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Man hospitalized with COVID sues health authority

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In the civil suit filed in the Supreme Court of Prince Edward Island, the plaintiff alleges that details of his health and private life were disclosed by a person employed by the health authority, and found on the Internet.

The plaintiff, who is claiming compensation of \$500,000, says he had to sell his house and leave the island after being stigmatized in the small community where he lived.

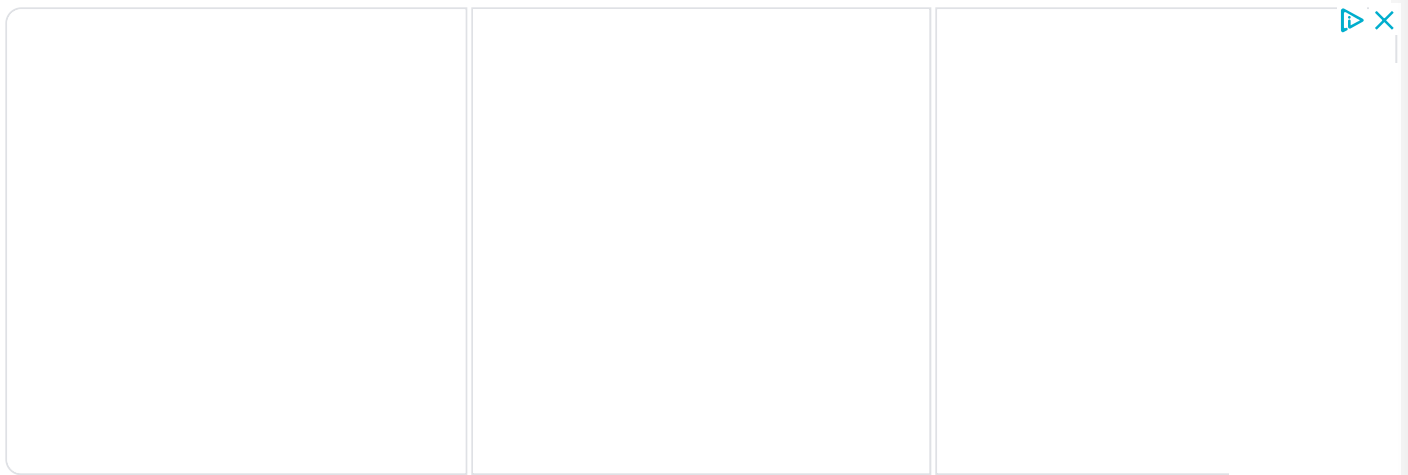
He attributes this, as well as personal distress, to the fact that his sexual orientation and the fact that he is HIV-positive were published on Facebook without his consent.

“Although the fact that a person was hospitalized with COVID-19 may have been of public interest during the pandemic, sexual orientation and HIV status were not.” can we read in the documents filed in court.

Public humiliation

The complainant resided in a small community of less than 400 people in Prince Edward Island, in a house he and her husband purchased in 2014.

Declared positive for COVID-19, he was admitted to hospital queen elizabeth of Charlottetown on April 9, 2021. He remained there until April 23, spending several days in intensive care.



On April 21, he learned that details about him had been published on Facebook by Kevin J. Arsenault, an activist blogger and former provincial Progressive Conservative leadership candidate.

The latter wrote on the social network that someone had contacted him to share information obtained “directly from a[e] male nurse[e] caring for a person hospitalized with suspected COVID-19 virus”.

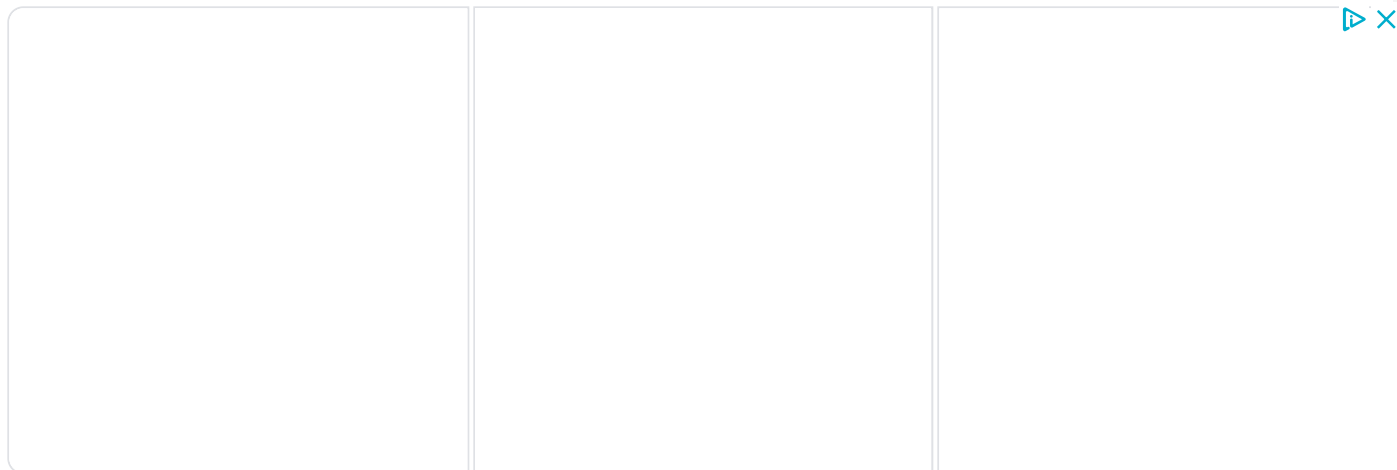
Attached to the post was a screenshot allegedly of the message from the “source” by Kevin J. Arsenault. It read:

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“The COVID case in the hospital is a gay man in his 40s, who has the HIVthe.human.immunodeficiency.virus and is therefore probably autoimmune [sic]. He is fine at the moment and is receiving oxygen. I know several nurses in the hospital and this is from a nurse who treats him directly. I don’t have the right to tell anyone about it.”

After details of a patient's private life and health were disclosed on Facebook, the complainant said he was stigmatized in the village where he lived.

Photo: Reuters/Dado Ruvic



The post and screenshot in question are no longer on Facebook.

He sells his house and leaves the province

It was on April 16, 2021 that the provincial Ministry of Health publicly announced the first hospitalization of the pandemic on the island.

The complainant states that he "was the only person in Prince Edward Island who was hospitalized with COVID-19 at that time". As a result, "he could easily and conclusively be identified as the subject of this publication" according to the lawsuit.

He alleges the results have been dramatic. "As a result of the widespread dissemination of this information in a small community, the complainant suffered from social stigma and serious mental health issues, including anxiety and depression." indicate the documents filed in court.

These documents add that the man and his family "have become the subject of rumors and gossip". The complainant claims that it became impossible to leave the house without members of his community staring at him and "talk about him" in his back.

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He claims to have then sold his house “at a discount” and left the island. Documents relating to his lawsuit were filed by a Toronto law firm.

Privacy Commissioner’s investigation

Health Prince Edward Island is the provincial government agency responsible for delivering public health care. It also manages hospitals.

The man who is suing the health authority spent two weeks at Queen Elizabeth Hospital in Charlottetown.

Photo: CBC/Steve Bruce

In the lawsuit against her, we read that an internal investigation was carried out by Health PEI. when the agency would have been alerted, on April 19, 2021, that a possible leak of personal information.

This investigation included checking users of the hospital’s computer system to find out which employee had accessed the patient’s file. This audit revealed that he had been consulted by an employee who did not treat the complainant, and had had no contact with him.

The Office of the Information and Privacy Commissioner of Prince Edward Island also conducted an investigation, according to the lawsuit, and concluded that a leak of confidential information had indeed place.

A Health PEI spokesperson confirmed that the agency has been informed of the lawsuit against him, and indicates that he cannot comment on it.



Reference-ici.radio-canada.ca

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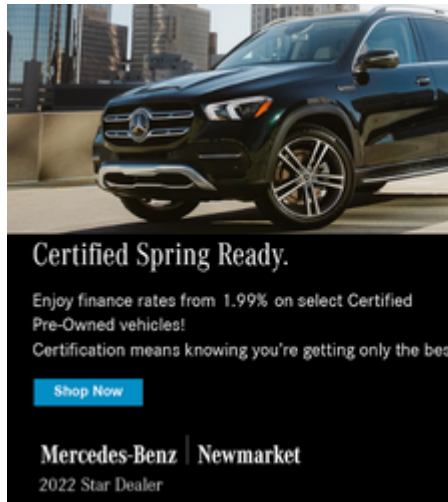
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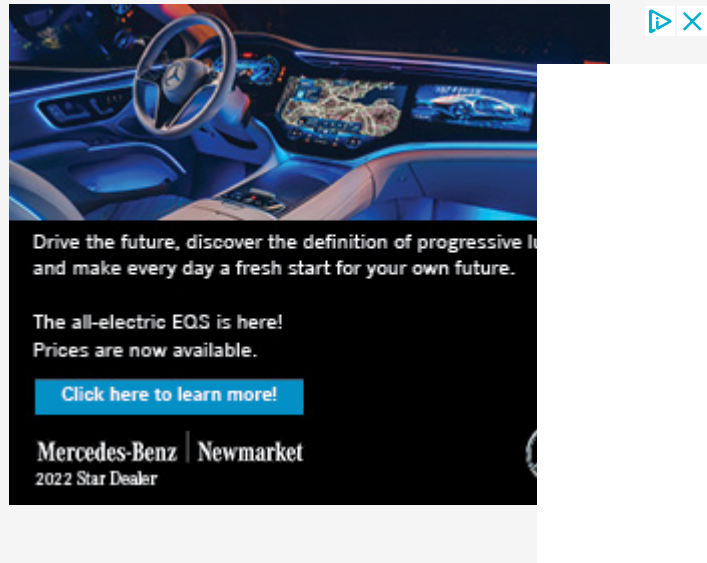
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