

CATEGORY:	<b>Client Records, Information and Privacy</b>
TITLE:	<b>CR-11-50 Privacy and Information Practices Policy</b>
POLICY:	<b>CR-11-50</b>
ADOPTED:	<b>June 2012</b>
APPROVED BY:	<b>Executive Director</b>
REVIEWED:	<b>May 2013 (n/c) June 2014 (n/c) November 2015 (r) May 2018 (r) August 2018 (r) November 2018 (r)</b>

## **Privacy and Information Practices Policy**

### **Privacy is Important**

Contact Hamilton for Children’s and Developmental Services (“Contact Hamilton”) is committed to meeting the highest standard of ethics and compliance with respect to maintaining the privacy of individuals and confidentiality of the personal information that we collect, use, and disclose. Accordingly, Contact Hamilton strives to provide appropriate privacy rights to our clients by following this Privacy and Information Practices Policy.

Contact Hamilton’s activities are **not** governed by:

- The federal privacy legislation, the Personal Information Protection and Electronic Documents Act,
- The Ontario privacy legislation, the Personal Health Information Protection Act, 2004, and
- The Ontario legislation, the Freedom of Information and Protection of Privacy Act.

Contact Hamilton’s activities, in administering its Children’s Services program, are governed by the Ontario legislation, Child, Youth and Family Services Act, 2017, including Part X: Personal Information.

Contact Hamilton’s activities, in administering its Developmental Services Ontario Hamilton-Niagara Region program, are governed by the Ontario legislation, Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 and the regulations under the Act. The regulations require that Contact Hamilton have quality assurance measures in place respecting confidentiality and privacy, including having policies and procedures regarding consent to any collection, use, or disclosure of personal information.

This Privacy and Information Practices Policy applies to all personal information collected, used, and disclosed by Contact Hamilton, whether or not that personal information is subject to the Child, Youth and Family Services Act, 2017.

Every employee, student, volunteer, Board member, and authorized agent of Contact Hamilton must adhere to a policy of maintaining privacy of individuals and confidentiality with respect to personal information that they may obtain through the course of their involvement with Contact Hamilton, which includes adherence to this Privacy and Information Practices Policy. This policy will be reviewed by every employee, student, volunteer, Board member, and authorized agent when the individual first becomes involved with Contact Hamilton and continues in effect indefinitely.

## **Defining Personal Information**

Personal information is recorded information about an individual. It includes the following information:

- race, national or ethnic origin, colour, religion, age, sex/gender, sexual orientation, or marital or family status of the individual,
- information relating to education of the individual,
- information relating to medical, psychiatric, psychological history of the individual, such as diagnosis, prognosis, condition, treatment, or evaluation,
- information relating to criminal history of the individual,
- information relating to employment history of the individual,
- information relating to financial transactions, such as credit card number or bank account information,
- any identifying number (e.g., social insurance number), symbol, or other particular assigned to the individual,
- home address, home telephone number, personal e-mail address,
- fingerprints or blood type of the individual,
- personal opinions or views of, or about, the individual,
- correspondence (e.g., e-mail, letter) sent to Contact Hamilton by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the details of the original correspondence, and
- name where it appears with, or reveals, other personal information.

Personal information does not include the name, title, or business contact information (e.g., work address including office location, work telephone number, work e-mail address, work fax number) of an individual.

## **Defining Client**

For the purposes of this policy, “client” means the identified person for whom Contact Hamilton’s services are being sought.

## **Privacy Principles**

The following privacy principles reflect Contact Hamilton’s commitment to the policy:

### **1. ACCOUNTABILITY**

Contact Hamilton is responsible for maintaining and protecting the personal information under its control. The Executive Director is accountable for Contact Hamilton’s information practices and is the Privacy Officer for access or correction requests, inquiries and complaints from clients or the public. The Executive Director will also ensure that Contact Hamilton staff understand their responsibilities with respect to this policy, either directly or through delegation to the Manager.

### **2. IDENTIFYING PURPOSES**

Contact Hamilton collects and uses personal information for the following purposes:

- To create a client record at Contact Hamilton
- To determine eligibility for services
- To determine needs and the services required, as well as the urgency/priority of the need for those services
- To complete the required intake / application processes. This will include information that is commonly used/required by the children’s or developmental services sectors.
- To identify a service provider to respond to needs and to monitor status with respect to accessing those services. This includes referral status dates (waiting date, start date, cancelled date, discharge date).
- To coordinate and navigate services
- To provide consultation services including regarding Fetal Alcohol Spectrum Disorder (FASD)
- To issue approvals for Passport funding, to address questions related to Passport funding reimbursement requests, and to communicate with PassportONE
- To assist with planning of the children’s and/or developmental services system

- For quality assurance purposes, including feedback on how effective and helpful our services have been, to allow us to improve our services
- To comply with all legal and regulatory requirements
- To contact individuals and families regarding upcoming events, activities, and programs that may be of interest.

Contact Hamilton uses and discloses anonymous information to comply with the Ministry of Children, Community and Social Services (MCCSS), and the Ministry of Health and Long-Term Care (MOHLTC) information requests. These requests are usually about general trends and patterns such as waiting lists.

Contact Hamilton uses and discloses anonymous information for planning, research, and program evaluation purposes and for education and professional development of Contact Hamilton staff.

Where practical, Contact Hamilton will make a reasonable effort to specify the identified purposes to the client before or at the time of the collection of personal information or after collection of personal information but before use.

### 3. CONSENT

An individual's consent will be obtained for the collection, use, or disclosure of personal information except where permitted or required by law. A capable individual regardless of age can consent to the collection, use, or disclosure of their own personal information. If the individual is incapable of consenting to the collection, use, or disclosure of their own personal information, another individual may consent on that person's behalf.

Consent may be implied or express. Express consent may be provided orally, electronically, or in writing.

With consent, Contact Hamilton discloses personal information to third parties including but not limited to the following:

- Other agencies, professionals, schools, hospitals, and others who are involved in a client's care, service provision, education, and/or treatment
- Other agencies and professionals who provide services and supports that may be able to respond to needs
- Other individuals identified as contacts such as family members or friends

A consent given for the disclosure of a client's record will specify:

- a) What information is to be disclosed

- b) The purpose of the disclosure
- c) To whom the record is to be disclosed
- d) Whether the consent authorizes the further disclosure of the record by the person referred to in clause c) and if so, to whom and for what purposes and
- e) The period of time during which the consent remains effective, unless revoked

Completed consent forms are filed in the client's personal record and in the client databases.

Contact Hamilton may disclose personal information without consent where permitted or required by law. For example:

- Reasonable grounds to suspect a child is in need of protection under section 125 of the Child, Youth and Family Services Act, 2017
- Any alleged, suspected, or witnessed incidents of abuse of an adult with a developmental disability if Contact Hamilton suspects the incident may constitute a criminal offence, under Regulation 299/10 of the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008
- Required by the Ministry of Children, Community and Social Services, including the Minister of this Ministry
- Required by the Ministry of Health and Long-Term Care, including the Minister of this Ministry
- Reasonable grounds to believe that there is a significant risk of serious bodily harm to a person or another person

Without consent, disclosure of a client's record of a mental disorder must be made pursuant to a summons, order, direction, notice, or similar requirement, unless a physician states in writing the physician believes that to do so,

- a) Is likely to detrimentally affect the treatment or recovery of the person to whom the record relates, or
- b) Is likely to result in
  - a. Injury to the mental condition of another person, or
  - b. Bodily harm to another person.

(section 294 of the Child, Youth and Family Services Act, 2017)

Regarding withdrawal of consent, by providing notice, an individual may withdraw consent for the collection, use, or disclosure of their personal information. The withdrawal of consent shall not have a retroactive effect. This means that an individual cannot withdraw consent for any collection, use, or disclosure of personal information that has already taken place. In cases where the disclosure of personal information is permitted or required

by law, the individual cannot withdraw consent. A withdrawal of consent will be noted in the case notes where applicable. In addition, the end date of the consent will be changed to reflect the date that the consent was withdrawn where applicable.

#### 4. LIMITING COLLECTION

Contact Hamilton will limit the collection of personal information to only that which is necessary for the purposes identified. Contact Hamilton will not collect information if other information will serve the purpose of the collection.

When a potential new client inquires about the services that can be accessed through Contact Hamilton, some personal information will be collected and express oral consent will be sought at that time. If the client does not want personal information to be collected or to answer questions to determine eligibility for services, it may not be possible to proceed further.

Once a client is determined eligible for service, the Contact Hamilton staff member will discuss the collection of personal information with the client, the creation of a client record, and the purpose(s) of doing so. A case note will be entered in the client's record.

Contact Hamilton will make its Privacy and Information Practices Policy available on its website and in its Reception area, accessible to all visitors. Further, upon the scheduling of an intake appointment for a new client of the Children's Services program, Contact Hamilton staff will advise of the Privacy and Information Practices Policy and how to access it. Generally, the practice of Contact Hamilton, in regards to the Developmental Services Ontario Hamilton-Niagara Region program, is to provide the client, at either the first or second application appointment, with a binder which contains information on various matters including privacy and how to access Contact Hamilton's Privacy and Information Practices Policy. A copy of this policy can be requested at any time by anyone and it will be emailed, mailed, or faxed to them as desired.

At the beginning of the intake/application appointment, the Contact Hamilton staff member will review the intake/application process and the nature and purpose of the information collection. Contact Hamilton staff will obtain consent to proceed with the information collection. A case note will be entered in the client's record.

Personal information will be collected directly from the client to the greatest extent possible. More often than not, however, such information may be collected indirectly with the client's consent, e.g. from a client's parent,

guardian, primary caregiver, substitute decision maker, or other authorized person.

#### 5. LIMITING USE, DISCLOSURE AND RETENTION

Contact Hamilton will not use or disclose personal information if other information will serve the purpose of the use or disclosure. Personal information will be retained only as long as necessary for the fulfillment of its purpose(s) or required by law.

#### 6. ACCURACY

Contact Hamilton and its staff will take reasonable steps to ensure that the personal information it uses and discloses is as accurate, complete, and up-to-date as may be necessary to fulfill the purposes for which it is to be used or disclosed.

#### 7. SECURITY AND SAFEGUARDS

Contact Hamilton stores personal information in paper and electronic files. Contact Hamilton strives to maintain appropriate security safeguards with respect to its offices and information storage facilities to prevent any loss, theft, misuse, unauthorized access, disclosure, copying, or modification of personal information. This also applies to Contact Hamilton's disposal or destruction of personal information.

If any employee, individual, or organization misuses personal information, this will be considered a serious issue for which action may be taken, up to and including termination of any agreement between Contact Hamilton and that employee, individual, or organization.

Contact Hamilton has implemented the following physical measures to ensure that personal information is protected:

- Only authorized Contact Hamilton staff or approved contractors are permitted to enter locations unescorted where client records are accessible, either in hard copy or on a computer screen. This is reinforced by signage as well as vigilance on the part of employees.
- Client records are stored in locked file cabinets.
- The offices are locked after-hours and are protected by a security system.

Technological security measures include:

- Passwords, user IDs
- Firewalls
- Secure transmission of data
- Secure storage of data
- Back-up systems

The following administrative controls have been implemented to protect a client's personal information:

- Mandatory confidentiality agreements for Contact Hamilton staff and volunteers.
- Mandatory Contact Hamilton staff and Board training on privacy.
- Contact Hamilton staff's access to a client's records is limited to those staff requiring access to the records and limited to only accessing the information that is required to fulfill their roles and responsibilities.
- Contact Hamilton has implemented a number of safeguards with respect to authorized copying, modification, and disposal of records, e.g. a shredding process is used to destroy records prior to disposal.
- Records are retained, transferred, and disposed of in a secure manner.
- Hard copy client records remain on the premises at all times, with limited exceptions.
- Storage of client records on laptops or desktops is prohibited.
- Electronic records containing identifying personal information may only be transmitted if encryption methods are implemented. Contact Hamilton databases satisfy these requirements.
- Fax numbers are pre-programmed wherever possible and maintained centrally. Wherever possible, Contact Hamilton limits the number of staff who are responsible for sending out faxes with personal information, e.g. administrative staff.
- In the event of a breach in the security of a client's personal information by a Contact Hamilton staff member, the staff member must notify the Executive Director (Privacy Officer) at the first reasonable opportunity. A reporting form is available.

## 8. OPENNESS

Contact Hamilton is responsible for providing information to individuals about its policies and procedures relating to the management of personal information that is under its control. This document (Contact Hamilton's Privacy and Information Practices Policy) is our written policy describing Contact Hamilton's information practices and is available in hard copy.

In the event a client's personal information has been stolen, lost, or accessed by an unauthorized person, our first priority will be to identify and contain the breach and then to take steps to correct it. Contact Hamilton may notify a client whose personal information may have been disclosed, lost, or stolen in an unauthorized manner at the first reasonable opportunity where this is deemed an appropriate level of response. In this case, a case note will be made in the person's client record indicating the date of the occurrence, nature of the breach, communication with the person, and the individual's response.

If the breach in security is detected or caused by a staff member of Contact Hamilton, the staff member must notify the Executive Director (Privacy Officer) at the first reasonable opportunity. The staff member with the greatest involvement or knowledge of the circumstances will take responsibility for completing the Privacy Incident Form. There may be a need to collaborate with another staff member(s) when investigating and documenting the circumstances of the incident. A Privacy Incident Form is completed and forwarded to the Executive Director.

#### 9. INDIVIDUAL'S ACCESS

When requested, an individual will be informed of the existence, use, and disclosure of their personal information that is under Contact Hamilton's control and has a right of access to that personal information as permitted by law. Individuals are entitled to challenge the accuracy and completeness of that personal information and request that it be amended. If its accuracy or completeness is successfully challenged, Contact Hamilton will amend the information. If its accuracy or completeness is not successfully challenged, Contact Hamilton will place a note in the client's record.

#### 10. HANDLING INQUIRIES AND COMPLAINTS

Any questions or inquiries or complaints concerning compliance with the Privacy and Information Practices Policy may be directed to the Executive Director (Privacy Officer):

Lea Pollard  
Executive Director  
140 King Street East, Suite 4, Hamilton, ON L8N 1B2  
905-570-8888/ 1-877-376-4674  
[privacy@contacthamilton.ca](mailto:privacy@contacthamilton.ca)

Information and privacy practices are regularly reviewed and policies are updated as indicated.