

# Rural Frontenac Community Services

## PRIVACY POLICY HR9A

Rural Frontenac Community Services is a community resource centre, founded in 1975 to provide support services to residents in rural Frontenac County. Rural Frontenac Community Services recognizes the sensitivity of personal health information and is committed to safeguarding and protecting personal health information in compliance with the *Personal Health Information Act, 2004*, which requires that personal health information be kept private and secure. This Privacy Policy outlines how the agency manages information and safeguards privacy.

### **PHIPA is the Law**

Rural Frontenac Community Services collects, uses and shares personal health information and must therefore comply with the *Personal Health Information Act 2004*.

### Definitions

This policy refers to the law as “PHIPA”. Personal Health Information is referred to as “PHI” or “information”. The information relates to physical or mental health, including health history and information about a family’s health history.

PHIPA refers to health professionals, institutions and agencies that hold personal health information as “Health Information Custodians” or “custodian” or “HIC”. Rural Frontenac Community Services is a HIC and is responsible for the PHI collected, used, maintained and shared, as set out in this Policy.

“Express Consent” means permission that Rural Frontenac Community Services has specifically obtained from an individual. “Implied Consent” means that Rural Frontenac Community Services has concluded from surrounding circumstances that the individual would agree to the collection, use or disclosure of their PHI.

“Privacy Officer” is the Executive Director who is responsible for the management of information and protection of privacy.

“Circle of Care” means those who need to know information to provide care. The “Circle of Care” may include other health care professionals outside of our agency, such as a, psychiatrist or nurse practitioners, case coordinators and home service providers who provide health care services to the individual.

### What Information Does Rural Frontenac Community Services Collect?

- Rural Frontenac Community Services asks clients to give information about themselves and their family that is needed to provide care.
- Rural Frontenac Community Services collects information for the provision of services, including: Home support services, counselling, assistance and advocacy, child and youth programs and the daycare.
- Rural Frontenac Community Services may also use PHI for licensing processes for services and programs.
- Rural Frontenac Community Services only collects information indirectly (e.g. from family or other professionals) if necessary to provide care, with consent, either implied or express, or if the law permits them to do so.

### How Does Rural Frontenac Community Services Use Information?

- The information is given to the employees (agents) working at Rural Frontenac Community Services to be used to provide services
- The staff are trained and understand that the information is private and can only be used or accessed to provide care and service
- If information is used for any purpose other than the provision of care and services, staff will ask for consent
- Unless Rural Frontenac Community Services has express consent to use information for research purposes, the

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information will only be used for research if the strict process in PHIPA is followed by both the Centre and the researcher

- Sometimes the law requires Rural Frontenac Community Services to disclose information, such as to a Child Protection Services when they are doing an investigation or if we learn that a child may be at risk of harm. Staff will only disclose information if the law requires or permits us to do so

### Getting Consent

*Consent to collect, use or disclose information may be implied or express.*

- Where Rural Frontenac Community Services is collecting, using or disclosing personal health information for health care purposes, the law permits the agency to rely on implied consent, where the surrounding circumstances allow staff to make a reasonable determination that a client or staff would agree to the collection, use or disclosure.
- Rural Frontenac Community Services will always ask for express consent when:
  1. disclosing information to someone who is not a HIC (e.g. employer, lawyer, etc.); or
  2. disclosing information to a HIC but for purposes other than providing a client with health care.

Express consent means specific verbal or written authorization for the collection, use or disclosure.

- Consent may be withheld or withdrawn at any time. If Rural Frontenac Community Services believes that the withdrawal or limiting of consent may compromise care, staff will tell the person and may also have to tell other members of their Circle of Care who request records that Rural Frontenac Community Services is unable to provide the complete record.
- Express (written) instruction that specific information not be used or disclosed can be prepared. The Privacy Officer or any health professionals who are dealing with the client can assist them with this process.
- Rural Frontenac Community Services may sometimes collect, use or disclose personal information without consent in limited

instances that are required or permitted by law. For example, some laws require disclosure of information, such as the Coroners Act and the Vital Statistics Act.

- Consent is only valid if it is obtained from a capable person. To be capable of consenting, a person must be able to understand the information relevant to the decision and the consequences of giving, withholding or withdrawing consent. If a person is found to be incapable of making decisions about PHI, Rural Frontenac Community Services will obtain consent from a substitute decision-maker, as determined by law.

### When Will Rural Frontenac Community Services Disclose Information?

Unless Rural Frontenac Community Services is told not to, staff may disclose information to other health care providers in the “Circle of Care” who need to know this information to provide care. The “Circle of Care” may include other health care professionals outside of our agency, such as a psychologist, psychiatrist or nurse practitioners, Community Care Access Centres (CCACs) and home service providers who provide health care services to the individual.

### Retaining Information and Disposing of Information

Rural Frontenac Community Services retains information in a secure manner and will keep it for as long as necessary to fulfill the purposes for which it was collected, or as required by law.

### Accuracy of Information

Rural Frontenac Community Services takes reasonable steps to ensure information is as accurate, complete and up-to-date as necessary at the time of collection. Staff routinely update information in their control unless routine updates are unnecessary to fulfill the purposes for which the information was collected.

Rural Frontenac Community Services will take reasonable steps to ensure that any information that is routinely disclosed to others under this policy is accurate, complete or up-to-date. This will be indicated at the time of use or disclosure.

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## Security of Information

Information in Rural Frontenac Community Service's custody is protected by security safeguards designed to protect information against loss or theft and unauthorized access, disclosure, copying, use or modification. The security safeguards we have implemented, include

### Physical measures:

- Protecting the premises by a lock
- Locking offices that contain PHI
- Storing PHI in locked filing cabinets

### Administrative measures:

- Creating and implementing internal operation and procedures regarding security
- Training Staff regarding privacy responsibilities
- Monitoring printers and fax machines and ensuring they are kept in areas that are secured
- Auditing information and security practices to ensure that our policies are complied with
- Establishing contracts with outside parties to ensure the confidentiality of PHI
- Ensuring that only those agents who require access to PHI records of clients for the purpose of providing them with care have access to such records

### Technological measures:

- Requiring individualized passwords to access computers
- Ensuring a high level of security for PHI stored in electronic format
- Ensuring that anti-virus, firewall, and security measures are current and implemented on all computers that maintain PHI

Rural Frontenac Community Services agents (employees, directors, volunteers, and students) are aware of the importance of keeping information confidential. As a condition of employment or association with Rural Frontenac Community Services, agents are required to sign a Confidentiality Agreement.

## Responding to Privacy Breaches

If a privacy breach occurs, Rural Frontenac Community Services will make every reasonable effort to contain the breach, which includes locating and retrieving all PHI outside of Rural Frontenac Community Service's control, as well as ascertaining whether other PHI is at risk of exposure. Rural Frontenac Community Services will then take the steps necessary to minimize the chances of a similar future breach.

Individuals will be notified at the first reasonable opportunity if information is lost, stolen, or subject to unauthorized access, disclosure, copying, use or modification.

## How to Access Information

A request to access any records in Rural Frontenac Community Service's custody or control that contain information can be made by calling or writing to a Manager or the Privacy Officer. The person will receive at least a preliminary response from the Privacy Officer within 30 days, and a full response within 60 days.

A person's right to access their information is not absolute. Rural Frontenac Community Services may deny access when:

- denial of access is required or authorized by law, or
- the request is frivolous or vexatious or in bad faith

If the Privacy Officer refuses access to records, reasons will be given, and the person will also be notified of the right to complain to the Information Privacy Commissioner of Ontario (IPC).

Rural Frontenac Community Services may charge a reasonable fee (based on cost recovery) for copies of information. Staff will advise the person of any fee before making copies.

## Correction of Personal Health Information

Depending on the circumstances, a person has the right to request correction to a record of PHI in Rural Frontenac Community Service's

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custody or control. Such a request may be made by providing a written request to the Privacy Officer.

Rural Frontenac Community Services will provide a response to all correction requests within 30 days, although in certain circumstances, they may require additional time to provide a response. If Rural Frontenac Community Services agrees with the correction request, staff will make every effort to record the correct information in the record and to cross out the incorrect information, without obliterating it.

A correction request may be denied where:

- staff are not satisfied that the record is incomplete or inaccurate for the purposes for which the information was recorded
- the request consists of a record that was not originally created by Rural Frontenac Community Services and staff do not have sufficient knowledge, expertise or authority to correct the record
- the request consists of a professional opinion or observation that a professional or agent has made in good faith
- the request is frivolous, vexatious or made in bad faith

If Rural Frontenac Community Services refuses to make the correction requested, written reasons will be provided.

### Internal Operational Procedures

Rural Frontenac Community Services will periodically establish various operational procedures to give effect to this policy. These may include, for example, procedures regarding accessing correction requests.

### Compliance with this Policy

All Rural Frontenac Community Services agents are required to know and comply with this policy. Annual confirmation of compliance is required. Any breach of this policy may result in significant action, including:

- for employees and volunteers - suspension, demotion, and termination
- for professional service providers - restriction or revocation of privileges, in whole or part.

Agents may only use information as permitted by Rural Frontenac Community Services and within legal limitations. All agents must notify Rural Frontenac Community Services at the first reasonable opportunity if information is lost, stolen or accessed without authorization.

### How to Contact Rural Frontenac Community Services

Any question or concern respecting the information and practices of this policy should be referred to the Privacy Officer. Rural Frontenac Community Services will answer all questions and will promptly investigate any concerns raised regarding this policy or a potential privacy breach. If an issue raised is found to have merit, Rural Frontenac Community Services will take all appropriate measures, including taking disciplinary action or amending our information practices.

### Our Privacy Officer

Executive Director

### Ontario's Information & Privacy Commissioner

Although Rural Frontenac Community Services will make every effort to provide an amicable resolution to all privacy concerns, if staff are unable to do so, a person may complain to the Information & Privacy Commissioner of Ontario.

The Commissioner can be reached at:

Dr. Ann Cavoukian or her successor  
Suite 1400, 2 Bloor St. E., Toronto, Ontario M4W 1A8  
1-800-387-0073 TTY 416-325-7539

***This Policy will be produced in brochure format and made available to all clients and their families.***