



COMMUNITY LIVING – SOUTH MUSKOKA

PRIVACY

POLICY AND PROCEDURE

Approved By: Board of Directors Number: 8-10
Date: February 26, 2008 Page: 1 of 5
Revision/Review:
Section: Client Information Management Systems (CIMS)

POLICY:

Client Information Management Systems (CIMS) and Community Living South Muskoka recognizes the importance of privacy and the sensitivity of Personal Health Information (“PHI”). We are committed to protecting any information that we hold. This Privacy Policy outlines how we manage Personal Health Information and safeguard privacy.

Definitions:

Any reference to “your information: means your Personal Health Information as defined by PHIPA. **See Appendix 1 attached to this Policy for specific definitions.**

PHIPA IS THE LAW

Effective November 1, 2004, Health Information Custodians in the Ontario health care system that collects uses or discloses personal health information must comply with the ***Personal Health Information Protection Act, 2004.***

Community Living South Muskoka is a Health Information Custodian and is responsible for the personal health information we collect, use, maintain and disclose, as set out in this Policy.

1.0 WHAT INFORMATION DO WE COLLECT FROM YOU?

- We will ask you to give us whatever information about your health and your family’s health that we need to care for you.
- We will collect information from you for the following purposes, which are our “**main activities**”: caring for you, administration of this agency and the health care system, teaching, limited research, statistics and complying with legal and regulatory requirements.
- We will either directly tell you why we are collecting your information or we will post a notice or give you information that describes why we are collecting your information.

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- We may collect information about you indirectly (i.e. from other health care providers or from your family and friends) if necessary to provide you with care, when you cannot provide the information yourself or cannot consent to providing the information yourself.

2.0 HOW DO WE USE YOUR INFORMATION

- Your information is given to your caregivers in the Client Information Management System agencies to be used to provide support for you.
- Our managers, employees, professional staff, volunteers and students are trained and understand that your information is private and can only be used or accessed to care for you or carry out our main activities. (See Policy 3-20, Personnel – Confidentiality)
- People who have a contract to provide services to Community Living South Muskoka (such as fixing equipment, maintaining computers) may have access to your information, and we take steps through our contracts to make sure this information is kept private.
- Unless we have your consent to use your information for research purposes, your information will only be used for research if the strict process (ensuring both privacy and ethical conduct) in PHIPA is followed.

If we use your information for any purpose other than our main activities, we will ask your permission.

3.0 WHEN WILL WE DISCLOSE YOUR INFORMATION

- **Unless you tell us not to**, we will disclose your information to other health care providers in the “Circle of Care” who need to know this information to provide you with care or help to provide you with care. The “Circle of Care” includes health care professionals, other hospitals, pharmacies, laboratories, ambulance service, nursing homes, Community Care Access Centre’s (CCAC's) and home service providers who provide you with health care services.
- Sometimes the law requires us to disclose information about you. We will only disclose your information when the law requires or permits us to do so.

4.0 GETTING YOUR CONSENT

- Your consent to our collection, use or disclosure of your information may be implied or express.

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- 4.1 In certain circumstances we will always ask for your express (written) consent:
- Where we are disclosing your information to someone who is not a Health Information Custodian (i.e., to your insurer, employer, WSIB, CAS, lawyer, etc); and
 - Where we are disclosing your information to someone who is a Health Information Custodian but for purposes other than providing you with health care (e.g. a school nurse).
- 4.2 Where we obtain your implied consent, you will have been provided with a notice (either posted in a place where you are likely to see it or directly given to you) and an opportunity to withhold your consent.
- You may withdraw or limit your consent at any time, unless doing so prevents us from recording the information we require from you by law or under professional standards. You can give an express (written) instruction that specific information not be used or disclosed.
- 4.3 We may sometimes collect use or disclose your personal information without your consent in limited instances that are expressly permitted by PHIPA. For example, some statutes require disclosure of your information, such as the *Coroners Act* and the *Vital Statistics Act* and *Child and Family Services Act*.

5.0 RETAINING YOUR INFORMATION AND DISPOSING YOUR INFORMATION

We retain your information at Community Living South Muskoka or in premises controlled by Community Living South Muskoka and the Client Information Management System in a secure manner and keep it for as long as necessary to fulfill the purposes for which it was collected, or as required by law.

Community Living South Muskoka has a policy in place to address the retention and destruction of records in the organization. This policy sets out minimum and maximum retention periods and complies with applicable laws governing retention of information. Where you have requested access to a record with your information, we will retain that record until your access request is exhausted.

6.0 ACCURACY OF YOUR INFORMATION

We take reasonable steps to ensure your information is as accurate, complete and up-to-date as necessary on collection. We will not routinely update information in our control unless routine updates are necessary to fulfill the purposes for which the information was collected. We take reasonable steps to ensure that any information that is used by Community Living South Muskoka on an ongoing basis, including any information that is routinely disclosed to others under this Policy, is accurate, complete and up-to-date. Where we know that information is not accurate, complete or up-to-date, this fact will be indicated at the time of use or disclosure.

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7.0 SECURITY OF YOUR INFORMATION

Security safeguards protect your information, in the custody or control of Community Living South Muskoka and the Client Information Management Systems group. These security safeguards are in keeping with industry standards and are designed to protect your information against loss or theft as well as unauthorized access, disclosure, copying, use or modification.

Among the steps we take to protect your information are:

- premises security, including locked filing cabinets where cabinets are located in publicly accessible areas;
- restricted access to information stored electronically;
- using technological safeguards like security software and firewalls to prevent hacking or unauthorized computer access; and
- internal password and security policies.

Community Living South Muskoka is aware of the importance of keeping your information confidential. As a condition of employment or obtaining/maintaining privileges, all staff are required to sign a Confidentiality Agreement, which is reviewed and renewed annually. (See Policy 3-20, Personnel – Confidentiality). We will notify you at the first reasonable opportunity if your information is lost, stolen, or subject to unauthorized access, disclosure, copying, use or modification.

8.0 HOW TO ACCESS YOUR INFORMATION

You can request access to any records in our custody or control that contain your information by writing to our Director of Administrative Services who is our Privacy Officer. The guidelines for processing these requests are available on request. You will receive at least a preliminary response from the Director of Administration Services who is our Privacy Officer within 30 days, and a full response within 60 days.

If our Privacy Officer refuses you access to your records, there will be a reason given, and you will also be notified of your right to complain to the Information Privacy Commissioner of Ontario (IPC). You are also entitled to challenge the accuracy or completeness of any of your information in our custody or control. Requests to challenge and/or change your information must be directed to our Director of Administrative Services who is our Privacy Officer, in writing. You will receive at least a preliminary response from our Privacy Officer within 30 days, and a full response within 60 days. **See Appendix II attached to this Policy for contact information for Community Living South Muskoka's Privacy Officer and the Privacy Commissioner of Ontario.**

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We will notify you at the first reasonable opportunity if your information is lost, stolen, or subject to unauthorized access, disclosure, copying, use or modification.

9.0 CHALLENGING COMPLIANCE

You are entitled to challenge our compliance with the principles set out in this Policy. Please direct any challenge in writing to our Director of Administrative Services who is our Privacy Officer.

Anyone who submits a written complaint, challenge or inquiry will be given a written copy of our procedures governing such complaints, challenges and inquiries. (See Policy 8-80, Client Information Management Systems - Information Practices Complaint)

We will investigate all complaints received. If a complaint is found to have merit, we will take appropriate measures to address the complaint, including amending our policies and practices relating to management of your information.

10.0 COMPLIANCE WITH THIS POLICY

All of our agents (employees, managers, volunteers, students, and professional staff members) are required to know and comply with this Policy. Annual confirmation of compliance is suggested. Any breach of this Policy may result in disciplinary action, including:

- for agents (staff) and volunteers, suspension, demotion, and termination; and
- for professional staff members, restriction or revocation of privileges, in whole or in part.

Agents (staff) may only use your information as permitted by South Muskoka Community Living and within the same legal limitations imposed. All agents (staff) must notify the organization at the first reasonable opportunity if your information is lost, stolen or accessed without authorization.

Reference: *Personal Health Information Protection Act November 2004 (PHIPA)*



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APPENDIX I Policy 8-10

DEFINITIONS

Agent

Anyone authorized by Community Living South Muskoka and the Client Information Management Systems group to collect, use or disclosure of Personal Health Information on behalf of South Muskoka Community Living and not for the agent's own purposes; (for example, employees; persons contracted to provide services who have access to Personal Health Information (records management, copying or shredding records); health professionals with privileges; volunteers; managers; students.

Circle of Care

Those Health Information Custodians indicated under the definition of HIC with an asterisk (*HIC), for the purpose of providing health care or assisting in providing health care within the continuum of care.

HIC (Health Information Custodian) includes:

- *health care practitioners
 - Regulated health professionals; registered drugless practitioner; social worker; person whose primary function is to provide health care (acupuncturist, psychotherapy)
 - NOT aboriginal healers; aboriginal midwives; faith healer
- *service providers to CCAC
- *CCAC
- *public, private, or mental hospitals
- *psychiatric facilities under *Mental Health Act*
- *independent health facilities
- *homes for aged, nursing homes
- *pharmacies
- *laboratories
- *ambulance
- *community health or mental health centres whose primary purpose is providing health care
- evaluators under *Health Care Consent Act* or assessors under *Substitute Decisions Act* (capacity)
- medical officer of health and board of health under *Health Protection and Promotion Act*
- Minister and Ministry
- others as provided under the regulations – i.e. Community Living South Muskoka

IPC – Information and Privacy Commissioner of Ontario

PHI (Personal Health Information)

Information, oral or recorded, about an individual that does or could identify that individual and that:

- relates to physical or mental health
- includes family history as it is reflected in record of PHI
- identifies the health care provider
- relates to payments or eligibility for health care
- relates to donation of body part or bodily substance
- includes the health number (replaces *Health Cards and Numbers Control Act*)
- identifies SDM
- includes any non-health info that is in record that is identifying

PHIPA – *Personal Health Information Protection Act, 2004* (Ontario)

Privacy Officer – as identified in Appendix II to this policy.

SDM – Substitute Decision Maker



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APPENDIX II Policy 8-10

Community Living South Muskoka Privacy Officer contact information:

Director of Administrative Services
Privacy Officer
Rick Van Der Ley
c/o Community Living South Muskoka
15 Depot Drive
Bracebridge, ON
P1L 0A1

Information and Privacy Commissioner of Ontario contact information:

Privacy Commissioner of Ontario
Ann Cavoukain
80 Bloor Street - Suite 1700
Toronto, ON M5S 2V1
Telephone: (416) 326-3333
Toll Free: 1-800-387-0073
Fax: (416) 325-9195