts that began between 2004 and 2010, with a total value of \$17 million.

20. Can you explain what is meant by inappropriate employee/contractor relationships?

- This is the subject of our investigation and a potential RCMP investigation.

21. When will we have any new info for the public?

- I am still committed to making information publicly available when and if appropriate. I will be guided by the right to privacy for those involved and the needs of the investigation, as well as by legal advice.

22. Why are you being so vague and mysterious with this information?

- We are committed to providing as many details as we possibly can, without influencing our investigation or an RCMP investigation, if they choose to conduct one.
- At this point, our investigation continues, but we felt it was at a stage where we were able to share some information in the interest of openness and transparency, while recognizing that our investigation continues.
- Until this is complete, we cannot provide any more specifics to ensure that we do not further influence our investigation.

23. MLA Routley has asked why it took an anonymous tip to bring this to the ministry's attention?

- We take all matters of this nature seriously and act on any concern brought to our attention, and we encourage individuals to come forward with these concerns – whether anonymously or not.

24. Did Minister de Jong leave the portfolio because of this investigation?

- I can say that this is 100 per cent false. Minister de Jong's appointment to Finance and mine to Health was not at all related to this investigation.
- The ministry has informed me that they were preparing a public release of this information this week, as a result of the RCMP involvement and the status of our investigation.

25. Why did the minister say that no elected individuals at any level were involved in the government's investigation? We understand one of the individuals is s.22
s.22

- I was asked that question in the context of the former minister's knowledge of this investigation and other provincially elected officials being involved or implicated.
- s.22
-

HR/employee identity questions:

26. How many staff members have been suspended? How many with pay? How many terminated?

- Four staff members have been terminated and three have been suspended without pay. Two contractors have had their contracts frozen.

27. Who are the two outside contractors you are referring to?

- We will not name names until our investigation is complete. However, I can assure you that all contracts with these individuals have been terminated. During the investigation, all contracts with universities on related research were also suspended.

28. How long have these employees worked for the ministry?

- While these are allegations only and we must respect the privacy of these employees, some of them are relatively new and some have worked for a number of years with the ministry.

29. Who are the employees you have suspended – what are their titles?

- We will not discuss HR matters publicly and we have a legal obligation under the Freedom of Information and Protection of Privacy Act not to disclose personal information.
- We have turned our information over to the RCMP, so we cannot confirm specifics of our investigation at this time.

30. When will government make a determination on the other suspended individuals?

- Our investigation continues, and it would not be appropriate to comment further at this time.
- However, and as I committed when we made the first announcement on this, we will provide additional details when we can.

31. Are more people going to be suspended or terminated?

32. How long until we finish our HR investigation?

- I cannot speculate as to how long that investigation will take.
- But it will continue until we've got all the answers we need.

33 s.22

s.22

that?

What do we say to

- This is an unusual and disappointing set of circumstances that we are in, and we acted on the evidence that we had available.
- We believe the actions we took were appropriate to the evidence we had gathered.

34. What's happening in regards to the BCGEU filing grievances for these employees?

- We're aware of the BCGEU's decision.
- I've been told that it isn't unusual for the union to grieve certain HR decision.
- I'd suggest you'd direct your questions to the union on why they filed their grievance.

Deloitte and Touche:

35. Why are you bringing in Deloitte and Touche?

- The ministry has hired Deloitte and Touche to review the security of the ministry's data-management practices and help the ministry restart its pharmaceutical research work with the University of British Columbia and University of Victoria.

36. What will the firm be doing?

- Deloitte and Touche will conduct a detailed assessment of how the ministry secures, releases and tracks data that is provided to drug researchers.
- Once its assessment is complete, the company will make short and long term recommendations to help the ministry provide its data to researchers more securely.

37. How much is this costing?

- ?????

38. What's next when the review is complete?

- ?????

39. How is this going to help this situation at all?

- This review will give us recommendations on how to provide its data to researchers in a more secure way.
- In the end, this is about making very sure such a situation will not happen again.

40. How will this speed up access to data for researchers?

- ??????

41. When will they be finished their work?

- ??????

The privacy aspect:

42. Is the Information and Privacy Commissioner looking into this?

- The Information and Privacy Commissioner, Elizabeth Denham, notified the ministry that she would investigate the inappropriate access and use of ministry data for research.
- We welcome Commissioner Denham's review.
- Based on what we know today, we believe that this data was only used for drug research and not to harm individuals.
- However, we will fully cooperate with the privacy commissioner as she investigates this incident, and we will move forward if she recommends that we need to notify affected patients.

43. You committed to get us an update on the privacy information available. Do you have any more information on what private information is out there and how it has been jeopardized?

- (Possibly same as the above...)
-
-

44. The Vancouver Sun reports this was a privacy breach. Is that true?

- The majority of the information used for research involved trends in the use of pharmaceuticals, prescription trends and reactions to medications.
- We believe that some researchers had inappropriate access and use of information.
- But at this point, we don't have evidence that the data has been used in a way that is a detriment, or harm to the public.
- We have notified the Office of the Information and Privacy Commissioner in respect to this matter. The Ministry will cooperate with any work of this office and follow up on all findings (recommendations) that the Office of the Information, Access and Privacy Commissioner may provide.

- I want to make clear, however, that British Columbia has strong regulations and rules in place under the Freedom of Information and Protection of Privacy Act to protect the public's privacy.
- When individuals work together to side-step these processes and rules that are in place, it is more than disappointing – it will not be tolerated.

45. Have you notified patients that their privacy could have been breached?

- Our investigation is still underway to determine the scope of the data that was inappropriately accessed.
- The Ministry is in contact with the Office of the Information and Privacy Commissioner and will follow up on all findings that may be issued by that office. This may include notifying patients.

46. Why was personal information allowed to be given to researchers?

- Personal information is allowed to be used, under strict conditions, by certain Ministry staff and contractors.
- Anyone with that access is expected to act in accordance with their Oath of Employment – to act with integrity, to safeguard confidential information and conduct oneself honestly and ethically.

It is alleged that these employees and contractors failed to follow those rules and broke their trust with British Columbians.

47. Why did the ministry say that private data was released when fired employee ^{s.22} says ^{s.2} didn't release any data?

- We recognize the significant public interest in the ministry's investigation into allegations of inappropriate conduct, contracting and data-management practices involving ministry employees and drug researchers.
- We respect the right of any individual to contact the media on their own behalf.
- However, we have not, cannot and will not be able to comment on, confirm or deny any personnel matters, including names, employment status, or rationale for termination or suspension.
- We must respect each person's right to privacy and the investigation process that continues.

48. Why aren't you releasing more details about what level of privacy information was breached, and whether government is going to notify the public?

- The majority of the information used for research involved trends in the use of pharmaceuticals, prescription trends and reactions to medications.
- We believe that some researchers had inappropriate access and use of information.
- But at this point, we don't have evidence that the data has been used in a way that is a detriment, or harm to the public.

- We have notified the Office of the Information and Privacy Commissioner in respect to this matter. The ministry will cooperate with the work of this office and follow up on all findings that the Office of the Information, Access and Privacy Commissioner may provide.
- I want to make clear, however, that British Columbia has strong regulations and rules in place under the Freedom of Information and Protection of Privacy Act to protect the public's privacy.
- When individuals work together to side-step these processes and rules that are in place, it is more than disappointing – it will not be tolerated.

Data access/research:

49. What kind of research was done in the division? How were these research contracts provided, and for what purpose?

- The Pharmaceutical Services Division sets out pharmaceutical research priorities for the ministry, with the goal to improve prescribing practices, develop evidence on drug coverage decisions, and support the expanded scope of practice for pharmacists.

50. How much does the ministry spend each year on drug research at the universities?

- In the last two years, the ministry has spent approximately \$2.5 million in drug research at the universities. Approximately 10% of that each year has gone to the University of Victoria.

51. How does the ministry award drug research contracts to researchers and other entities?

- Universities are considered government entities, and the ministry contracts with government bodies differently than with external agencies.
- This may include issuing contracts through tendering or through direct awards and would depend on the circumstances of each contract
- At this time, we can't get into any more details because it's part of our investigation, other than to say we will tighten our policy regarding awards of contracts to universities as part of our work.

52. What do we have to say about the Therapeutics Initiative researcher who claims that the data suspension is holding up valuable research?

- One of the unfortunate byproducts of this matter is that we have had to suspend drug research contracts to investigate these concerns.
- Our goal is to ensure that valid research, using properly sourced and valid data continues.
- However, the ends do not justify the means and it is absolutely vital – and I expect that British Columbians would agree – that we ensure that privacy is protected and proper data management is being used.

53. What type of health research is continuing and what research has stopped?

• ?????

54. Do we have a quicker timeline to get the data access back online?

- We are working as quickly as possible to restore university drug research with the appropriate data security measures in place
- We are hiring an independent consultant to review and enhance the ministry's data security measures and to help the ministry restart our drug research program in the most secure and quickest way possible.
- We will make more details available as soon as we have them.

55. What will be the affect on drug approvals and will there be delays in valuable and potentially lifesaving research?

- Our goal is to ensure that valid research, using properly sourced and valid data continues.
- We are trusted stewards of the public's information. At the end of the day, it is vital to ensure that privacy is protected and proper data management is followed.
- This is why we temporarily suspended data sharing with drug and evidence development researchers at the universities.
- Drug research is long term research, and these delays, which will likely be no longer than a matter of a few months, should not have a significant impact on any research being done into drug effectiveness and use.
- We are working as quickly as possible to restore university drug research with the appropriate data security measures in place.
- We will hire an independent consultant to review and enhance the ministry's data security measures and to help the ministry restart our drug research program in the most secure and quickest way possible.
- While this work is going on, the Drug Benefit Council will continue to operate and continue to review the vast amounts of other research out there on new drugs to make decisions on whether to cover them through PharmaCare.
- More on the Drug Benefit Council, which makes evidence based drug listing decisions for PharmaCare:
http://www.health.gov.bc.ca/pharmacare/formulary/dbc_info.html

56. Is valid research being held up by this investigation?

- One of the unfortunate by products of this matter is that we have had to suspend drug research contracts to investigate these concerns.
- Our goal is to ensure that valid research, using properly sourced and valid data continues.
- However, it is vital to ensure that privacy and proper data management is being used, and we will complete our review before reinstating these contracts.

57. What kind of money does a drug company make when the ministry decides to cover a drug? How big of a financial boon is it?

- We have tight and strict controls around pharmaceutical companies and our interactions with them.
- Our focus is for British Columbians to have access to the best drug therapies – at the best price for taxpayers.
- Our focus in drug coverage decisions is on a rigorous review of clinical evidence – to ensure we are consistently covering the most beneficial drugs for our patients.
- Our focus in price negotiations is getting the best possible price for taxpayers.
- PharmaCare is one of the fastest growing areas of the health care budget. Since 2001, the PharmaCare budget has increased by approximately 74 per cent – from \$654 million to more than \$1.1 billion for 2011/12.

58. What is the total annual budget for drug research?

- The ministry transferred approximately \$115M to UBC and \$3M to UVIC last year. Most of this funding went to support the medical school, training physicians and other health care staff.
- The drug research contracts that have been suspended are relatively small compared to this - a total of \$4M between now and 2017..

Health Gov't Transfers

THE UNIVERSITY OF BRITISH COLUMBIA	032458	Health	C50	115,477,835.12
UNIVERSITY OF VICTORIA	599837	Health	C50	2,687,572.00

Payments to Suppliers

THE UNIVERSITY OF BRITISH COLUMBIA	032458	Universities	618,905.96
UNIVERSITY OF VICTORIA	599837	Universities	305,495.02

59. How much does the ministry spend on total health research each year?

- The ministry spends approximately \$6 million each year on health research, including approximately \$2.5 million on drug research with the University of BC and University of Victoria.
- In addition, the ministry provides a number of grants each year to research institutions. The largest of these goes to the Michael Smith Foundation, which receives approximately \$20-25 million each year for health research..

MINISTRY OF HEALTH INFORMATION BRIEFING NOTE

PREPARED FOR: Graham Whitmarsh, Deputy Minister - **FOR INFORMATION**

TITLE: PSD Review Summary

PURPOSE: To provide an overview of the interim findings of the investigation involving the Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development Section

BACKGROUND:

The Office of the Auditor General (OAG) received allegations late March 2012 regarding:

- Inappropriate data access arrangements and intellectual property infringements,
- Irregular procurement, contracting and research grant practices, and
- Standards of Conduct Policy conflicts and preferential treatment in employee-contractor relations

in the Research and Evidence Development section of the Ministry of Health's Pharmaceutical Services Division (PSD).

After a preliminary review, an investigation was commenced involving representatives from the Ministry of Labour, Citizens' Services and Open Government's Office of the Government Chief Information Officer (OCIO), the Ministry of Health's Finance and Corporate Services and Health Sector Information Management and Information Technology divisions, and the BC Public Service Agency.

This review involved but was not limited to the following tasks:

- Review of relevant PSD financial documents¹,
- Review project-related documents²
- Review of data sharing agreements, practices and processes
- Comprehensive investigation of all data access stored and shared by parties in this investigation is underway
- Review of electronic communications between parties, and
- Series of interviews with related parties.

DISCUSSION:

The key findings of this investigation provide evidence to support some of the allegations.

Regarding allegations of inappropriate data access arrangements, the evidence indicates that proper processes for data access were not always followed, and there is a lack of information/data sharing documentation for certain major contracted projects managed by PSD that involve direct

¹ STOB 60 and 80 contracts and grants and cell phone bills, and expense reports.

² Data access process documents, websites, grant applications, academic publications by parties, etc.

access to Ministry of Health (MoH) data resources s.22
s.22

The Corporate Crime Section, E Division, RCMP have been contacted about this investigation, and will be provided all findings and evidence on September 19, 2012 as they have requested.

The Office of the Information and Privacy Commissioner has been contacted and is being provided regular updates on findings and reports.

Summary of Key Findings to Date:

- Inappropriate data access, use and disclosure.
- Unsecured discs containing CCHS Statistics Canada Secure Survey data linked to MOH health data found s.22
- Unauthorized MOH data s.22

s.22

Next Steps

- Completion of the first phase of the investigation by September 15, 2012 to ensure all evidence is prepared for transfer to the RCMP by September 19, 2012.
- Development of a centralized information management governance model for MOH including the implementation of a Secure Access gateway portal for data access requests for research to maximize data security and privacy.
- PSA and MOH to take appropriate actions to address employees involved in these incidents.
- The labour relations investigation continues with respect to other identified employees with interviews to be completed by September 30, 2012.
- The Office of the Information and Privacy Commissioner will be briefed weekly to keep them informed of the status of the investigation and steps being taken.
- Meetings with both the University of British Columbia and University of Victoria will continue to address and identify research contract practices and data access approvals with a completion date of September 30, 2012.
- PSD completing a review of research projects and developing a plan for next steps for projects identified in this investigation.

Contact: Wendy Taylor, Director, Privacy Investigations, Office of the Chief Information Officer, Ministry of Labour and Citizens' Services

Date: September 4, 2012

The following refers to certain contract and data/information sharing documents and also includes a series of chronologically ordered email summaries that provide support (or evidence) of the allegations in the key findings of this review. Please note: discussions in emails about events (such as inappropriate data access) do not necessarily constitute as evidence that the event occurred; only that it was discussed in emails. These email summaries are intended to inform further investigations.

A) Contract Management and Grants

s.22

Page 074 to/à Page 077

Withheld pursuant to/removed as

s.22

B) Data Access and Use

s.22

Page 079 to/à Page 085

Withheld pursuant to/removed as

s.22

s.22 C) Standards of Conduct

Page 087 to/à Page 115

Withheld pursuant to/removed as

s.22

COMMUNICATIONS PLAN

(template)

Ministry of Health – Government Communications and Public Engagement

(updated August 30, 2012)

Subject:

Investigation into contracts, research grants and data use by a number of Ministry of Health staff.

Background/Context/Environmental scan:

On March 28th, the ministry was contacted by the Office of the Auditor General advising that someone had made an anonymous allegation about contracting irregularities and research grant practices in the research and evidence development program area of the pharmaceutical services division (PSD).

The ministry completed its initial review in May and concluded there was enough evidence to proceed with a formal internal investigation led by the Ministry of Labour, Citizens' Services and Open Government.

The formal investigation found significant evidence of a conflict of interest by the pharmaceutical services division's s.22 they had awarded a number of contracts s.22 The review found that s.22 s.22

The review also found that a s.22 s.22

When this evidence was uncovered, s.22 were s.2 suspended without pay, s.22 The ministry also cut off their ability to access or send data outside the ministry. Shortly after, s.22 who was

aware of the review and suspension – released a disc of data to s.22 . At this point, it's unclear of s.22 motivation for sharing this information after the suspensions and contract termination.

s.22

s.22 as well as a number of other research projects paid for by the ministry – has received a number of contracts awarded by s.22 s.22 Many of these may be based on s.22

The ministry has notified the Office of the Comptroller General of some of their findings and has met with the RCMP. The RCMP has signalled that there is sufficient evidence to initiate its own investigation. This could begin as early as mid September but will likely take some time to complete.

In total, there are approximately ### current contracts from the ministry to these universities s.22 s.22 that appear to be caught up in this investigation. All of these contracts have been temporarily suspended until the outcome of the review.

Throughout the investigation, s.22 have often maintained that they have done nothing wrong – because they feel their research is in the best interest of the general public and s.22

Additional background

Danderfer / contracting

In 2007, the ministry discovered evidence that Ron Danderfer – the then ADM of Information Management and Information Technology – had been taking bribes related to ehealth contract procurement. In July, 2011, Danderfer pleaded guilty. During those four years, there was significant media attention on the topic and the various reviews and investigation. Health critic Adrian Dix came out on a number of occasions suggesting that this issue undermined the ministry's procurement process and called for a number of public investigations into the incidents.

Criticisms

- While the ministry took a number of steps to improve its contracting process after the Danderfer incident, this new information may lead to additional criticisms of the ministry's procurement process, particularly in the Pharmaceutical Services Division.

Data release / privacy implications

The investigation has uncovered that personal information – including names, birthdates and other data – has been shared and used outside the ministry by people being investigated. At this point, the ministry

is unaware of how this data has been used, but the investigators have notified the Office of the Information and Privacy Commissioner of this breach.

Criticisms

- Because personal information has been released during this incident, the ministry will likely have to notify individuals. It's also unclear how much personal data ^{s.22}
s.22
- The ministry suspects that this data is still being used despite its efforts to retrieve it.
- Recently, many vocal critics have complained about how health information data is not readily accessible in a timely fashion. The Ministry of Health and Ministry of Labour and Citizen Services have recently reviewed this issue and are making a number of changes as a result. Many of the same critics may use this as one of the reasons why data has been so inaccessible, and may argue that they've lost out on a number of important projects because of these individuals.

Drug research / Therapeutics Initiative

Over the last number of years, there has been significant media attention and opposition criticisms around drug review in B.C. The coverage has largely focused on government moving away from a large contract with UBC's Therapeutic Initiative (TI) in favour of a broader and more timely drug review process. The most recent change was to reduce the TI's contract almost in half and to tender the drug review work to five different drug review parties and to pay them only for drug review work that they complete. UBC received three of the five \$50,000 contracts. ^{s.22}
s.22

Criticisms

- Drug technology and research is at the centre of this investigation, ^{s.22}
contractor who is connected to ^{s.22} is also involved in this investigation.
- ^{s.22}
this as government trying to undermine the work that ^{s.22} does.

Universities / Media reports on fraud

Over the last year, media have reported on issues of fraud in universities in B.C.

- The universities may come under additional criticism once the information comes out on their subcontracting practices.
- There is also the potential that it will show a larger trend of inappropriate subcontracting practices occurring at the universities.

Purpose:

- To inform the public about the ministry investigation into the allegations of inappropriate drug research contracting process and data sharing and demonstrate that government is taking it very seriously and acting quickly to deal with the issue.
- To show that the RCMP is now involved to show the significance of the issue to both the alleged wrongdoers and the public.

Goals/Objectives:

- Demonstrate that government takes its contracting responsibilities seriously and will not accept unscrupulous public servant behaviour.
- Show that government is open and transparent and is not trying to hide anything here and is involving every agency possible to help us get to uncover wrongdoing.
- Notify the individuals at the centre of the investigation how serious we consider this is.
- Commit that we will do everything possible to tighten up contracting and research practices.

Potential Challenges:

In addition to those noted in the additional background section above:

- Public/media/opposition blames government or ministry for allowing this to happen.
- Lack of detail could lead to more questions, widespread speculation.
- Potential legal fallout from disclosing any of this information.
- Scope and extent of these incidents has still not completely been discovered.

Key Audiences:**Primary:**

- Media
- Public
- Opposition
- Universities
- Other agencies involved or which could become involved, including Office of Information and Privacy Commission, Auditor General and RCMP.

Secondary:

Alleged.

Problem/solution/benefit:

Problem	Ministry has allegedly found evidence to show
---------	---

	conflict of interest and inappropriate contracting out, as well as inappropriate data sharing in the area of drug research
Solution	Put out a news release/statement/hold a news conference to show an investigation is underway and the matter has been referred to the RCMP
Benefit	Maintain public confidence. Emphasise that ministry contracting processes are sound. Focus attention on wrongdoings of the individuals.

Messaging:

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- We asked the RCMP to investigate after we found evidence of inappropriate conduct, contracting and data-management practices in the area of drug research.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- I am personally disappointed something like this could happen. I am satisfied, however, that the ministry has acted with integrity to quickly and thoroughly to respond to this matter.
- We must ensure confidence in the public service is maintained - and that all civil servants execute their duties in a manner that meets the high standards of conduct expected of them.

Strategic Approach:

s.13

s.13

Option 2: Proactive and passive – Issue a media release with either a background technical briefing with the deputy minister followed by a news conference with the minister or a single news conference with the deputy minister. The news release and briefing would include a small amount of factual information about the investigation and the RCMP involvement, but steering clear of specifics or individuals, noting in response to questions around this that this is the subject of an investigation.

Timing: This could go out as early as the week of September 3rd right up until the second or third week of September s.13

s.13

Materials:

Issues Note; Q&A; news release; speaking notes (possibly for both minister and deputy).

s.13

DETAILED ROLL-OUT TIMELINE for option 2 or 3

Date	Audience	Action & Collaterals	Description
Three days before	Minister of Health	BN, Interim Report, Issues Note, NR, QA, Key Messages, draft rollout proposal	Briefing
Two days before	University Presidents: UBC/UVIC	Meeting; Letter (?)	Inform of proactive announcement is upcoming; solicit support for GCPE to liaise with university communications lead.
Two days before	Advanced Education	Meeting; Issues Note	Briefing: MOH rep will debrief Ministry of Advanced Education on situation, current status and upcoming proactive media.
Two days before	Justice; Solicitor General	Meeting	Inform that media release is upcoming and solicit assistance in liaising with RCMP Communications, at future date
	Office of the Comptroller	Meeting; Letter (?)	Inform that media release is upcoming that will reference MOH has engaged this office – and next steps
	Office of the Information and Privacy Commissioner	Meeting; Letter (?)	Inform that media release is upcoming, references MOH has been engaging their office – any additional steps MoH is referring to their OIPC attention.
	Auditor General	Meeting; Letter (?)	Inform that media release is upcoming, references MOH has engaged their office – and any next steps MoH is referring to OAG review/attention.
One day before	RCMP - Communications	Verbal	Inform that media release is upcoming that references Ministry request for their

			participation.
Day of Announcement	Health Authority Communication Leads	Embargoed NR	Inform of upcoming media release, instruction to refer to any media calls to MoH.
" "	RCMP Communications	Embargoed NR	Inform of media release
10:00 AM	News Media /BC Legislative Press Gallery	Media advisory	Media advisory for technical briefing/media availability
1:00PM	News Media/BC Legislative Press Gallery	Technical briefing (background) Embargoed NR release	Technical Briefing led by MoH DM, embargoed NR provided. (Legislative Assembly Committee Room)
1:45PM	News Media/BC Legislative Press Gallery	Media Availability	Minister de Jong to hold a QA session with news media (Minister's office Legislative Assembly).

Evaluation:

Media coverage

E-mails and correspondence

Uptake on call to action: Limits the public comment made by the individuals under investigation.

Sign-off:

Shannon Hagerman
Communications Director,
Ministry of Health
September
250-952-1887

Data Access Summary

The following is a brief summary of the data access concerns identified in this review. These details are based on communications^{s.22} review of relevant emails, and examination data and information sharing agreements for the following contracted projects/programs:

- s.22
-
-
-

Other PSD research contracts, such as ADEPT, TEAD, BCPHA or BCMMP do not have an associated data or information sharing agreement signed and in place.

General issues or concerns with PSD's data access provisioning include:

- Data access for meeting the deliverables of the above contracts is provided to the same individuals
 - s.22
 -
 -
- s.22

Project/program-specific data access issues/concerns include:

- s.22
-
-

s.22

s.22

-

-

Internal Review~ Pharmaceutical Services Division

The Office of the Auditor General contacted the Ministry of Health on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices in the Research & Evidence Development area of the Pharmaceutical Services Division. In addition, concerns were also alleged with respect to inappropriate data access, intellectual property infringement and code of conduct.

An initial assessment was undertaken by the Financial & Corporate Services Division, including interviews with staff and a preliminary compilation of the contracts. Following this, a formal Internal Review was launched, in May, with Ms. Wendy Taylor, Director, Privacy Investigations, Ministry of Labour, Citizens' Services and Open Government, as lead and support provided by Financial & Corporate Services.

Review included, but not limited to:

- Contracts and grants
- Academic publications
- Electronic communication between specific staff
- Code of Conduct for the BC Public Service
- Expense reports, cell phone bill, and use of government assets
- Relationships with University of Victoria and the University of British Columbia

The Internal Review draft report has now provided us with a number of findings and they are drafting final recommendations. In order to be proactive and ensure that we are dealing with these issues and protecting ministry data, immediate action has been taken.

Immediate Actions taken:

1. Data access was suspended for ~~s.22~~ effective June 7, 2012
2. Signing authority for invoices, expenses or contract approval suspended for ~~s.22~~
~~s.22~~ June 7, 2012
3. The Public Service (PSA) has been provided with initial findings and asked to undertake a formal investigation with respect to ~~s.22~~ Underway.
4. Have met with the Office of the Comptroller General, and that office has been asked to undertake a formal investigation into the contracts and practices for specific contracts provided.
5. Senior staff will meet with UVic and UBC with respect to the contracts that have been provided to their institutions
- ~~5-6.~~ Staff at the Office of the Information Privacy Commissioner's Office have been advised
- ~~6-7.~~ Data access being reviewed and suspended for all people involved in the PSD contracts under review, in government and at UVic and UBC.
- ~~7-8.~~ s.22

Contact: Barbara Walman, ADM

**MINISTRY OF HEALTH
INFORMATION BRIEFING NOTE**

Cliff #

PREPARED FOR: Graham Whitmarsh, Deputy Minister - **FOR INFORMATION**

TITLE: 2012-0601 Investigation Update

PURPOSE: Provide an overview of the current state of affairs in the 2012-0601 Internal Investigation

BACKGROUND:

The Office of the Auditor General (OAG) received allegations late March 2012 regarding: (1) inappropriate data access arrangements and intellectual property infringements, (2) irregular procurement, contracting and research grant practices, and (3) Standards of Conduct Policy conflicts and preferential treatment in employee-contractor relations in the Pharmaceutical Services Division (PSD).

After a preliminary investigation, a review was commenced involving representatives from the Office of the Chief Information Officer (OCIO), the Public Service Agency (PSA), the Office of the Comptroller General and the Ministry of Health's Financial Services and Health Sector Information Management and Information Technology Divisions. The purpose of this review is to seek out and identify evidence related to the allegations to determine if identified employees and contractors are adhering to Government's standards of conduct, data access processes and granting and contracting policies and, where applicable, identify opportunities and make recommendations to improve deviations from those established policies and practices.

To date, the internal review involved but was not limited to the following activities:

- Review of relevant PSD financial and project-related documents¹,
- Series of interviews with relevant parties,
- An external review of ministry IT security and privacy policies and procedures,
- Review of electronic communications sent and received by relevant parties,
- Examination of relevant parties' government workstations and LAN drives as well as the physical contents of their assigned office spaces.

s.22

DISCUSSION:

The current key findings of this investigation that support allegations include:

- Proper data access policies, procedures and processes were not always followed and there has been a lack of information/data sharing agreements to adequately govern contractor data access;

¹ STOB 60 and 80 contracts and grants and cell phone bills, and expense reports, data sharing agreements, websites, grant applications, academic publications by parties, etc.

Comment [GT1]:

Comment [GT2]: I know this list can be bigger but I don't want to be too specific. What else should be added as a separate activity stream>

Comment [GT3]: What is that number? Do we share it in here?

s.22

Currently the investigation team continues to catalogue electronic and physical evidence in preparation for RCMP and other external groups' involvement in the investigation. The team is also formulating a response to the letter provided by the Information & Privacy Commissioner for B.C. on October 23, 2012. Based on the available information at that time the letter recommends and gives guidance on notifying individuals who may have been affected by the unauthorized disclosure of health information in three separate incidents where the s.22 provided a USB stick containing personal health information to s.22 and s.22

A thorough review of the current body of evidence for these three incidents to address the Commissioner's key considerations shows that the MoH has reasonable grounds to believe that there is no legal obligation (legislative or contract) requiring notification. There is no risk of identity theft, physical harm or loss of business or employment opportunities because the parties to these incidents were accessing data for legitimate purposes to support MoH initiatives and/or projects. s.22
s.22

s.22 The unauthorized disclosure and dissemination of sensitive personal health information does have potential to risk hurt, humiliation of damage to reputation to others. However, no names or addresses were disclosed and any unauthorized users of these data would also require specialized skills and software tools to decode the binary data files in two of the three incidents.

These three incidents involved s.22
s.22

s.22 These incidents are not indicative of the thousands of other dedicated and professional MoH employees and service providers who adhere to prescribed data access policies and practices. The only potential harm to come from these incidents and the potential notification is likely to be a loss in public confidence in the ministry due to the non-compliance with policy.

Program ADM/Division: Lindsay Kislock, ADM Health Sector IM/IT
Telephone:
Program Contact (for content): Wendy Taylor, Director, Privacy Investigations
Drafter: Greg Tonn, Policy Analyst
Date: TBD
File Name with Path:

Comment [GT4]: Should Lindsay be in here?

Comment [GT5]: I've kept your OCIO title in here. Would you like it changed to the MoH one?

**MINISTRY OF HEALTH
INFORMATION BRIEFING NOTE**

Cliff #

PREPARED FOR: Graham Whitmarsh, Deputy Minister

FOR INFORMATION

TITLE: PSD Internal Contract Review Summary

PURPOSE: To provide an overview to the interim findings of the Internal Review: Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development Section

Comment [GT1]: Is this still the title we are using.

BACKGROUND:

The Office of the Auditor General (OAG) received allegations late March 2012 regarding:

- Inappropriate data access arrangements and intellectual property infringements,
- Irregular procurement, contracting and research grant practices, and
- Standards of Conduct Policy conflicts and preferential treatment in employee-contractor relations

in the Research and Evidence Development section of the Ministry of Health's Pharmaceutical Services Division (PSD).

After a preliminary investigation, a review was commenced involving representatives from the Office of the Chief Information Officer (OCIO), and the Ministry of Health's Financial Services and Health Sector Information Management and Information Technology Divisions. The purpose of this review was to:

- Seek out and provide, where applicable, evidence related to the allegations to determine if identified employees and contractors are adhering to Government's standards of conduct, data access processes and granting and contracting policies, and
- Where applicable, identify opportunities and make recommendations to improve deviations from Government's standards of conduct, data access processes and granting and contracting practices.

This review involved but was not limited to the following tasks:

- Review of relevant PSD financial documents¹,
- Review project-related documents²
- Review of electronic communications between parties, and
- Series of interviews with related parties.

¹ STOB 60 and 80 contracts and grants and cell phone bills, and expense reports.

² Data access process documents, websites, grant applications, academic publications by parties, etc.

DISCUSSION:

The key findings of this review provide evidence to support some of the allegations.

In regards to allegations of inappropriate data access arrangements, the evidence indicates that proper processes for data access are not always followed and there is a lack of information/data sharing documentation for certain major contracted projects managed by PSD that involve direct access to MoH data resources. Moreover, attempts were made by s.22

Evidence also supports that s.22
s.22

ADVICE:

Some of the recommendations of this Internal Review include, but are not limited to:

- s.22
- MoH suspending all data access for identified PSD contracts until there is confirmation that appropriate data use policies and practices are in place;
- MoH Streamlining and modernizing data access policies, processes and procedures so data clients do not seek to circumvent them; and
- Public Service Agency (PSA) investigating the Standard of Conduct Policy breaches identified by this review.

Program ADM/Division: (enter info in this section unbolded)

Telephone:

Program Contact (for content): Wendy Taylor, Director, Privacy Investigations

Drafter: Greg Tonn, Policy Analyst

Date: TBD

File Name with Path:

Comment [GT2]: Which ADM should go in here?

ADVICE TO MINISTER

<p style="text-align: center;">CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Health Date: July 16, 2012; update August 31, 2012 Minister Responsible: Michael de Jong</p>	<p style="text-align: center;">Internal investigation - MoH</p>
--	--

ADVICE AND RECOMMENDED RESPONSE:

Key Messages:

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- We asked the RCMP to investigate after we found evidence of inappropriate conduct, contracting and data-management practices in the area of drug research.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- I am personally disappointed something like this could happen. I am satisfied, however, that the ministry has acted with integrity to quickly and thoroughly to respond to this matter.
- We must ensure confidence in the public service is maintained - and that all civil servants execute their duties in a manner that meets the high standards of conduct expected of them.

Secondary Messages (If Asked)

- Government is currently reviewing a complaint in respect to two contractors and seven employees within the Ministry of Health.
- We take all complaints seriously.
- While it would not be appropriate to divulge specific details about the ongoing review at this time, the Ministry can confirm at this time that the following interim actions have been taken:
 - s.22 employees have been terminated and three have been suspended without pay;
 - Their access to Ministry-held data and government assets have been suspended;
 - All ministry work within contracts related to this matter have been suspended;
 - In addition – and out of an abundance of caution – any spending authority by this division will require ADM approval until our review is complete.
- The Ministry has also contacted and is working closely with the Public Service Agency; the Office of the Comptroller; and the Office of the Information and

Privacy Commissioner.

- **The Ministry has also contacted the RCMP about this matter.**
- **We are committed to being as open and transparent, as possible.**
- **Our goal is to ensure the review is concluded as quickly as possible, while also ensuring it is thorough, decisive and follows the appropriate process.**
- **We will take whatever further actions are necessary based on the findings of this review.**
- **We understand the public must have confidence in all public servants to execute their duties in an ethical manner that meets the high standards of conduct expected of all members of the public service.**

BACKGROUND REGARDING THE ISSUE:

- The Office of the Auditor General contacted the Ministry of Health on March 28 2012 to advise someone had made an allegation about contracting irregularities and research grant practices in the research and evidence development program area of the pharmaceutical services division (PSD.)
- The allegations also included inappropriate data access, intellectual property infringement and possible violations of the public service standards of conduct.
- The ministry's financial and corporate services division interviewed staff and looked at the contracts involved in the complaint.
- As a result of the initial review, the Ministry decided a more formal review was warranted. In May 2012, the Ministry launched a formal review. A lead investigator from the Office of the Chief Information Officer, Ministry of Labour and Citizen Services and Open Government.
- The review included, but was not limited to:
 - Contracts and grants;
 - Academic publications;
 - Electronic communication between specific staff;
 - Expense reports, cell phone bill, and use of government assets;
 - Relationships with University of Victoria and the University of British Columbia

DISCUSSION/ADVICE:

- A first interim draft of the internal review report is now complete; however, the review is continuing.
- s.22
-
-
-
- The ministry has also taken these actions:
 - On June 7 2012, data access was suspended for s.22 and s.22
 - s.22 On Aug. 1, data access was suspended for s.22 additional

ADVICE TO MINISTER

s.22

- Signing authority for invoices, expenses or contract approval was suspended for these people on June 7, as well.
- The ministry has met with the Office of the Comptroller General to advise it of findings.
- The ministry has informed the Office of the Information and Privacy Commissioner.
- Senior Ministry and Labour and Citizen's Services staff have met with UVic and UBC about the contracts in question.
- The ministry has suspended data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.

Communications Contact: Cindy MacDougall 250 952-2158
Program Area Contact: Barbara Walman
File Created: July 16 2012
File Updated: August 31, 2012
File Location: Z:\Medstrat
2012\Operations\Announcements\Research\IN_UPDATE_DRAFT
_data access investigation_Aug 31 2012 revision.docx

Minister's Office	Program Area	Deputy	Media Manager
	Barbara Walman		Ryan Jabs

Internal Review

**Ministry of Health, Pharmaceutical Services Division,
Research and Evidence Development**

July 18, 2012
Draft V2

1.0 Introduction

Background

The Office of the Auditor General (OAG) contacted the Assistant Deputy Minister (ADM) of Financial and Corporate Services, Ministry of Health (MoH) on March 28, 2012 to advise that an allegation report had been received by their office concerning inappropriate procurement, contracting irregularities and research grant practices in the Research and Evidence Development section of the Pharmaceutical Services Division (PSD), MoH.

Additional concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. At that time MoH undertook a preliminary review. As a result of the preliminary review, MoH determined that further investigation was warranted and decided to undertake a more detailed formal review of the allegations. and a team comprised of representatives from the government Chief Information Office, and the Financial Services Division, MoH was tasked with this assignment. The review was conducted to ascertain current practices and to assess if government policy, procurement practices and codes of conduct were being followed.

1.2 Purpose

The purpose of this review included:

- To provide findings related to allegations,
- To determine if Government's contracting and research grant practices, standards of conduct, data access arrangements and approval processes are being followed by the Research and Evidence Development section of the PSD, MoH: and
- To identify opportunities and make recommendations to improve contracting, granting, and data access practices in the Research and Evidence Development section of PSD, MoH, and across the Ministry.

Contained herein are the findings of this internal review and preliminary recommendations.

2.3 Approach

The actions taken as part of the review process as outlined in the terms of reference included as Appendix 1 are follows:

- Review of all PSD STOB 60 and 80 contracts and grants,

- Review of all cell phone bills, expense reports and government assets of related parties,
- Review of academic publications related to parties,
- Review of electronic communication between parties,
- Analysis of project-related documents and information provided by interviewees,
- Review of relevant human resource information, and
- Review of data access processes and documentation related to relevant contracts and projects.

To inform the review, interviews were held in person or via telephone with the following MoH employees and contractor:

s.22

The University of British Columbia and University of Victoria have also been advised of the review related to contracts involving:

s.22

Meetings have also been held with:

- Bill Ehmann, John Tuck, Norm MacPhee, and Andrew Mickelson, Counsel, Legal Services Branch, Ministry of Justice ,
- Sara Brownlee and Sarah Campbell, Labour Relations, Public Service Agency (PSA), and
- Dan Peck, Stacy Johnson and Gordon Wong, Office of the Comptroller General (OCG).

Attached as Appendix 2 is a relationship diagram of all parties and organizations included in this review.

2.0 Key Findings

The following is a summary of findings based on the review of procurement practices, grant awards and contracting, data access and related agreements and intellectual property in the Research and Evidence Development section of the Pharmaceutical Services Division, Ministry of Health as outlined in the approach section.

Appendix 3 and 4 provide a glossary of terms and acronyms related to this review.

2.1 Contract Managements and Grants

The following Issues have been identified regarding the arranging, awarding and subcontracting of contracts in the PSD Research and Evidence Development and Drug Use Optimization Branches (there is no evidence that the issues identified go beyond this branch of PSD):

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2.2 Data Access and Use

The following findings were identified relating to the use and access to data:

- Processes for data access are not always followed and there is a lack of documentation for projects.

s.22

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- Lack of project specific information in contracts is enabling open use of data for projects without appropriate specific guidelines or monitoring in place.

2.3 Standards of Conduct

The following issues relating to breaches of the Standards of Conduct for the BC Public Service s.22

s.22

s.22

3.0 Recommendations

1. ~~A copy of this report and related documents be provided to the Office of the Comptroller General, Audit and Compliance Branch for their review and determination of possible further investigation.~~
- 2.1. s.22 contract through MSD identified through this review be cancelled.
- 3.2. That the IDIR accounts for external research contractors through universities be cancelled and that they be required to return any other government assets.

- 4.3. All contracts involving use of data must have an approved ISA attached. ~~For any contract requiring data, the contract should be signed before requesting the Information Sharing Agreement (ISA). The MoH contract template should include a new clause that states the ISA must be approved before work can begin on the contract and a signed ISA is an appendix to the contract itself.~~
- 5.4. All data access for projects identified in this review led by PSD be suspended and MoH will work with the applicants to confirm the appropriate data use policy, provisions and practices are in place.
- 6.5. All future data access is granted for only a specific project or identified evaluation contract, not for open data usage.
- 7.6. Health Sector IM/IT Division (HSIMIT) streamline their processes for providing data access. ~~should provide clear guidance on proper data access processes and sufficient resources for a client-centric, streamlined data access provision model so that data clients do not circumvent current data access procedures.~~
- 8.7. HSIMIT develop a robust ~~enhance the~~ compliance and monitoring function for data access.
- 9.8. Implement policies to address the potential for any future incidents of non-compliance or inappropriate data access and consequences of such action.
- 10.9. That the Public Service Agency (PSA) conducts an investigation and review into the Standard of Conduct breaches as identified by this review.
- 11.10. PSD employees should all undertake retraining related to contract management practices and the Standards of Conduct for the BC Public Service.

Appendix 1 – Terms of Reference

1.0 Overview

This document outlines the objectives, scope, approach and deliverables associated with a review of procurement, grant awards and contracting, data access and related agreements and intellectual property practices in the Research and Evidence Development section of the Pharmaceutical Services Division, Ministry of Health. Once the review is complete, a final report will be produced that will include a summary of findings including current practices, policies and procedures and recommendations.

2.0 Background

The Office of the Auditor General contacted the ADM of Financial and Corporate Services, MOH to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division, MOH. In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. The MOH has decided to conduct a review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

3.0 Review Objectives:

The objectives of this review are to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MOH
- Provide all findings and facts relating to allegations being reviewed.
- Identify opportunities to improve government and ministries information contracting contract management, granting, research and data access practices in the Research and Evidence Development section of PSD, MOH

4.0 Scope

4.1 In Scope

- Current and historical contracting, research grant and data access practices of the Research and Evidence Development section of PSD, MOH
- Review of roles, responsibilities, and relationships of ~~s.22~~
~~s.22~~

- Data access and data sharing arrangements between employees, contractors and post-secondary research institutions focusing primarily on Research and Evidence Development section, PSD, MOH, University of Victoria and University of BC.
- Government's processes, policies and practices related to areas of review especially any legislative, corporate, core policy and requirements.

4.2 Out of Scope

- Matters pertaining to other business areas of PSD, MOH;
- Matters pertaining to the management of personnel.

5.0 Major Deliverables

A final report including:

- Summary of review and findings;
- ~~A summary of related legislation, corporate, core policy, and privacy policy requirements as applicable as it relates to areas in the review;~~
- Recommendations to address any concerns identified
- Review ~~and of relevant government information systems relating to this review including~~ identification of employee and contractor data access permissions, and audit trails to monitor such access;
- Review and recommended changes in process, policy, systems, protocols, training and practices, ~~if necessary, to reduce the possibility of any such related concerns in the future;~~ and
- ~~Proposals for short term solutions if required and long term remedial approaches to address the implications of any issues identified by this review.~~

6.0 Approach

The approach may include:

- a) Gathering documentary evidence;
- b) Surveying legislation, policies, practices, systems protocol;
- c) Meetings and interviews with involved parties and government officials;
- d) Meetings with universities participating in any research with program area
- e) Review of all contracts, grants and funding provided by the program;
- f) Review of all information sharing agreements, data access and intellectual property agreements;
- g) Review of employee/contractor relationships

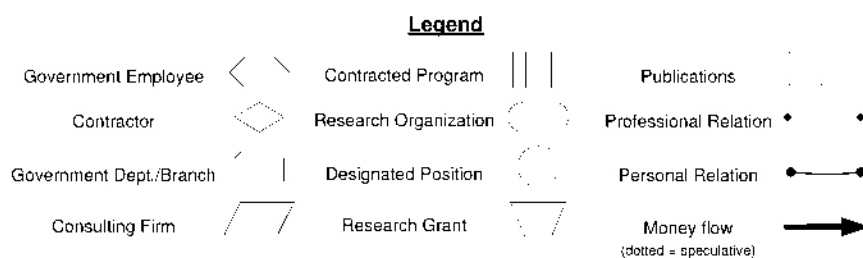
h) Ongoing liaison with affected parties once the review is complete and the report released.

7.0 Target Audiences / Participants

- ADM Pharmaceutical Services Division, MOH
- ADM Health Sector IM/IT CIO, MOH
- ADM Corporate and Financial Services, MOH.
- Employees and Contractors identified from the Research and Evidence Development section PSD, MOH
- Team members from the Corporate and Financial Services Division, MOH
- Staff in SPMIDS and Privacy and Legislation Health Sector IM/IT
- Forensics Investigation Unit, OCIO, Information Security Branch
- OAG and OCG
- Research Areas at UBC and UVIC working with this business area MOH

Appendix 2 – Relationship Web

s.22



s.22

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s.22

Appendix 4 – List of Acronyms

s.22

ADM Assistant/Associated Deputy Minister

s.22

IP Intellectual Property

ISA Information Service Agreement

MoH Ministry of Health

OAG Office of Auditor General

OCG Office of the Comptroller General

s.22

PSA Public Service Agency

PSD Pharmaceutical Services Division

RFP Request for Proposal

s.22

TUA Transfer under Agreement

UBC University of British Columbia

UVic University of Victoria

Internal Review

Ministry of Health, Pharmaceutical Services Division, Research and Evidence
Development

July 6, 2012
Draft V1



Executive Summary

The Internal Review

The Office of the Auditor General contacted the Assistant Deputy Minister (ADM) of Financial and Corporate Services, Ministry of Health (MOH) on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division (PSD), MOH.

In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. MOH conducted some preliminary investigations and decided to conduct a formal review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

Purpose:

The purpose of this review was to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MOH;
- Provide all findings and facts relating to allegations being reviewed; and
- Identify opportunities to improve government and ministries information contracting, granting, research and data access practices in the Research and Evidence Development section of PSD, MOH.

Actions Taken:

The following has occurred to date as part of the review process:

- Review of all contracts and grants
- Review of all cell bills, expense reports and government assets
- Review of academic publications related to parties
- Review of electronic communication between parties. This was a key source of information as it included a forensic examination of email communication between the parties involved in the area under review..

- Analysis of project documents and other related information provided by interviewees
- Review of human resource information
- Review of data access processes related to relevant contracts and projects

To date, interviews were also conducted with the following employee and contractor interviews in person and via telephone:

s.22

The University of British Columbia and University of Victoria have also been advised of the review related to contracts s.22
s.22

Meetings have also been held with:

- Bill Ehmann, John Tuck, Norm MacPhee, and Andrew Mickelson, Legal Counsel, Legal Services Branch, Ministry of Attorney General.
- Sara Brownlee, Labour Relations, Public Service Agency
- Dan Peck, Stacy Johnson and Gordon Wong, Office of the Comptroller General.

The following is a list of key findings and recommendations to date as a result of the reviews.

The Findings and Recommendations

<i>Findings</i>	<i>Recommendations</i>
Contracts and Grants	
Findings	Recommendations
Issues have been identified on how contracts are arranged, awarded and subcontracted in the PSD Research and Evidence Development and Drug Use Optimization Branches. s.22	<ol style="list-style-type: none"> 1. That the Office of the Comptroller General, Audit and Compliance Branch assume responsibility for investigating the contract practices from this review and concerns identified related to conflict of interest allegations. 2. That any further follow up with the University of British Columbia and University of Victoria be made through the OCG office. 3. s.22 4. That the IDIR account for s.22 be cancelled and a request be made for s.2 to return any other government assets. 5. All PSD Executive Directors and Directors responsible for contracting attend the Ministry contracting presentation. 6. All PSD Executive Directors and Directors responsible for contracting re-take the Expense Authority course.

s.22

7. All Stob 80 contracts should be circumvented through Accounting Operations/Contract Management using the same process as Stob 60 contracts.
8. Finance and Decision Support staff be directed to not prepare contracts for the program areas.
9. For any contract requiring data, the contract should be signed before requesting the ISA. The contract should have a new clause that states the ISA must be approved before work can begin on the contract and a signed agreement be an appendix to the contract itself.
10. Remove expense authority from any employees that have signed a contract without going through the proper processes.

Data Access and Use

Findings

Processes for data access not always followed and lack of documentation for projects.

s.22

Recommendations

1. All data access for projects identified in this review led by PSD be revoked and applicants will have to undergo a re-application process with appropriate policy, provisions and practices are in place.
2. All future data accesses be granted only for project specific/evaluation contracts not for open unidentified data usage.

s.22

Lack of capacity to conduct ongoing and meaningful monitoring and compliance auditing of health data usage across various roles in the databases.

s.22

Lack of project specific information in contracts is enabling open use of data for projects without appropriate specific guidelines or monitoring in place.

3. s.22

4. IKMS, Health IMIT needs to develop a robust compliance and monitoring function for data accesses.

5. Provide clear guidance on proper data access processes and sufficient resources for a client-centric, streamlined data access provision model so that data clients do not see the need to try and circumvent current data access procedures.

6. In addition, ensure policies are in place to address the potential related to non-compliance and inappropriate data access and consequences of such action.

Standards of Conduct

Findings

s.22

Recommendations

1. That the Public Service Agency (PSA) conduct an investigation and review into the Standard of Conduct s.22

s.22 The PSA should also review other Standard of Conduct concerns relating to other employees identified through the review.

2. That PSA review the hiring practices related to the s.22 position and researcher recruitment and postings.

3. s.22

4.

5.

6. PSD program area should review their records to determine who has an internet stick and how is it being used. The Ministry should not be paying for sticks that are not used.

7. Program areas should review the phone bills over the past years and recover those amounts deemed personal for the employees identified in the review and others.

8. Establish and disseminate strict policies and clear guidance for Ministry employees participating in research projects/studies and employment outside the workplace to address both actual or perceived conflicts of interest.

9. PSD employees should be provided

s.22

training around conflict of interest, and appropriate use of government assets.

Intellectual Property

Findings

s.22

Recommendations

The distribution of IP rights should not be granted by MoH without approval and review from the Intellectual Property Program, Knowledge and Information Services, Office of the CIO to ensure all requirements are met in terms of legislation such as the Copyright Act, Procurement Services Act and Financial Administration Act.

BC government contractors should not be granted intellectual property rights in contracts permitting them to publish their findings independent of the ministry. Researchers, regardless of funding source, that wish to publish independently must submit a DAR form and follow the standard researcher data access procedure.

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1.0 Introduction

This document provides the findings of an internal review of procurement, grant awards and contracting, data access and related agreements and intellectual property practices in the Research and Evidence Development section of the Pharmaceutical Services Division (PSD), Ministry of Health.

2.0 Background, Purpose and Approach

2.1 Background

The Office of the Auditor General contacted the Assistant Deputy Minister (ADM) of Financial and Corporate Services, Ministry of Health (MoH) on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division, MoH.

In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. MoH has conducted some preliminary investigations and has decided to conduct a formal review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

2.2 Purpose

The purpose of this review was to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MoH
- Provide all findings and facts relating to allegations being reviewed.
- Identify opportunities to improve government and ministries information contracting, granting, research and data access practices in the Research and Evidence Development section of PSD, MoH.

2.3 Approach

The following has occurred to date as part of the review process:

- Review of all contracts and grants
- Review of all cell bills, expense reports and government assets
- Review of academic publications related to parties
- Review of electronic communication between parties

- Analysis of project documents and other project-related information provided by interviewees
- Review of agreements (what kind) and human resource information
- Review of data access processes related to relevant contracts and projects

To date, the following employee interviews and contractor were held in person or via telephone:

Employees:

s.22

The University of British Columbia and University of Victoria have also been advised of the review related to contracts s.22
s.22

Meetings have also been held with:

- Bill Ehmann, John Tuck, Norm MacPhee, and Andrew Mickelson, Counsel, Legal Services Branch, Ministry of Attorney General.
- Sara Brownlee, Labour Relations, PSA
- Dan Peck, Stacy Johnson and Gordon Wong, OCG

3.0 The Review

The following summary provides an overview of the progress and findings to date from the review of procurement practices, grant awards and contracting, data access and related agreements and intellectual property in the Research and Evidence Development section of the Pharmaceutical Services Division, Ministry of Health.

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Draft v1 – Confidential
July, 2012*

3.1 Contracts and Grants

The Ministry of Health currently has two processes in place for contracts. All contracts for goods and services provided to the Ministry are considered Stob 60 or 61 contracts. Contracts that are developed between the Ministry and another party for services to be provided outside of the Ministry are considered Transfer Under Agreements (TUA), Stob 80.

All contracts that are Stob 60 and 61 have a review process that includes a number of sign off points including Accounting Operations – Contract Management. Currently any contracts that are Stob 80 do not have the same review process; they are not reviewed by Contract Management.

During the investigation a number of TUA's and Stob 60 contracts were reviewed for Pharmaceutical Division (PSD) and Medical Services Division (MSD). The starting point was to review contracts that may be related to the complaint made to the Auditor General. The number of contracts reviewed expanded as interviews progressed, more information was provided and further details were ascertained through the electronic email review. Any contracts within PSD that were for s.22 or included s.22 s.22

Almost all contracts reviewed did fit within core policy.

- Contract direct awarded were done so appropriately in terms of policy, including contracts to the universities or health authorities.
- s.22
-
-
- Copies of all contracts reviewed have been collected and are available for review.

As the review continued it became apparent that there was a potential for the contracts issued to later be subcontracted. Contract requirements were to advise government if this occurred and this does not appear to be the case in most circumstances. An example is the contract for s.22
s.22

s.22

s.22

Comment [GT2]: Need to link this to an Appendix item

s.22

3.2 Cell Phone Charges

A review has been completed regarding cell phone charges for the following employees in the Pharmaceuticals Division:

s.22

Employee	# of bills reviewed	# of bills within	# of bills \$.01 -	# of bills \$100 -	# of bills \$200 -	# of bills \$over
----------	---------------------	-------------------	---------------------	--------------------	--------------------	-------------------

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		the plan	\$100 above plan	\$200 above plan	\$300 above plan	\$300 above plan
s.22	29	0	15	8	4	2
	13	7	6	0	0	0

The average amounts for s.22 were very small, usually within \$1.

The cell phone expenditures for s.22 were all very high. Of the 29 bills reviewed the total amount over the plan amount before tax was \$3,249.61. There are still many outstanding bills to be reviewed. There are often calls to and **from** other provinces and the United States, but there was no corresponding travel found. Any employee physically located at 1515 Blanshard, should not be using their the cell phone when a land line is available.

A further sampling was taken for s.22
s.22 The following table shows the findings.

Employee	# of bills reviewed	# of bills within the plan	# of bills \$.01 - \$100 above plan	# of bills \$100 - \$200 above plan	# of bills \$200 - \$300 above plan	# of bills \$over \$300 above plan
s.22	8		5	2	1	
	N/A					
	2				1	1
	7		7			

s.22 does not appear to have a cell phone.

s.22 is significantly over the plan with most bills in excess of \$90 over the plan due too long distance calls to other provinces and in some cases to the United States.

We reviewed only two cell phone bills for s.22 and both were substantially over the plan amount. The calls are made throughout the day.

The review of s.22 cell usage shows each bill reviewed was over the plan amount by less than \$10. s.22 and it would be expected that there would be long distance calls.

To date there has been only one payment made back to the Ministry for personal use of cell phones. The one payment of \$362.87 came from s.22 the day after notification of interview.

During our interview it was clearly stated that the individuals do not review their cell phone bills, rather the bills are transferred directly to the person making payment by purchase card.

3.3 Expenses and Purchasing Cards

A review of the incidental expenses for the following employees was conducted:
s.22

The travel for s.22
s.22 No additional expenses were found.

There was no travel noted for s.22 or any additional expenses.

There was extensive travel for s.22
s.22 . No additional expenses were found.

s.22 had some travel for meeting and training which was authorized and within the position mandate.

3.4 Other Government Assets assigned

It appears that s.22
s.22 all have internet sticks for laptop use outside of the Ministry location. The cost of this is \$41.36 per month. When we interviewed s.22 was not even aware s.2 had an internet stick. It would appear that neither s.22
s.22 access data with the internet stick, yet the bills are paid on a monthly basis.

s.22

s.22 also access the internet stick each month. s.22 does not travel and if s.22 is working from s.22 base in the Ministry there would be no requirement for an internet stick to be used.

It is recommended that the Ministry program areas review their records to determine who has an internet stick and how is it being used. The Ministry should not be paying for sticks that are not used.

3.5 Human Resources and Standards of Conduct

The following is a brief overview of some of the key human resources and standards of conduct issues identified in this review for s.22

s.22

Government Employees

s.22

s.22

4.0 Findings & Recommendations

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July, 2012

Appendix 1 – Terms of Reference

Appendix 2 –Detailed summary of Contracts and Data Access

s.22

s.22

Page 173 to/à Page 183

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s.22

Appendix 3 – Data Access Summary

The following is a brief summary of the data access concerns identified in this review. These details are based on communications with s.22, review of relevant emails, and examination data and information sharing agreements for the following contracted projects/programs:

s.22

Other PSD research contracts, such as ADEPT, TEAD, BCPhA or BCMMP do not have an associated data or information sharing agreement signed and in place.

General issues or concerns with PSD's data access provisioning include:

- Data access for meeting the deliverables of the above contracts is provided to the same individuals

s.22

-

Project/program-specific data access issues/concerns include:

s.22

s.22

Appendix 4 – Email Summary

The emails listed below are categorized into six sections (Contracts, Avoiding Conflict of Interest, Shuffling Money/Funds, Securing MoH Data, Personal Gains, s.22 Subcontracting, in order of most relevance.

Each individual email has been categorized to the following subcategories for reference:

1. Identifies contract relationships
2. Conflict of Interest
3. Identifies personal relationship between parties
4. Data Access
5. Financial/Non Financial Gain

Hard copies of these emails are filed in a separate binder by chronological date order.

A review of electronic communications between parties has so far found the following examples of suspicious activity:

Contracts

s.22

Page 187 to/à Page 192

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s.22

s.22

Shuffling Monies/Funds

s.22

Page 194

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s.22

Securing MoH Data

s.22

Page 196 to/à Page 198

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s.22

s.22

Personal Gain

s.22

Page 200 to/à Page 204

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s.22

s.22

Subcontracting

s.22

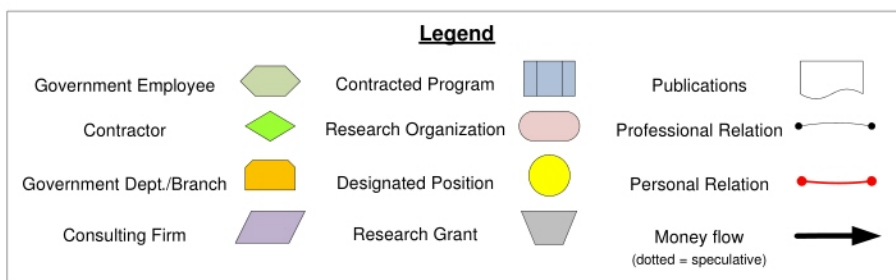
Page 206 to/à Page 207

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s.22

Appendix 5 – Relationship Web

s.22



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s.22

s.22

s.22

Appendix 7 – List of Acronyms

AD s.22	Alzheimer's disease
ADM s.22	Assistant/Associated Deputy Minister
BCPHA s.22	BC Pharmacy Association
CER s.22	Clinical Evidence Review
CFO s.22	Chief Financial Officer
DSC s.22	Data Stewardship Committee
FDS s.22	Finance and Decision Support
LOA s.22	Leave of Absence
IP	Intellectual Property

ISA Intellectual Service Agreement

LSB Legal Services Branch

MoH Ministry of Health

s.22

OAG Office of Auditor General

OPAR Overall Patient Assessment Rating

PIA Privacy Impact Assessment

s.22

PODSA *Pharmacy Operations and Drug Scheduling Act*

PopData BC Population Data BC

PPI Proton-Pump Inhibitors

PSC PharmaNet Stewardship Committee

PSD Pharmaceutical Services Division

RCI Randomized Control Trials

RFP Request for Proposal

SA Special Authority

s.22

SPAR Strategic Policy and Research Branch of Ministry of Health

s.22

TUA Transfer under Agreement

UBC University of British Columbia

UVic

University of Victoria

Internal Review

Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development

July 3, 2012



The Internal Review

The Office of the Auditor General contacted the ADM of Financial and Corporate Services, MOH on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division, MOH.

In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. MOH conducted some preliminary investigations and decided to conduct a formal review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

Purpose:

The purpose of this review was to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MOH
- Provide all findings and facts relating to allegations being reviewed.
- Identify opportunities to improve government and ministries information contracting, granting, research and data access practices in the Research and Evidence Development section of PSD, MOH

Actions Taken:

The following has occurred to date as part of the review process:

- All contracts and grants were accessed and reviewed
- A review of all cell bills, expense reports and government assets
- Access and review of academic publications related to parties
- Access and review of electronic communication between parties
- Documents of project information and related information provided by interviewees
- Agreements and human resource information

- Data access processes related to contracts and projects

The following in person and phone Interviews have been conducted by Wendy Taylor and Ted Boomer to date with the following employees:

s.22

A meeting was also held with s.22 . The University of British Columbia and University of Victoria have also been advised of the review related to s.22

Meetings have also been held with:

- Bill Ehmann, John Tuck, Norm MacPhee, and Andrew Mickelson, Legal Services Branch, Ministry of Attorney General.
- Sara Brownlee, Labour Relations, PSA
- Dan Peck, Stacy Johnson and Gordon Wong, OCG

The following is a list of key findings and recommendations to date As a result of the reviews.

The Findings and Recommendations

<i>Findings</i>	<i>Recommendations</i>
Contracts and Grants	
s.22	<p>Recommendations</p> <ol style="list-style-type: none"> 1. That the Office of the Comptroller General, Audit Unit conducts a review and investigation into the contracts identified relating to the conflict of interest allegations. 2. s.22

s.22

s.22

3. All PSD Executive Directors and Directors responsible for contracting should take the Ministry contracting presentations.
4. All PSD Executive Directors and Directors responsible for contracting should re-take the Expense Authority course.
5. All Stob 80 contracts should be circumvented through Accounting Operations/Contract Management using the same process as Stob 60 contracts.
6. Finance and Decision Support staff should not be preparing contracts for the program area.
7. For any contract requiring data the contract should be signed before requesting the ISA. The contract should have a new clause in it stating that the ISA should be approved before work can begin on the contract. It should also state that a copy of the signed agreement become an appendix to the contract.
8. Contracts and grants should be approved by a panel that has no relationships or involvement in the projects with subject expert input.
9. Any expense authority that has signed a contract without going through the proper processes should have their expense authority removed.

Data Access and Use

s.22

Recommendations

Key considerations/recommendations:

Lack of data access process and

1. and

<p>documentation for projects</p> <p>s.22</p> <p>Lack of monitoring or compliance process and measures in place</p> <p>s.22</p>	<ol style="list-style-type: none"> 1. Establish and disseminate policies and clear guidance for ministry funded (grant or contract) 2. \That all data access for projects led by PSD is revoked and applicants be made to re-apply to ensure appropriate data access provisions and practices are in place. 3. That all future data access be granted only for project specific/evaluation requests 4. s.22 5. That IMKS, Health IMIT develop a robust compliance and monitoring function for data access 6. Streamline data access processes
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<p>Standards of Conduct</p> <p>s.22</p>	<p>Recommendations</p> <ol style="list-style-type: none"> 1. That the Public Service Agency conduct an investigation and review into the Standard of Conduct s.22 s.22 , and other staff identified through the review. 2. Review hiring practices related to s.22 s.22 position and researcher recruitment and postings. 3. s.22
--	--

4.

5.

6.

7. PSD program area should review their records to determine who has an internet stick and how is it being used. The Ministry should not be paying for sticks that are not used.
8. The program area should review the phone bills over the past years and recover those amounts deemed personal for the above employees and others.
9. Establish and disseminate strict policies and clear guidance for Ministry employees participating in research projects/studies and dealing with actual or perceived conflicts of interest.
10. PSD employees should be provided training around conflict of interest, and appropriate use of government assets.

s.22

Intellectual Property

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1.0 Introduction

This document provides the findings of an internal review of procurement, grant awards and contracting, data access and related agreements and intellectual property practices in the Research and Evidence Development section of the Pharmaceutical Services Division (PSD), Ministry of Health.

2.0 Background, Purpose and Approach

2.1 Background

The Office of the Auditor General contacted the ADM of Financial and Corporate Services, MOH on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division, MOH. In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. MOH has conducted some preliminary investigations and has decided to conduct a formal review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

2.2. Purpose

The purpose of this review was to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MOH
- Provide all findings and facts relating to allegations being reviewed.
- Identify opportunities to improve government and ministries information contracting, granting, research and data access practices in the Research and Evidence Development section of PSD, MOH

1.3 Approach

The following has occurred to date as part of the review process:

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- Sara Brownlee, Labour Relations, PSA
- Dan Peck, Stacy Johnson and Gordon Wong, OCG

3.0 The Review

The following is a summary report on the progress and findings to date from the review of procurement practices, grant awards and contracting, data access and related agreements and intellectual property in the Research and Evidence Development section of the Pharmaceutical Services Division, Ministry of Health.

3.1 Contracts and Grants:

The Ministry of Health currently has two processes in place for contracts. All contracts for goods and services provided to the Ministry are considered Stob 60 or 61 contracts.

Contracts that are developed between the Ministry and another party for services to be provided outside of the Ministry are considered Transfer Under Agreements (TUA), Stob 80.

All contracts that are stob 60 and 61 have a review process that includes a number of sign off points including Accounting Operations – Contract Management. Currently any contracts that are Stob 80 do not have the same review process; they are not reviewed by Contract Management.

During the investigation a number of TUA's and stob 60 contracts were reviewed for Pharmaceutical Division (PSD) and Medical Services Division (MSD). The starting point was to review contracts that may be related to the complaint made to the Auditor General. As interviews progressed the number of contracts reviewed expanded. Any contract within PSD that were for s.22 or included s.22 s.22

Almost all contracts reviewed did fit within core policy.

- Contract direct awarded were done so appropriately, including contracts to the universities or health authorities.

s.22

As the review continued it became apparent that there was a potential for the contracts issued to later be subcontracted. s.22

s.22

Page 226

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s.22

3.2 Cell Phone Charges:

*Internal Review
Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development
July, 2012*

A review has been completed regarding cell phone charges for the following people in the Pharmaceuticals Division:

s.22

Employee	# of bills reviewed	# of bills within the plan	# of bills \$.01 - \$100 above plan	# of bills \$100 - \$200 above plan	# of bills \$200 - \$300 above plan	# of bills \$over \$300 above plan
s.22	29	0	15	8	4	2
	13	7	6	0	0	0

The overage amounts for s.22 were very small, usually within \$1.

The amounts for s.22 were all very high. Of the 29 bills reviewed the total amount over the plan amount before tax was \$3,249.61. There are still many outstanding bills to be reviewed. There are often calls **from** other provinces and the United States, but there is no corresponding travel found. In addition there are many calls made to other provinces and the United States.

It would be expected that when an employee is working for the Ministry and has a desk that the cell phone would not be used when a land line is available.

A further sampling was taken for s.22
s.22 The following table shows the findings.

Employee	# of bills reviewed	# of bills within the plan	# of bills \$.01 - \$100 above plan	# of bills \$100 - \$200 above plan	# of bills \$200 - \$300 above plan	# of bills \$over \$300 above plan
s.22	8		5	2	1	
	N/A					
	2				1	1

*Internal Review
Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development
July, 2012*

s.22

7		7			
---	--	---	--	--	--

s.22

does not appear to have a cell phone.

s.22

is significantly over the plan with most bills in excess of \$90 over the plan. There are long distance calls to other provinces and in some cases to the United States.

We reviewed only 2 bills for s.22 and both were substantially over the plan amount. The calls are made all through the day and it would appear that the cell phone is exclusively used for making calls.

The review of s.22 cell usage shows each bill reviewed was over; the amount for each bill was less than \$10. s.22 and it would be expected that there would be long distance calls.

To date there has been only one payment made back to the Ministry for personal use of phones. The one payment of \$362.87 came from s.22 the day after notification of interview.

During our interview it was clearly stated that the individuals do not even see their cell phone bills. The bills are transferred directly to the person making payment by purchase card.

3.3 Expenses and Purchasing Cards:

A review of the expenses for the following employees was made: s.22
s.22

The travel for s.22
s.22

No additional expenses were found.

There was no travel noted for s.22 or any additional expenses.

There was extensive travel for s.22
s.22 No additional expenses were found.

s.22 had some travel for Meeting and training which is authorized and within the position mandate.

3.4 Other Government Assets assigned:

It appears that s.22
s.22 all have internet sticks for laptop use outside of the Ministry location. The cost of this is \$41.36 per month. When we interviewed s.22 he was not even

aware s. 22 had an internet stick. It would appear that neither s. 22
s. 22 access data with the internet stick, yet the bills are paid on a monthly basis.

s. 22

s. 22 also access the internet stick each month. s. 22 does not travel and if s. 22 is working from s. 22 base in the Ministry there would be no requirement for an internet stick to be used.

It is recommended that the Ministry program area review their records to determine who has an internet stick and how is it being used. The Ministry should not be paying for sticks that are not used.

3.2 Cell phones and data plans

3.

4.0 Observations & Conclusions

5.0 Findings & Recommendations

Appendices

Appendix 1 – Terms of Reference

Appendix 2 –Detailed summary of contracts and data access

s.22

*Internal Review
Office of the Chief Information Officer
January 29, 2010 – Page 17*

s.22

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Office of the Chief Information Officer
January 29, 2010 – Page 18*

Page 234 to/à Page 244

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s.22

Data Access Summary

The following is a brief summary of the data access concerns identified in this review. These details are based on communications with s.22 review of relevant emails, and examination data and information sharing agreements for the following contracted projects/programs:

s.22

*Internal Review
Office of the Chief Information Officer
January 29, 2010 – Page 30*

s.22

Other PSD research contracts, such as ADEPT, TEAD, BCPhA or BCMMP do not have an associated data or information sharing agreement signed and in place.

General issues or concerns with PSD's data access provisioning include:

- Data access for meeting the deliverables of the above contracts is provided to the same individuals

s.22

Project/program-specific data access issues/concerns include:

s.22

Appendix 3 – Email Summary

A review of electronic communications between parties has so far found the following examples of suspicious activity:

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*Internal Review
Office of the Chief Information Officer
January 29, 2010 – Page 32*

Page 248 to/à Page 256

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Appendix 4 – Glossary of Terms

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Internal Review

Ministry of Health, Pharmaceutical Services Division, Research and Evidence
Development

July 3, 2012

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Summary

The Internal Review

The Office of the Auditor General contacted the ADM of Financial and Corporate Services, MOH on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division (PSD), MOH.

In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. MOH conducted some preliminary investigations and decided to conduct a formal review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

Purpose:

The purpose of this review was to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MOH
- Provide all findings and facts relating to allegations being reviewed.
- Identify opportunities to improve government and ministries information contracting, granting, research and data access practices in the Research and Evidence Development section of PSD, MOH

Actions Taken:

The following has occurred to date as part of the review process:

- All contracts and grants were accessed and reviewed
- A review of all cell bills, expense reports and government assets
- Access and review of academic publications related to parties
- Access and review of electronic communication between parties
- Documents of project information and related information provided by interviewees
- Agreements (what kind) and human resource information
- Data access processes related to contracts and projects

*Internal Review
Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development
July, 2012*

To date, Wendy Taylor and Ted Boomer conducted the following employee interviews in person and via telephone: Interviews have been conducted by Wendy Taylor and Ted Boomer to date with the following employees:

s.22

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- A meeting was also held with s.22

The University of British Columbia and University of Victoria have also been advised of the review related to s.22

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Meetings have also been held with:

- Bill Ehmann, John Tuck, Norm MacPhee, and Andrew Mickelson, Legal Services Branch, Ministry of Attorney General.
- Sara Brownlee, Labour Relations, PSA
- Dan Peck, Stacy Johnson and Gordon Wong, OCG

and interviews above, The following is a list of key findings and recommendations to date As a result of the reviews.

The Findings and Recommendations

Findings	Recommendations
Contracts and Grants	
s.22	Recommendations <ol style="list-style-type: none">1. That the Office of the Comptroller General, Audit Unit conducts a review and investigation into the contracts identified relating to the conflict of interest allegations.2. s.22

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*Internal Review
Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development
July, 2012*

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s.22

3. All PSD Executive Directors and Directors responsible for contracting ~~should~~must take the Ministry contracting presentations.
4. All PSD Executive Directors and Directors responsible for contracting ~~should~~must re-take the Expense Authority course.
5. All Stob 80 contracts should be circumvented through Accounting Operations/Contract Management using the same process as Stob 60 contracts.
6. Finance and Decision Support staff should not be preparing contracts for the program area.
7. For any contract requiring data the contract should be signed before requesting the ISA. The contract ~~should~~must have a new clause ~~in it that~~ stating that the ISA ~~should~~must be approved before work can begin on the contract ~~and a~~ —It should also state that a copy of the signed agreement must become an appendix to the contract.
8. ~~Any Removing~~ expense authority ~~for employees~~ that has signed a contract without going through the proper processes. ~~should have their expense authority removed.~~

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Data Access and Use

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Recommendations

Key considerations/recommendations:

1. ~~and~~
- 2.1. *Establish and disseminate policies and clear guidance for ministry funded (grant or contract) research,*

Internal Review

Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development

July, 2012

s.22

planning and evaluation projects. BC Government contractors are considered de facto employees and are thereby granted data access for performing their duties stipulated in the contract. s.22

s.22

1. That all data access for projects led by PSD is revoked and applicants be made to re-apply to ensure appropriate data access provisions and practices are in place.
2. That all future data access be granted only for project specific/evaluation requests.
3. s.22
4. That IMKS, Health IMIT develop a robust compliance and monitoring function for data access.
5. Streamline data access processes (vague).

s.22

Standards of Conduct

s.22

Recommendations

1. That the Public Service Agency conduct an investigation and review into the Standard of Conduct s.22
2. Review hiring practices related to s.22 position and researcher recruitment and postings. s.22
3. s.22

Internal Review

Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development
July, 2012

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6.

7. PSD program area should review their records to determine who has an internet stick and how is it being used. The Ministry should not be paying for sticks that are not used.

8. ~~The program~~Program areas should review the phone bills over the past years and recover those amounts deemed personal for the above employees and others.

9. Establish and disseminate strict policies and clear guidance for Ministry employees participating in research projects/studies and dealing with actual or perceived conflicts of interest.

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Internal Review

Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development

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Intellectual Property

The distribution of IP rights should not be granted by MoH but outsourced to The Intellectual Property Program of Shared Services BC to ensure compliment legislation such as the Copyright Act, Procurement Services Act and Financial Administration Act.

BC government contractors should not be granted intellectual property rights in contracts permitting them to publish their findings independent of the ministry that pays them. Researchers, regardless of funding source, that wish to publish independently must submit a DAR form and follow the standard researcher data access procedure

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Internal Review

1.0 Introduction

This document provides the findings of an internal review of procurement, grant awards and contracting, data access and related agreements and intellectual property practices in the Research and Evidence Development section of the Pharmaceutical Services Division (PSD), Ministry of Health.

2.0 Background, Purpose and Approach

2.1 Background

The Office of the Auditor General contacted the Assistant Deputy Minister of Financial and Corporate Services, MOH on March 28, 2012 to advise that an allegation report was received by their office concerning inappropriate procurement, contracting irregularities and research grant practices, in the Research and Evidence Development section of the Pharmaceutical Services Division, MOH. In addition concerns were also alleged regarding inappropriate data access arrangements, intellectual property infringement, and code of conduct conflicts with employee contractor relationships including preferential treatment. MOH has conducted some preliminary investigations and has decided to conduct a formal review of these allegations to ascertain current practices and to assess if government policy, procurement practices and codes of conduct are being followed.

2.2 Purpose

The purpose of this review was to:

- Ensure Government's contracting, research grant practices, data access arrangements and approval processes are in place and being followed by the Research and Evidence Development section of the PSD, MOH
- Provide all findings and facts relating to allegations being reviewed.
- Identify opportunities to improve government and ministries information contracting, granting, research and data access practices in the Research and Evidence Development section of PSD, MOH

2.3 Approach

The following has occurred to date as part of the review process:

- All contracts and grants were accessed and reviewed

Internal Review
Ministry of Health, Pharmaceutical Services Division, Research and Evidence Development
July, 2012

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- A review of all cell bills, expense reports and government assets
- Access and review of academic publications related to parties
- Access and review of electronic communication between parties
- Documents of project information and related information provided by interviewees
- Agreements (which ones) and human resource information
- Data access processes related to contracts and projects

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To date, Wendy Taylor and Ted Boomer conducted the following employee interviews in person and via telephone. The following in person and phone interviews have been conducted by Wendy Taylor and Ted Boomer to date with the following employees:

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A meeting was also held with s.22 -The University of British Columbia and University of Victoria have also been advised of the review related to s.22

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Meetings have also been held with:

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- Bill Ehmann, John Tuck, Norm MacPhee, and Andrew Mickelson, Legal Services Branch, Ministry of Attorney General.
- Sara Brownlee, Labour Relations, PSA
- Dan Peck, Stacy Johnson and Gordon Wong, OCG

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3.0 The Review

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The following is a summary report on the progress and findings to date from the review of procurement practices, grant awards and contracting, data access and related agreements and intellectual property in the Research and Evidence Development section of the Pharmaceutical Services Division, Ministry of Health.

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3.1 Contracts and Grants:

The Ministry of Health currently has two processes in place for contracts. All contracts for goods and services provided to the Ministry are considered Stob 60 or 61 contracts. Contracts that are developed between the Ministry and another party for services to be provided outside of the Ministry are considered Transfer Under Agreements (TUA), Stob 80.

All contracts that are Sstob 60 and 61 have a review process that includes a number of sign off points including Accounting Operations – Contract Management. Currently any contracts that are Stob 80 do not have the same review process; they are not reviewed by Contract Management.

During the investigation a number of TUA's and Sstob 60 contracts were reviewed for Pharmaceutical Division (PSD) and Medical Services Division (MSD). The starting point was to review contracts that may be related to the complaint made to the Auditor General. As interviews progressed the number of contracts reviewed expanded. Any contracts within PSD that were for s.22 or included s.22 s.22

Almost all contracts reviewed did fit within core policy.

- Contract direct awarded were done so appropriately, including contracts to the universities or health authorities.
- s.22

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As the review continued it became apparent that there was a potential for the contracts issued to later be subcontracted. Not always was the contract updated, to Contract Management or the program financial support areas, to show subcontractors – example s.22

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3.2 Cell Phone Charges:

A review has been completed regarding cell phone charges for the following people employees in the Pharmaceuticals Division:

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Employee	# of bills reviewed	# of bills within the plan	# of bills \$.01 - \$100 above plan	# of bills \$100 - \$200 above plan	# of bills \$200 - \$300 above plan	# of bills \$over \$300 above plan
s.22	29	0	15	8	4	2
	13	7	6	0	0	0

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The average amounts for s.22 were very small, usually within \$1.

The amounts cell phone expenditures for s.22 were all very high. Of the 29 bills reviewed the total amount over the plan amount before tax was \$3,249.61. There are still many outstanding bills to be reviewed. There are often calls to and from other provinces and the United States, but there was no corresponding travel found. In addition there are many calls made to other provinces and the United States.

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~~It would be expected that when an~~Any employee physically located at 1515 Blanshard, should not be using is working for the Ministry and has a desk that their the cell phone would not be used when a land line is available.

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A further sampling was taken for s.22
s.22 The following table shows the findings.

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Employee	# of bills reviewed	# of bills within the plan	# of bills \$0.01 - \$100 above plan	# of bills \$100 - \$200 above plan	# of bills \$200 - \$300 above plan	# of bills \$over \$300 above plan
s.22	8		5	2	1	
	N/A					
	2				1	1
	7		7			

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s.22 does not appear to have a cell phone.

s.22 is significantly over the plan with most bills in excess of \$90 over the plan due to. ~~There are~~ long distance calls to other provinces and in some cases to the United States.

We reviewed only two2 cell phone bills for s.22 and both were substantially over the plan amount. The calls are made all throughout the day ~~and it would appear that the cell phone is exclusively used for making calls.~~

The review of s.22 cell usage shows each bill reviewed was over the plan amount by less than \$10. ~~the amount for each bill was less than \$10.~~ s.22
s.22 and it would be expected that there would be long distance calls.

To date there has been only one payment made back to the Ministry for personal use of cell phones. The one payment of \$362.87 came from s.22 the day after notification of interview.

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During our interview it was clearly stated that the individuals do not ~~even seereview~~ their cell phone bills, rather t. The bills are transferred directly to the person making payment by purchase card.

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3.3 Expenses and Purchasing Cards:

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A review of the incidental expenses for the following employees was madeconducted:
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The travel for s.22
s.22

No additional expenses were found.

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There was no travel noted for s.22 or any additional expenses.

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There was extensive travel for s.22
s.22 found.

No additional expenses were

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s.22 had some travel for mMeeting and training which wais authorized and within the position mandate.

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3.4 Other Government Assets assigned:

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It appears that s.22
s.22 all have internet sticks for laptop use outside of the Ministry location. The cost of this is \$41.36 per month. When we interviewed s.22 was not even aware s. had an internet stick. It would appear that neither s.22 nor s.22 access data with the internet stick, yet the bills are paid on a monthly basis.

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s.22

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s.22 also access the internet stick each month s.22 does not travel and if s.2 is working from s.22 base in the Ministry there would be no requirement for an internet stick to be used.

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It is recommended that the Ministry program areas review their records to determine who has an internet stick and how is it being used. The Ministry should not be paying for sticks that are not used.

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3.2 Cell phones and data plans

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4.0 Observations & Conclusions

5.0 Findings & Recommendations

Appendices

Appendix 1 – Terms of Reference

Appendix 2 –Detailed summary of contracts and data access

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Other PSD research contracts, such as ADEPT, TEAD, BCPhA or BCMMP do not have an associated data or information sharing agreement signed and in place.

General issues or concerns with PSD's data access provisioning include:

- Data access for meeting the deliverables of the above contracts is provided to the same individuals

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Project/program-specific data access issues/concerns include:

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Appendix 3 – Email Summary

A review of electronic communications between parties has so far found the following examples of suspicious activity:

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Appendix 4 – Glossary of Terms

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DRAFT

Unauthorized release of data/information

s.22

Confidential –for or discussion purposes only

Contracting Policies Breached (direct award, ongoing amendment to avoid RFP)

s.22

Personal financial/non financial gain from special access to data.

s.22

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NAME s.22	DATA			CONTRACTING				HR					EXTERNAL
	ACCESS	SHARING DISCLOSURE	STORAGE	PROCESS	APPROVAL	SUB- CONTRACT	USE OF MOH PROPERTY	CONFIDENTIALITY	CONFLICT OF INTEREST	STAFFING HR DECISIONS	REMUNERATION	OTHER	
	A	B	C	D	E	F	G	H	I	J	K	L	
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DEFINTIONS:

- AAs per FOIPPA legislation and Pharmaceutical Services Act (PODSA)
- BAs per FOIPPA legislation and Pharmaceutical Services Act (PODSA)
- CAs per FOIPPA legislation and Pharmaceutical Services Act (PODSA)

- D As per CORE Policy Manual section 6.3 Procurement Policy
- 6.3.1 Procurement Planned
- 6.3.4 Corporate Supply and Disposal Arrangements
- 6.3.6 Contract Administration and Monitoring
- Ministry Spending Directive #10 Contract Management – available on the Ministry Intranet.
- E As per CORE Policy Manual section 4.3.2 Expenditure Authorization
- 6.3.2 Pre Award and Solicitation
- 6.3.3 Contract Award
- F The General Services Agreement Section 13.4 refers to Subcontracting. “The contractor must not subcontract any of the Contractor’s obligations under the Agreement to any person without the Province’s prior written consent, excepting persons listed in the attached Schedule C. No subcontract, whether consented to or not, relieves the Contractor from any obligations under this Agreement.”
- G As per CORE Policy Manual section 8.2.1 Government Assets.
- BC Public Service Standards of Conduct. : An employee uses government property or equipment or the employee’s position, office, or government affiliation to pursue personal interests or the interests of another organization;
- H *Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. ...?* BC Public Service Standards of Conduct.
- I *A conflict of interest occurs when an employee’s private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee’s duties or responsibilities...* BC Public Service Standards of Conduct.
- The following sub-sections (summarized) apply:
- An employee uses government property or equipment or the employee’s position, office, or government affiliation to pursue personal interests or the interests of another organization;

- An employee, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- An employee benefits from, or is reasonable perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- An employee benefits from, or is reasonable perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (e.g., investments, sales, purchase, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- An employee accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of employment in the BC Public Service...

J Employees are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

K Employees may hold jobs outside of government, carry on a business, receive remuneration from public funds for activities outside their position, or engage in volunteer activities provided it does not:

The following sub-sections (summarized) apply:

- Represent a conflict of interest or create the reasonable perception of a conflict of interest;
- Involve the unauthorized use of work time or government premises, services, equipment, or supplies.

L Other allegations not covered by A through K discovered during the course of the investigation including report/non-report of allegations of wrongdoing according.

X Y indicates an assumption or likelihood that further investigation may occur via OCG and/or RCMP.

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QUESTIONS AND ANSWERS

Investigation update

Ministry of Health

Date of announcement / event / topic

Draft: December 12, 2:00 P.m.

Key messages:

- As stewards of British Columbians' personal information, we take this responsibility seriously.
- The investigation has confirmed three instances where health data was inappropriately accessed, saved on portable storage devices (USB sticks) and shared with researchers and/or contractors without required permissions and protocols being adhered to.
- British Columbia has rules and regulations in place which govern who can access and share personal health information. In these three instances, those protocols were not followed.
- We are informing the public out of an abundance of caution. The risks to the public are very low.
- There is no evidence information was accessed for purposes other than research.
- All the parties involved have signed, or have committed to sign, declarations they are no longer in possession of ministry data, information or property.
- The ministry has shared its investigation findings with the Office of the Information and Privacy Commissioner, and we will continue to consult with the OIPC on this matter.
- The ministry has hired the private consulting firm Deloitte and Touche to review the ministry's data security measures.
- The ministry is also introducing a mandatory privacy and data-security training program for employees, on top of training already required for public servants.

Top questions

1. How did this happen?

- A lead investigator from the Ministry of Citizen Services and Open Government has spent several months overseeing a team of analysts conducting a forensic investigation into data access issues at the ministry.

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QUESTIONS AND ANSWERS

- As part of this investigation, the team discovered three specific instances of unauthorized access of health data for research purposes.
- Health data was inappropriately accessed, saved on portable storage devices (USB sticks) and shared with researchers and/or contractors without required permissions and protocols being adhered to.
- British Columbia has strong regulations, rules and laws in place. In these instances, they were not followed.
- There is no evidence information was accessed for purposes other than research.
- All the parties involved have signed, or have committed to sign, declarations they are no longer in possession of ministry data, information or property.

2. If the info was used for health research, and you feel the risk is low, what's the big deal? Why is this even an issue?

- As stewards of British Columbians' personal information, we take this responsibility seriously.
- Our protocols and procedures are in place to make sure we are abiding by privacy legislation – and respecting the privacy and security of British Columbians' personal information.
- We do believe the risk is low, and there's no evidence this information was used for anything other than health research.
- However, the purpose or intent does not negate the fact that these actions violated our protocols and procedures – and those rules are important and necessary safeguards.

3. Why are we just finding out about it now?

- In September, the ministry announced our investigation into data access issues at the ministry.
- At that time, we were still looking into the situation, and did not yet have a sense of the scope of the issue.
- As the lead investigator and her team worked over the past few months, we learned more about these instances and their scope.
- The investigation has contacted employees and contractors, who have signed, or have committed to sign, declarations they are no longer in possession of ministry data, information or property.

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QUESTIONS AND ANSWERS

- The ministry has shared its investigation findings with the Office of the Information and Privacy Commissioner, and we will continue to consult with the OIPC on this matter.

4. What are you doing to make sure it won't happen again?

- We are working hard to ensure our standards are as stringent as possible.
- After this incident we contracted Deloitte and Touche to ensure our processes are as secure as possible. Their work continues.
- We have strengthened our administrative policies and procedures on data access and technology safeguards.
- The ministry is also introducing a mandatory privacy and data-security training program for employees, on top of training already required for public servants.

5. What is the risk to the public?

- Frankly, we believe the risk to be low.
- In the end, we do not believe anyone will be directly affected by this issue. This information was used by researchers for health research purposes.
- There is no evidence the information was accessed for any purposes other than health research.

6. What does the privacy commissioner have to say about this?

- The ministry has shared its investigation findings with the Office of the Information and Privacy Commissioner, and we are following her advice in this area.
- I encourage you to speak to the commissioner to get her thoughts.

7. Why are you only directly notifying individuals whose data was connected to Stats Canada data? Isn't the data on the other drives similar in nature?

- I would not want to speak for the privacy commissioner, but I committed to following her advice when we first announced our investigation into the allegations of inappropriate conduct, contracting and data-management practices.
- The commissioner advised that we notify the public broadly about the three cases of unauthorized access and directly about the case involving Stats Canada data, because of the specific assurances Stats Canada made to the public when collecting this information.

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QUESTIONS AND ANSWERS

- I agree that the public has a right to know about these instances, and we've tried to share as much information as we possibly can, without compromising the privacy of the former ministry employees involved.

The unauthorized data access:

8. Can you explain the details of the three incidents, and what types of personal information were on the USB drives?

- There are details of all three instances in the backgrounder appended to the news release.
- In brief, there were three instances where health data was inappropriately accessed, saved on portable storage devices (USB sticks) and shared with researchers and/or contractors without required permissions and protocols being adhered to.
- The information did not contain names or addresses.
- It's important to note there is no evidence any of this information was used for anything other than research purposes.

9. Who did this?

- We are not going into the details of which employees or contractors were involved in these instances.

10. Has this information been used to identify theft? Has it been sold to pharmaceutical companies?

- In the end, we do not believe anyone will be directly affected by this issue. This information was used by researchers for health research purposes.
- There is no evidence this information was accessed for purposes other than research.
- All the parties involved have signed, or have committed to sign, declarations they are no longer in possession of ministry data, information or property.

11. You announced the suspensions and investigation on September 6th and said there was likely a privacy breach then. Why did it take three months to notify the public?

- In September, the ministry announced our investigation into data access issues at the ministry.
- At that time, we were still looking into the situation, and did not yet have a sense of the scope of the issue.

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QUESTIONS AND ANSWERS

- As the lead investigator and her team worked through a full forensic investigation over the past few months, we learned more about these instances and their scope.
- The investigation has contacted employees and contractors, who have signed, or have committed to sign, declarations they are no longer in possession of ministry data, information or property.
- The ministry has shared its investigation findings with the Office of the Information and Privacy Commissioner, and we will continue to consult with the OIPC on this matter.

12. What is a “forensic” data investigation?

- (NEED MINISTRY RESPONSE).

13. If not for financial gain through identity theft or by selling information to third parties – why would these staff members and contractors use this data inappropriately?

- There is no evidence this information was accessed for purposes other than research. The issue here is how the information was accessed.
- British Columbia has rules and regulations in place which govern who can access and share personal health information. In these three instances, those protocols were not followed.
- All the parties involved have signed, or have committed to sign, declarations they are no longer in possession of ministry data, information or property.

14. Is there any evidence any of this data was shared out of the country?

- (NEED ANSWER FROM STAFF)

15. ^{s.22}

- I won't comment on particular individuals or specifics.
- However, I appreciate that someone may want to suggest to you they took this data to do good. But these standards and rules are in place to protect the information of British Columbians.
- There are processes in place for researchers to properly access data for their work. These people did not follow those processes, and as a result have delayed the work of a number of researchers in B.C.

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QUESTIONS AND ANSWERS

16. s.22

- I will not comment on specific allegations. However, we have filed a statement of defence to claims leveled against myself and the ministry which is available through the courts.

17. Two of these breaches happened a month after your original investigation into employee behaviour started. How could that happen?

- When we began our investigation, some employees had their access to data suspended, but others did not.
- These later releases of information happened as we were only beginning to dig into data access issues within the division affected.
- We uncovered them as we investigated what had happened.

18. One of these data files go back to 2010. How was it that this was able to go on for so long?

- There's no evidence this information was shared for anything other than health research.
- British Columbia has rules and regulations in place which govern who can access and share personal health information. However, in these instances, people chose to circumvent them, and that's disappointing.
- The ministry has hired the private consulting firm Deloitte and Touche to review the ministry's data security measures.
- The ministry is also introducing a mandatory privacy and data-security training program for employees, on top of training already required for public servants.

19. What specific actions are you taking to make sure this doesn't happen again?

- s.22 employees have been terminated and one has been suspended without pay – and their access to ministry data and government assets has been frozen.
- Two contractors had their contracts and data access suspended.
- Ministry data sharing with some drug and evidence development researchers is still temporarily suspended, while most has been restored.
- Some work on contracts related to drug and evidence development are still suspended, while most have been restored.

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QUESTIONS AND ANSWERS

- All spending for the pharmaceutical services division now requires approval by the assistant deputy minister.
- The ministry has tightened its policy regarding awards of contracts to universities. All contracts entered into by the ministry are now reviewed by the ministry's contract management branch.
- All of the ministry's managers, directors and executive directors are now required to undergo extra privacy and data security training.
- The ministry has engaged the independent consultant, Deloitte and Touche, to review and enhance the ministry's data security measures. That work is still ongoing.
- In addition, the ministry continues to work with the RCMP, the BC Public Service Agency, the Ministry of Citizen's Services and Open Government, the Office of the Information and Privacy Commissioner, the University of Victoria, and the University of B.C.

20. What information came from Statistics Canada and how does data sharing from Stats Canada work?

- All provinces receive survey data from Statistics Canada, which includes detailed information (names, addresses, health status) about the population to help government improve services.
- This information is shared under strict data sharing arrangements guided by legislation between Statistics Canada and the Ministry of Health.

21. Have you informed Statistics Canada?

- Yes, we have.

The overarching investigation

22. Does this announcement mean the investigation is over – has everything been turned over to the RCMP?

- The internal investigation is still continuing.
- We continue to share information with the RCMP.
- We will not be commenting further on that.

23. UVic and UBC have both said in the past they are also investigating. Do you have an update on those investigations?

- (NEED ANSWER FROM STAFF.)

24. Are there other breaches we don't know about yet?

- The internal investigation is still continuing.

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QUESTIONS AND ANSWERS

- If we discover more unauthorized data access, we will consult with the OIPC.

25. Where is Deloitte and Touche with their work and when do you expect results?

- Deloitte and Touche has nearly completed the first phase of their work determining how the ministry secures, releases and tracks data that is provided to researchers.
- Phase two will include a thorough assessment of how the ministry secures, tracks and releases data and will make short and long term recommendations to help the ministry protect public data while allowing valuable research to proceed.
- We expect phase two of this work to be finished in early 2013.

26. When do you expect to release the rest of the contracts – particularly the work the Therapeutics Initiative is doing and that of the Alzheimers Drug Therapy Initiative?

- We have released all of the contracts we can until our investigation is complete. The contracts that remain suspended are caught up in our ongoing investigation into the overall situation.

27. Isn't the work that the Therapeutics Initiative too important to leave on hold?

- The decision to temporarily suspend drug research that will benefit British Columbians was difficult but necessary.
- Our investigation has indicated some research data may have been obtained inappropriately, so it is essential that we either assure ourselves that this is not the case, or if it is the case, that we do everything possible to make sure that it does not happen again.
- The only way to do that has been to suspend some research projects until our investigation can provide conclusive evidence one way or the other.
- While some contracts remain suspended because of our investigation, we have restored a number of contracts, including some that provide drug review services to the Drug Benefit Council, which we rely on for advice to make drug listing decisions.
- Our investigation is ongoing so we cannot provide further comment at this time.

Trust/privacy rules

28. How can people ever trust that the government is treating their personal data safely?

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QUESTIONS AND ANSWERS

- Civil servants are expected to maintain a high standard of conduct – and I am proud to say that these few cases are the exception to the rule.
- British Columbia has strong regulations, rules and laws in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- After this incident we contracted Deloitte and Touche to ensure our processes are as secure as possible.

29. What are the ministry's rules about sharing and handling data securely, anyway?

- Ministry policies dictate that USB keys must be password-protected and encrypted if they are to be used to carry personal information, and that information should only be shared with individuals who have ministry authorization.
- The three instances involved USB keys that were not encrypted or password-protected which were shared without ministry authorization.

30. Can you guarantee there will never be an incident such as this again?

- We are working hard to ensure our standards are as stringent as possible.
- After this incident we contracted Deloitte and Touche to ensure our processes are as secure as possible. Their work continues.
- We have strengthened our administrative policies and procedures on data access and technology safeguards.
- The ministry is also introducing a mandatory privacy and data-security training program for employees, on top of training already required for public servants.

31. Many members of the government have been in favour of opening up more personal medical data to researchers. Some have called it a “treasure trove”. Don't these recent events end that idea?

- We believe, if accessed properly, using the accepted and secure protocols, that medical researchers can use this data – without risking privacy – and can benefit all British Columbians with their research.
- One of the most disappointing things about this whole issue is that the actions of a few have delayed important research into chronic conditions.
- We will continue to work with stakeholders to ensure the protection of privacy is paramount in any research endeavour.
- We must ensure that privacy is protected, proper contract procurement processes are being followed and proper data management is being used with all of these contracts.

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QUESTIONS AND ANSWERS

- We have ongoing concerns about inappropriate actions with some individuals involved in the contracts that remain suspended.

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- Standards of Conduct

- MoH Executive Summary for Posting Solicitations on BCBid
- MoH Contract Procurement Summary Requirements
- STOB 60 Direct Award Justification
- Ministry Directive #10 – Contract Management
- Procedure for Direct Award Approvals
- Procedure to post notices and/or solicitations on BCBid

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: July 16, 2012; update August 31, 2012

Minister Responsible: Margaret MacDiarmid

Internal investigation - MoH

ADVICE AND RECOMMENDED RESPONSE:

Key Messages:

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- We asked the RCMP to investigate after we found evidence of inappropriate conduct, contracting and data-management practices in the area of pharmaceutical services division drug research.
- I am personally disappointed something like this could happen. I am satisfied, however, that the ministry has acted with integrity to quickly and thoroughly to respond to this matter.
- We must ensure confidence in the public service is maintained - and that all civil servants execute their duties in a manner that meets the high standards of conduct expected of them.

Secondary Messages (If Asked)

- Government is currently reviewing a complaint in respect to ^{s.22} contractors and ^{s.22} employees within the Ministry of Health.
- We take all complaints seriously.
- While it would not be appropriate to divulge specific details about the ongoing review at this time, the Ministry can confirm at this time that the following interim actions have been taken:
 - Four employees have been terminated and three have been suspended without pay;
 - Their access to Ministry-held data and government assets have been suspended;
 - All ministry work within contracts related to this matter have been suspended;
 - In addition – and out of an abundance of caution – any spending authority by this division will require ADM approval until our review is complete.
- The Ministry has also contacted and is working closely with the Public Service Agency; the Office of the Comptroller General; and the Office of the Information

and Privacy Commissioner.

- The Ministry has also contacted the RCMP about this matter.
- We are committed to being as open and transparent, as possible.
- Our goal is to ensure the review is concluded as quickly as possible, while also ensuring it is thorough, decisive and follows the appropriate process.
- We will take whatever further actions are necessary based on the findings of this review.
- We understand the public must have confidence in all public servants to execute their duties in an ethical manner that meets the high standards of conduct expected of all members of the public service.

BACKGROUND REGARDING THE ISSUE:

- The Office of the Auditor General contacted the Ministry of Health on March 28 2012 to advise someone had made an allegation about contracting irregularities and research grant practices in the research and evidence development program area of the pharmaceutical services division (PSD.)
- The allegations also included inappropriate data access, intellectual property infringement and possible violations of the public service standards of conduct.
- The ministry's financial and corporate services division interviewed staff and looked at the contracts involved in the complaint.
- As a result of the initial review, the Ministry decided a more formal review was warranted. In May 2012, the Ministry launched a formal review. A lead investigator from the Office of the Chief Information Officer, Ministry of Labour and Citizen Services and Open Government.
- The review included, but was not limited to:
 - Contracts and grants;
 - Academic publications;
 - Electronic communication between specific staff;
 - Expense reports, cell phone bill, and use of government assets;
 - Relationships with University of Victoria and the University of British Columbia

DISCUSSION/ADVICE:

- A first interim draft of the internal review report is now complete; however, the review is continuing.

s.22

- The ministry has also taken these actions:
 - On June 7 2012, data access was suspended for s.22 and s.22
 - On Aug. 1, data access was suspended for s.22 additional

ADVICE TO MINISTER

s.22

- o Signing authority for invoices, expenses or contract approval was suspended for these people on June 7, as well.
- o The ministry has met with the Office of the Comptroller General to advise it of findings.
- o The ministry has informed the Office of the Information and Privacy Commissioner.
- o Senior Ministry and Labour and Citizen's Services staff have met with UVic and UBC about the contracts in question.
- o The ministry has suspended data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.

Communications Contact: Cindy MacDougall 250 952-2158
Program Area Contact: Barbara Walman
File Created: July 16 2012
File Updated: August 31, 2012
File Location: Z:\Medstrat
2012\Operations\Announcements\Research\IN_UPDATE_DRAFT
_data access investigation Aug 31 2012 revision.docx

Minister's Office	Program Area	Deputy	Media Manager
	Barbara Walman		Ryan Jabs

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: July 16, 2012; update August 27, 2012

Minister Responsible: Michael de Jong

Internal review and investigation of PSD staff

ADVICE AND RECOMMENDED RESPONSE:

- Government is currently reviewing a complaint in respect to **s.22** within the research and evidence development section of the Ministry of Health's pharmaceutical services division.
- We take all complaints seriously.
- While it would not be appropriate to divulge specific details about the ongoing review at this time, the Ministry can confirm at this time that the following interim actions have been taken:
 - **s.22** during the review;
 - Their access to Ministry-held data and government assets have been suspended, during the review;
 - All work within contracts related to this matter have been suspended;
 - In addition – and out of an abundance of caution – any spending authority by this division will require ADM approval until our review is complete.
- The Ministry has also contacted and is working closely with the Public Service Agency; the Office of the Comptroller; and the Office of the Information and Privacy Commissioner.
- The Ministry has also contacted the RCMP about this matter.
- We are committed to being as open and transparent, as possible.
- Our goal is to ensure the review is concluded as quickly as possible, while also ensuring it is thorough, decisive and follows the appropriate process.
- We will take whatever further actions are necessary based on the findings of this review.
- We understand the public must have confidence in all public servants to execute their duties in an ethical manner that meets the high standards of conduct expected of all members of the public service.

BACKGROUND REGARDING THE ISSUE:

- The Office of the Auditor General contacted the Ministry of Health on March 28 2012 to advise someone had made an allegation about contracting irregularities and research grant practices in the research and evidence development program area of the pharmaceutical services division (PSD.)
- The allegations also included inappropriate data access, intellectual property

infringement and possible violations of the public service standards of conduct.

- The ministry's financial and corporate services division interviewed staff and looked at the contracts involved in the complaint.
- As a result of the initial review, the Ministry decided a more formal review was warranted. In May 2012, the Ministry launched a formal review. A lead investigator from the Office of the Chief Information Officer, Ministry of Labour and Citizen Services and Open Government.
- The review included, but was not limited to:
 - Contracts and grants;
 - Academic publications;
 - Electronic communication between specific staff;
 - Expense reports, cell phone bill, and use of government assets;
 - Relationships with University of Victoria and the University of British Columbia

DISCUSSION/ADVICE:

- A first interim draft of the internal review report is now complete; however, the review is continuing.

s.22

- The ministry has also taken these actions:
 - On June 7 2012, data access was suspended for s.22 ; and s.22
s.22 On Aug. 1, data access was suspended for s.22
s.22
 - Signing authority for invoices, expenses or contract approval was suspended for these people on June 7, as well.
 - The ministry has met with the Office of the Comptroller General to advise it of findings.
 - The ministry has informed the Office of the Information and Privacy Commissioner.
 - Senior Ministry staff have met with UVic and UBC about the contracts in question.
 - The ministry has suspended data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.

Communications Contact: Cindy MacDougall 250 952-2158
Program Area Contact: Barbara Walman
File Created: July 16 2012
File Updated:
File Location: G:\PABGroups\Medstrat 2012\Operations\Issues
Notes\PharmaCare\IN_data access investigation_july 16
2012_FINAL.docx

Minister's Office	Program Area	Deputy	Media Manager
	Barbara Walman		Ryan Jabs

ADVICE TO MINISTER

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Health

Date: July 16, 2012

Minister Responsible: Michael de Jong

Internal review and investigation of PSD staff

ADVICE AND RECOMMENDED RESPONSE:

- We cannot comment on specific personnel issues.
- The Public Service Agency has established processes and procedures in place to handle all human resource complaints and concerns.
- Public service employees must comply with high standards of conduct as a condition of their employment.
- The standards require exemplary employee conduct to instil confidence and trust and not bring the BC Public Service into disrepute.
- Employees who fail to comply with the Public Service standards of conduct may be subject to disciplinary action, including dismissal.
- There are approximately 30,000 public service employees in 280 B.C. communities that provide an amazing volume and variety of services to the people of British Columbia.
- The Ministry of Health fully cooperates with the Public Service Agency on all human resource and disciplinary matters.
- The BC Public Service takes pride in serving the people of British Columbia with honesty and integrity.

BACKGROUND REGARDING THE ISSUE:

- The Office of the Auditor General contacted the Ministry of Health on March 28 to advise someone had made an allegation about contracting irregularities and research grant practices in the research and evidence development program area of the pharmaceutical services division (PSD.)
- The allegations also included inappropriate data access, intellectual property infringement and possible violations of the public service code of conduct.
- The ministry's financial and corporate services division interviewed staff and looked at the contracts involved in the complaint.
- Following this, a formal internal review was launched in May by the Ministry of Labour, Citizens' Services and Open Government as lead, supported by the ministry.
- The review included, but was not limited to:
 - Contracts and grants;
 - Academic publications;
 - Electronic communication between specific staff;
 - Expense reports, cell phone bill, and use of government assets;
 - Relationships with University of Victoria and the University of British Columbia

DISCUSSION/ADVICE:

- The internal review draft report is complete; the reviewers are now completing final recommendations.
- The Public Service Agency has the initial findings and is doing a formal investigation.
- s.22
-
-
- The ministry has also taken these actions:
 - Data access was suspended for the s.22 on June 7.
 - Signing authority for invoices, expenses or contract approval was suspended for these people on June 7, as well.
 - The ministry has met with the Office of the Comptroller General to advise it of findings.
 - The ministry has informed the Office of the Information and Privacy Commissioner.
 - Senior PSD staff will meet with UVic and UBC about the contracts in question.
 - The ministry has or may suspend data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.
-

Communications Contact: Cindy MacDougall 250 952-2158
Program Area Contact: Barbara Walman
File Created: July 16 2012
File Updated:
File Location: G:\PABGroups\Medstrat 2012\Operations\Issues
Notes\PharmaCare\IN data access investigation_july 16
2012 FINAL.docx

Minister's Office	Program Area	Deputy	Media Manager
	Barbara Walman		Ryan Jabs

MINISTRY OF HEALTH INFORMATION BRIEFING NOTE

Cliff #

PREPARED FOR: [insert name and title of person] - **FOR INFORMATION**

TITLE: [Concise title – limit the number of words to 5 or less. This is also used for filing/document retrieval.]

PURPOSE: [One sentence – explains why you are sending the note. If timing is important, please indicate. If the document is being prepared for a meeting or event, include date and time if they have been set.]

BACKGROUND:

The Ministry of Health conducted an investigation into inappropriate access and disclosure of sensitive personal information. The investigation identified 3 instances where sensitive personal information, contrary to government policy, was prepared and saved on flash drives, and then provided by ^{s.22}
^{s.22}

The Ministry notified the Office of the Information and Privacy Commissioner (OIPC) about these breaches and on October 23, 2012 Elizabeth Denham, Information and Privacy Commissioner for BC provided recommendation regarding the appropriate approach to notify individuals who may have been affected by the unauthorized disclosure of health information.

First incident

Description: Contrary to government policy, on or about June 28, 2012, ^{s.22}
^{s.22} with the BC Ministry of Health prepared a flash drive containing linked, sensitive personal information identified by PHN, gender, date of birth and postal code, and then loaded it onto the hard drive of workstation ^{s.22}
with the Ministry of Health ^{s.22}
^{s.22} Of the 38,492 Personal Health Numbers associated with this data collection, 38,486 were valid and had date of birth, sex and postal codes associated with them. Information was recovered ^{s.22}
^{s.22} although flash drive could not be located

OIPC recommendation: Direct notification of 38, 486 affected individuals is required in order to assist them in mitigation any harm that may occurred as a result of this breach based on:

- Sensitivity of personal information disclosed;
- The fact that the individuals in Statistic Canada survey consented to participate on the basis of confidentiality and on condition that their names, addresses,

- telephone numbers and health numbers would not be provided outside the Ministry; and
- s.22

Second incident

Description: On June 7, 2012 s.22 with the Ministry of Health prepared a set of Medical Services Plan data identified by PHN and provided it to s.22 for s.2 use. The contract with the BC Ministry of Health did not authorize s.22 to use or work with Personally Identifiable data. The actual data shared could not be recovered, but the ministry did reconstruct using the programs and logs found in the directory. This file includes the unmasked PHN, Fiscal Year, Age Group, Gender and Local Health Area that may be used for identity. The file also includes metrics on Medical Services Plan services and costs for the individual. The file summarises individuals' MSP services for two fiscal years, 2001/02 and 2010/11 of 5,201,072 people with BC PHNs.

OIPC recommendation: Based on the sensitivity of the data and large number of affected individuals, OIPC suggested that public notification was warranted. OIPC indicated that it would support indirect notification of the affected individuals through news releases, advertisement and distribution of information to health care providers.

Third incident

Description: on or about October 4, 2010, s.22 with the Ministry of Health prepared a flash drive containing linked, sensitive personal information identified by PHN and age. This information was then transferred on to s.22 flash drive, according to the e-mail threads. s.22

s.22 The actual data shared could not be recovered, but the ministry did reconstruct from excel spreadsheets used to generate the programs and the log files. The file contains a PHN and age for identity and flags derived from the chronic disease registries for 262 various diagnoses and flags derived from medication history data for specific medications. The file contains two subsets of data - 1,055 rows where the citizen is flagged for specific medication use and 20,000 citizens not flagged.

OIPC recommendation: Based on the nature of information and that disclosure is similar to second incident, OIPC suggested the same form of public notification in this case.

Ministry actions:

- The Ministry decided to follow recommendations provided by the OIPC regarding direct and indirect notifications
- The Ministry established a Steering Committee to plan and coordinate notifications

- The Ministry is considering different options that could help to mitigate potential harm to the affected individuals including, placing Flags on Medical Service Account, allowing password protection of MSP account and determining whether or not Credit Monitoring vs Credit Alerts is warranted.
- Ministry's GCPE is working on public notification and providing Q&A for potential callers who might have questions and/or concerns about these breaches
- HIBC will respond to the inquiries from affected individuals

DISCUSSION:

[This section should outline the Division/Ministry perspective on the issue, including relevant policy and program implications/precedence and who is affected. Use the same writing style as the BACKGROUND section. This section is also usually one third of a page in length. Ensure any financial implications are contained here. If this is a briefing document for a meeting, this section can outline the Ministry perspective on the agenda topics outlined in the BACKGROUND section and is likely to be longer than 1/3 of a page.]

ADVICE:

[This section can be in the nature of a summary, conclusion, next steps or suggested response (the latter most often used if this document is for a meeting) depending upon what is most appropriate in the circumstances. Either bullets or short paragraphs are appropriate.]

Program ADM/Division: (enter info in this section unbolded)

Telephone:

Program Contact (for content):

Drafter:

Date:

File Name with Path:

NOTES:

Briefing documents are limited to 2 pages; font must be 12 point Times New Roman; left and right margins are to be 1.25".

All briefing documents containing financial and data information must be approved by Finance or PID staff as appropriate. ADM approval must be in place prior to forwarding for Finance and Data approval.

Briefing documents containing data elements must be sourced in endnote format; the endnotes **must be included as "Appendix A"**, and be the third page of the briefing document.

Briefing documents may contain appendices, making the entire document over 2 pages. Appendices can be used for large tables (usually outlining financial implications if they are complicated), for legislative references (for large sections) or for items like terms of references if you are writing for approval of such terms.

Page 416 to/à Page 417

Withheld pursuant to/removed as

s.22

Timeline of Events

March 29, 2012 Finance and Decision Support receives anonymous one page tip from the Office of the Auditor General. (Tab 1)

March 30, 2012 – Hilary Woodward request that Laine Coopsie to brief her on the tip and request that Laine begin gathering information related to tip.

March 30, 2012 Finance and Decision Support gathers the following information:

s.22 and meets with
s.22 to obtain a copy of only s.22 (Tab 2);
and s.22 to obtain copies of copies of the s.22 (Tab 4) and provides them to
Laine Coopsie.

April 2, 2012 Finance and Decision Support receives confirmation of employment history for all parties stated in tip s.22 from MoH payroll liaison. (Tab 5).

April 2, 2012 Finance and Decision Support finds s.22
s.22

April 12, 2012 BC Registry Services Corporate search reveals s.22
s.22

April 12, 2012 s.14,s.22 - -
s.14,s.22
s.14,s.22 (Tab 7)

April 12, 2012 Hilary Woodward briefs Manjit Sidhu on contract investigation.

April 16-18, 2012 Hilary Woodward continues to seek additional information regarding contract information from s.22 - PPH & PSD and Laine Coopsie.

April 19, 2012 Hilary Woodward to meet with Deborah Law, Manager at OAG meeting cancelled and postponed to Monday April 23, 2012.

April 23, 2012 Hilary Woodward meets with Deborah Law.

April 25, 2012 Laine Coopsie receives a telephone call from s.22
s.22

Timeline of Events (continued)

April 25, 2012 Laine Coopsie phones ^{s.22}
^{s.22}

April 25, 2012 Laine Coopsie meets with ^{s.22}
^{s.22}

April 25, 2012 Laine Coopsie receives three separate emails from ^{s.22}
^{s.22}

April 26, 2012 ^{s.22}
^{s.22}

April 26, 2012 Laine Coopsie receives an email from ^{s.22}
^{s.22}

April 26, 2012 Laine Coopsie meets with ^{s.22}
additional documentation is obtained.

April 26, 2012 Laine Coopsie sets up meeting for ^{s.22}
for Friday April 27, 2012. ^{s.22}

April 26, 2012 Laine Coopsie receives an email from ^{s.22}
^{s.22}

April 27, 2012 Laine Coopsie receives an email from ^{s.22}
^{s.22}

April 27, 2012 Laine Coopsie, ^{s.22}
^{s.22}

Hilary Woodward meet to discuss

Timeline of Events (continued)

April 27, 2012 Laine Coopsie, s.22 and Hilary Woodward, meet to discuss s.22
s.22

May 1, 2012 Laine Coopsie and s.22
s.22

May 2, 2012 Laine Coopsie, s.22 Manjit Sidhu, Hilary Woodward, and meet to update
on Manjit s.22
s.22

May 3, 2012 – s.22 Laine Coopsie, and s.22 meet for two hours s.22
s.22

May 7, 2012 – s.22 Laine Coopsie, and s.22 sorting
through documentation in prep for s.22 briefing material for Manjit.

May 8, 2012 - s.22 Laine Coopsie, and s.22
sorting through documentation in prep for s.22 briefing material for Manjit Sidhu.

May 9, 2012 - Laine Coopsie begins to prepare summary of s.22 briefing material for Manjit
Sidhu at her desk (computer required), s.22
s.22

May 10, 2012 – Laine Coopsie continues to prepare summary of s.22 briefing material.

May 14, 2012 – Laine Coopsie meets with Hilary Woodward and Manjit Sidhu to brief Manjit
on s.22 findings. Manjit suggests that he meet with all parties involved this afternoon.

May 14, 2012 – Laine Coopsie, s.22 Hilary Woodward,
and Manjit Sidhu meet to discuss concerns and findings. s.22
s.22

May 15, 2012 – Laine Coopsie, s.22 Hilary Woodward,
and Manjit Sidhu meet s.22
s.22

Timeline of Events (continued)

May 16, 2012 – s.22
s.22

May 31, 2012 – Ted Boomer meets with Laine Coopsie to advise her that he will be looking into this matter further, gather briefing information from Laine to date and discuss initial findings.

s.22

- Ted Boomer, Director, Financial & Corporate Services
- Laine Coopsie, Senior Audit Advisor, Finance and Decision Support
- s.22
-
- Sharna Kraitberg, Legal Counsel for Ministry of Health
- Deborah Law, Manager at Office of Auditor General
- s.22
-
-
- Manjit Sidhu, Assistant Deputy Minister, Finance and Corporate Services
- s.22
- s.22
- Hilary Woodward, Executive Director Finance and Decision Support & Chief Financial Officer, Ministry of Health

From: [Campbell, Sarah E PSA:EX](#)
To: [Samsonoff, Dale J HLTH:EX](#)
Subject: RE: Confidential - P&I Terminations
Date: Tuesday, September 4, 2012 3:20:00 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Would it be better if these take place in our building? I'm not sure if you want them back in the building or not.

Thanks,
Sarah

From: Samsonoff, Dale J HLTH:EX
Sent: Tuesday, September 4, 2012 1:30 PM
To: Davidson, Heather (ADM) HLTH:EX
Cc: Campbell, Sarah E PSA:EX
Subject: Confidential - P&I Terminations

Hi Heather – looks like we will be ready to proceed with ^{s.22}erminations^{s.22}
^{s.22} this week.

You will need to invite ^{s.22} to attend separate meetings this week (preferably Thursday), ^{s.22}

I suspect this will need to be couriered to them and have asked the PSA for some wording re: the meeting notice. I should be getting this shortly and will forward to you.

Graham will sign the termination letters (today or tomorrow).

Can ask you set some time aside to conduct the terminations Thursday?

I have copied Sarah Campbell on this email – as she has agreed to sit in on the terminations.

Please call me if you have any questions or concerns.

Dale

Dale Samsonoff | Executive Director
Ph: (250) 952-1175 | Mobile: (250) 896-6276



	A	B	C	D	E	F
	Email ID #	Date	Subject (file name)	Chain #	Chain ID & Dates	Summary
1						
2						
3						
4						
5						
6						
7						
8						

s.22

Page 424 to/à Page 758

Withheld pursuant to/removed as

s.22

Time-sensitive review required: Ltr to MdJ re investigation

From: "Foran, Grace E HLTH:EX" <grace.foran@gov.bc.ca>
To: "Carroll, Sandra HLTH:EX" <sandra.carroll@gov.bc.ca>, "Taylor, Wendy E LCTZ:EX" <wendy.taylor@gov.bc.ca>
Cc: "Whitmarsh, Graham HLTH:EX" <graham.whitmarsh@gov.bc.ca>
Date: Tue, 04 Sep 2012 16:53:00 -0700
Attachments: 941930 DM_ltr_MdJ_HR_matter.docx (59.75 kB)

Graham has asked me to send this draft to you both for your review and comments before 8:00 am tomorrow please. He wants to send it to the MO first thing tomorrow. Many thanks....g.

Grace Foran

Director, Executive Operations - DMO

Ministry of Health

Physical Address: 5-3, 1515 Blanshard Street, Victoria BC V8W 3C8

Tel: 250 952-1410; Cell: 250 588-0553; : grace.foran@gov.bc.ca

Warning: This email is intended only for the use of the individual or organization to whom it is addressed. It may contain information that is privileged or confidential. Any distribution, disclosure, copying, or other use by anyone else is strictly prohibited. If you have received this in error, please phone or e-mail the sender immediately and delete the message.



PERSONAL AND CONFIDENTIAL

Ref: 941930

September 4, 2012

Honourable Michael de Jong
Minister of Health
PO BOX 9050 STN PROV GOVT
Victoria BC V8W 9E2

Dear Minister:

This is further to our discussion on August 3, 2012 when I briefed you on an investigation that was actively under way under my direction. This investigation into inappropriate data access arrangements and intellectual property infringements; irregular procurement, contracting and research grant practices; and, standards of conduct policy conflicts and preferential treatment in employee-contractor relations within the Ministry of Health (primarily its Pharmaceutical Services Division - PSD) commenced after our being contacted by the Office of the Auditor General.

On August 3, 2012, you directed that I take all necessary actions to identify and address risk exposures, ensure compliance with government policies and pursue employee disciplinary actions if warranted. I am writing to report on progress made to date on the investigation.

The purpose of the investigation was to:

- Provide findings related to allegations,
- Determine if Government's contracting and research grant practices, standards of conduct, data access arrangements and approval processes are being followed by the Research and Evidence Development section of the PSD, Ministry of Health (MoH); and,
- Identify opportunities and make recommendations to improve contracting, granting, and data access practices in the Research and Evidence Development section of PSD, MoH.

Reporting directly to me, the investigation team comprises: representatives from the Ministry of Labour, Citizens' Services and Open Government through its Office of the Government Chief Information Officer; the BC Public Service Agency, and the Ministry of Health's Financial and Corporate Services Division, Health Sector IM/IT Division and Organizational Development and Engagement branch. Due to the complexity of the work, individuals working on the investigation have been formally instructed to report directly to me in order to remove any potential for conflict of interests.

In carrying out the investigation, the team has been in regular contact with other bodies, including: the Office of Freedom of Information and Protection of Privacy Commissioner, the Information Access Operations Branch of the Ministry of Labour, Citizens' Services and Open Government, the University of British Columbia, the University of Victoria, the Ministry of Advanced Education, the Office of the Comptroller General, and the RCMP.

.../2

The investigation has involved, but has not been limited to, the following tasks:

- Review of relevant MoH financial documents;
- Review of project-related documents;
- Review of data sharing agreements, practices and processes
- Comprehensive investigation of all data access stored and shared by parties in this investigation is underway.
- Review of electronic communications between parties, and
- Series of interviews with related parties.

As discussed with you earlier today, key findings to date include:

- Significant inappropriate data access, use and disclosure.
- Discovery of in secured discs containing government data linked to MoH health data s.22
- Unauthorized MoH data s.22
- s.22
-
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Key actions taken to date include:

- Data access was suspended s.22 on June 7.
- Signing authority for invoices, expenses or contract approval was suspended on June 7 on a PSD-wide basis except for its Assistant Deputy Minister.
- Meetings have occurred with UVic and UBC about the contracts in question, and both are actively involved in the investigation.
- The ministry has suspended data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.
- The investigation team has met twice with the RCMP's Corporate Crime Section, E Division.
- s.22

Next steps include:

- Completion of the first phase of the investigation by September 15, 2012 to ensure all evidence is prepared for transfer to the RCMP by September 19, 2012.
- Development of a centralized information management governance model for MOH including the implementation of a Secure Access gateway portal for data access requests for research to maximize data security and privacy.

.../3

- s.22
- Engagement of expert advice to audit the current MoH practices around data sharing for research and to advise and assist with whatever is required to re-establish appropriate, safe and legitimate data sharing.
- The Office of the Information and Privacy Commissioner, the Information Access Operations Branch of the Ministry of Labour, Citizens' Services and Open Government, the Office of the Comptroller General, will be briefed regularly to keep them informed of the status of the investigation and steps being taken.

This represents an extremely unfortunate and unsatisfactory series of events, which need to be addressed in order to reassure the public and the government over the practices surrounding contracting and data sharing for drug research. I want to assure you that this is receiving my full and direct attention.

Yours sincerely,

Graham Whitmarsh
Deputy Minister

document

From: "McGinnis, Deb HLTH:EX" <deb.mcginnis@gov.bc.ca>
To: "Sidhu, Manjit HLTH:EX" <manjit.sidhu@gov.bc.ca>, "Woodward, Hilary C HLTH:EX" <hilary.woodward@gov.bc.ca>, "Coopsie, Laine HLTH:EX" <laine.coopsie@gov.bc.ca>
Cc: s.22
Date: Wed, 16 May 2012 16:04:37 -0700
Attachments: s.22 history Master May 16 2012 final.docx (27.31 kB)

Manjit,

As discussed at our meeting yesterday, we have revised the s.22 document we prepared to incorporate your feedback. The document is now broken down into sections and there is, necessarily, some duplication within the sections.

s.22

We hope that this document assists you in your considerations.

<<...>>

Deb McGinnis, Executive Director
eHealth Privacy, Security and Legislation Office
Ministry of Health

Please note my new phone number 250-387-1268 and new office location 3rd Floor 1483 Douglas

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.

Page 764 to/à Page 781

Withheld pursuant to/removed as

s.22

FW: HR Mailbox emails some of the initial findings data access

From: "Walman, Barbara J. HLTH:EX" <barbara.walman@gov.bc.ca>
To: "Taylor, Wendy E CITZ:EX" <wendy.taylor@gov.bc.ca>
Date: Wed, 31 Jul 2013 14:11:29 -0700

From: Brownlee, Sara PSA:EX
Sent: Tuesday, July 31, 2012 4:31 PM
To: Taylor, Wendy E LCTZ:EX; Kislock, Lindsay M HLTH:EX; Walman, Barbara J. HLTH:EX
Cc: Campbell, Sarah E PSA:EX
Subject: RE: HR Mailbox emails some of the initial findings data access

s.22

From: Taylor, Wendy E LCTZ:EX
Sent: Tuesday, July 31, 2012 3:45 PM
To: Kislock, Lindsay M HLTH:EX; Walman, Barbara J. HLTH:EX
Cc: Brownlee, Sara PSA:EX
Subject: HR Mailbox emails some of the initial findings data access

s.22

Wendy Taylor
Director
Privacy Investigations
Information Security Branch
Office of the Chief Information Officer
Ministry of Labour, Citizen's Services and Open Government

Phone: (250) 952-6161
Cell: (250) 516-3818
Email: Wendy.taylor@gov.bc.ca



Letter recipient
changed from
M&J to M³.
G& to hold subject
to G&W's confirm.
It's to be sent to MO.

PERSONAL AND CONFIDENTIAL

September 5, 2012

Honourable Margaret MacDiarmid
Minister of Health
PO BOX 9050 STN PROV GOVT
Victoria BC V8W 9E2

Dear Minister:

This is further to my discussion on August 3, 2012 with the Honourable Michael de Jong when I briefed him on an investigation that was actively under way under my direction. This investigation into inappropriate data access arrangements and intellectual property infringements; irregular procurement, contracting and research grant practices; and, standards of conduct policy conflicts and preferential treatment in employee-contractor relations within the Ministry of Health (primarily its Pharmaceutical Services Division - PSD) commenced after our being contacted by the Office of the Auditor General.

During that discussion, Minister de Jong directed me to take all necessary actions to identify and address risk exposures, ensure compliance with government policies and pursue employee disciplinary actions if warranted. I am writing to bring this matter to your immediate attention, and to report on progress made to date on the investigation.

The purpose of the investigation was to:

- Provide findings related to allegations,
- Determine if Government's contracting and research grant practices, standards of conduct, data access arrangements and approval processes are being followed by the Research and Evidence Development section of the PSD, Ministry of Health (MoH); and,
- Identify opportunities and make recommendations to improve contracting, granting, and data access practices in the Research and Evidence Development section of PSD, MoH.

Reporting directly to me, the investigation team comprises: representatives from the Ministry of Citizens' Services and Open Government through its Office of the Government Chief Information Officer; the BC Public Service Agency, and the Ministry of Health's Financial and Corporate Services Division, Health Sector IM/IT Division and Organizational Development and Engagement branch. Due to the complexity of the work, individuals working on the investigation have been formally instructed to report directly to me in order to remove any potential for conflict of interests.

In carrying out the investigation, the team has been in regular contact with other bodies, including: the Office of Freedom of Information and Protection of Privacy Commissioner, the Information Access Operations Branch of the Ministry of Labour, Citizens' Services and Open Government, the University of British Columbia, the University of Victoria, the Ministry of Advanced Education, the Office of the Comptroller General, and the RCMP.

.../2

The investigation has involved, but has not been limited to, the following tasks:

- Review of relevant MoH financial documents;
- Review of project-related documents;
- Review of data sharing agreements, practices and processes;
- Comprehensive investigation of all data access stored and shared by parties in this investigation;
- Review of electronic communications between parties under investigation; and,
- Holding a series of interviews with related parties.

Key findings to date include:

- Significant inappropriate data access, use and disclosure.
- Discovery of unsecured discs containing government data linked to MoH health data s.22 s.22
- Unauthorized MoH data s.22 s.22
-
-
-
-
-
-

Key actions taken to date include:

- Data access was suspended for s.22 on June 7, and additional controls have since been added on a ministry-wide basis for data requests.
- Signing authority for invoices, expenses or contract approval in PSD has been suspended except for its Assistant Deputy Minister.
- Meetings have occurred with UVic and UBC about the contracts in question, and both are actively involved in the investigation.
- The ministry has suspended data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.
- The investigation team has met with the RCMP's Corporate Crime Section, E Division.
- s.22

Next steps include:

- Completion of the first phase of the investigation by September 15, 2012 to ensure all evidence is prepared for transfer to the RCMP by September 19, 2012.
- Development of a centralized information management governance model for MOH including the implementation of a Secure Access gateway portal for data access requests for research to maximize data security and insure privacy.

.../3

s.22

- Engagement of expert advice to audit the current MoH practices around data sharing for research, and to advise and assist with whatever is required to re-establish appropriate, safe and legitimate data sharing.
- The Office of the Information and Privacy Commissioner, the Information Access Operations Branch of the Ministry of Labour, Citizens' Services and Open Government, the Office of the Comptroller General, will be briefed regularly to keep them informed of the status of the investigation and steps being taken.

This represents an extremely unfortunate and unsatisfactory series of events, which need to be addressed in order to reassure the public and the government over the practices surrounding contracting and data sharing for drug research. I want to assure you that this is receiving my full and direct attention.

Yours sincerely,

Graham Whitmarsh
Deputy Minister

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Withheld pursuant to/removed as

s.22