

	POLICY NUMBER:	CR-11-50
	ADOPTED:	June 1, 2012
	APPROVED BY:	Executive Director
	LAST REVIEWED:	June 10, 2020
	NEXT REVIEW:	December 1, 2023
CATEGORY	11 Client Records	
TITLE	Privacy and Information Practices	

## Privacy and Information Practices Policy

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## 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.

## **Defining Collect, Use, and Disclose**

"Collect" means to gather, acquire, receive, or obtain the information by any means from any source, and "collection" has a corresponding meaning.

"Use" means to view, handle, or otherwise deal with the information, but does not include to disclose the information, and "use", as a noun, has a corresponding meaning.

"Disclose" means to make the information available or to release it to another person, but does not include to use the information, and "disclosure" has a corresponding meaning.

## **Privacy Principles**

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

### ***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.

## ***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 comply with an information request by the Minister of Children, Community and Social Services under Part X: Personal Information of the Child, Youth and Family Services Act, 2017
- To contact individuals and families regarding upcoming events, activities, and programs that may be of interest.

Contact Hamilton discloses the personal information collected, pursuant to the information request by the Minister of Children, Community and Social Services under Part X: Personal Information of the Child, Youth and Family Services Act, 2017, to the Minister.

Contact Hamilton uses and discloses anonymous information to comply with the Ministry of Children, Community and Social Services (MCCSS), and the Ministry of Health (MOH) 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.

## **CONSENT**

An individual's consent will be obtained for the collection, use, or disclosure of personal information, except where the collection, use, or disclosure without the individual's consent is permitted or required by law.

In certain circumstances, Part X: Personal Information of the Child, Youth and Family Services Act, 2017 allows Contact Hamilton to collect, use, or disclose personal information without consent.

For a consent to be valid, it must be "knowledgeable", meaning that it is reasonable to believe that the individual knows the purpose(s) of the collection, use, or disclosure and that the individual may give, withhold, or withdraw consent. In addition, a consent must relate to the personal information and must not be obtained through deception or coercion.

A capable individual regardless of age can consent to the collection, use, or disclosure of their own personal information. An individual is capable of consenting to the collection, use, or disclosure of their own personal information if the individual is: a) able to understand the information that is relevant to the decision of whether to consent to the collection, use, or

disclosure of personal information, and b) able to appreciate the reasonably foreseeable consequences of giving, withholding, or withdrawing consent.

Contact Hamilton will presume that an individual is capable of consenting to the collection, use, or disclosure of their own personal information unless Contact Hamilton has reasonable grounds to believe that the individual is not capable.

Capacity depends on the nature of the personal information. An individual may be capable of consenting to the collection, use, or disclosure of some parts of their own personal information but incapable with respect to other parts of their own personal information. Capacity also depends on time. An individual may be capable of consenting to the collection, use, or disclosure of their own personal information at one point in time but incapable at another point in time.

If the individual is incapable of consenting to the collection, use, or disclosure of their own personal information, another person, including a substitute decision-maker, may consent on behalf of the individual.

Consent may be implied or express. Express consent may be provided orally, electronically, or in writing. If consent is provided orally, a case note is made in the client's record which includes the date, the name of the individual who gave the consent, the personal information to which the consent relates, and the manner in which Contact Hamilton's Privacy and Information Practices Policy was provided or made known to the individual.

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 and
- 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

Completed consent forms are filed in the relevant 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, 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

Contact Hamilton may disclose personal information without consent in certain circumstances as set out in Part X: Personal Information of the Child, Youth and Family Services Act, 2017. For example:

- To a law enforcement agency (e.g., police) in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or to allow the law enforcement agency to determine whether to undertake an investigation
- To comply with a summons, order, or similar requirement issued in a proceeding by a person having authority to compel the production of information



- Reasonable grounds to believe that disclosure is necessary to assess, reduce, or eliminate a risk of serious harm to a 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, including the date that the consent was withdrawn.

### ***LIMITING COLLECTION***

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

Contact Hamilton will take reasonable steps to ensure that personal information is not collected without authority.

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 post its Privacy and Information Practices Policy on its website and make it readily available in its Reception area, accessible to all visitors. Further, upon the start 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. The practice of Contact Hamilton, in regards to the Passport Hamilton-Niagara Region program, is to refer to Contact Hamilton's Privacy and Information Practices Policy in its documentation including Consent, and the Passport Service Agreement. 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 with the client's consent to the greatest extent possible. Contact Hamilton may collect personal information directly without the client's consent, in certain circumstances, as set out in Part X: Personal Information of the Child, Youth and Family Services Act, 2017. For example: a) if the collection is reasonably

necessary to provide a service and it is not reasonably possible to obtain consent in a timely manner, or b) if the collection is reasonably necessary to assess, reduce, or eliminate a risk of serious harm to a person.

More often than not, however, personal 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. Contact Hamilton may collect personal information indirectly without the client's consent, in certain circumstances, as set out in Part X: Personal Information of the Child, Youth and Family Services Act, 2017. For example: a) if the information to be collected is reasonably necessary to provide a service or to assess, reduce, or eliminate a risk of serious harm to a person and it is not reasonably possible to collect personal information directly from the individual that can reasonably be relied on as accurate and complete, or in a timely manner, b) if the indirect collection of information is authorized by the Information and Privacy Commissioner, or c) if the indirect collection of information is permitted or required by law.

### ***LIMITING USE, DISCLOSURE AND RETENTION***

Contact Hamilton will limit the use or disclosure of personal information to only that which is reasonably necessary for the purposes identified. 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 as long as necessary for the fulfillment of its purpose(s) or required by law.

Contact Hamilton may use personal information without the client's consent, in certain circumstances, as set out in Part X: Personal Information of the Child, Youth and Family Services Act, 2017. For example:

- Reasonable grounds to believe that use is reasonably necessary to assess, reduce, or eliminate a risk of serious harm to a person
- For a proceeding or contemplated proceeding in which Contact Hamilton or an employee or former employee of Contact Hamilton is or is expected to be a party or witness, if the information relates to or is a matter in issue in the proceeding or contemplated proceeding
- Permitted or required by law

## **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 is necessary to fulfill the purposes for which it is to be used or disclosed.

## **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 and will take reasonable steps to protect against loss, theft, misuse, unauthorized use, disclosure, copying, or modification of personal information. Contact Hamilton will also take reasonable steps to protect against unauthorized disposal or destruction of personal information.

Contact Hamilton will take reasonable steps to ensure that personal information is retained, transferred, and disposed of in a secure manner. For example, in disposing of a client record, Contact Hamilton will take reasonable steps to ensure that the personal information in the client record cannot be reconstructed or retrieved.

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 safeguards 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.

Technical security safeguards include:

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

The following administrative safeguards 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.

If a client's personal information is stolen or lost or if it is used or disclosed without authority, Contact Hamilton will notify the client at the first reasonable opportunity of the theft, loss, or unauthorized use or disclosure. The notification to the client will be in plain, easy-to-understand language, and will include a general description of how the personal information was stolen, lost, or used or disclosed without authority. The notification to the client will provide the client with the contact information of the relevant program Manager of Contact Hamilton who can provide the client with additional information about the theft or loss or unauthorized use or disclosure.

Contact Hamilton will inform the client of any steps Contact Hamilton has taken to: prevent a similar theft or loss or unauthorized use or disclosure of personal information from recurring, and, mitigate possible adverse effects on the client that may be caused by the theft or loss or unauthorized use or disclosure.

### ***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. In addition to the completion of the reporting form, 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.

### ***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

custody or control and has a right of access to that personal information as permitted by law.

Part X: Personal Information of the Child, Youth and Family Services Act, 2017 sets out exceptions to an individual's right of access to their personal information. For example:

- The client record or the personal information in the client record is subject to a legal privilege that restricts its disclosure to the individual
- An Ontario Act, a federal Act, or a court order prohibits its disclosure to the individual
- The personal information in the client record was collected or created primarily in anticipation of or for use in a proceeding and the proceeding together with all appeals or processes resulting from it has not been concluded
- Granting access could reasonably be expected to result in a risk of serious harm to the individual or another individual
- There are reasonable grounds to believe that the request for access is frivolous or vexatious or is made in bad faith

An individual may make a written request for access to Contact Hamilton to obtain access to their personal information that is under Contact Hamilton's custody or control. The written request must contain sufficient detail to enable Contact Hamilton to identify and locate the client record with reasonable efforts.

Contact Hamilton will respond in writing to the written request for access within 30 days after receiving the request. In certain situations, such as when it is not reasonably practical to provide a response within 30 days or providing a response within 30 days would unreasonably interfere with the operations of Contact Hamilton, Contact Hamilton may extend the deadline for responding by not more than 90 days. If Contact Hamilton extends the deadline, it will give the individual written notice of the extension setting out the length of the extension and the reason for it.

If Contact Hamilton denies an individual's request for access to their personal information, in whole or in part, Contact Hamilton will provide

written notice to the individual indicating that Contact Hamilton is refusing the request, providing a reason(s) for the refusal, and, in relation to the Children's Services program, letting the individual know that the individual is entitled to make a complaint about the refusal to the Information and Privacy Commissioner. There may be certain situations where a reason for the refusal is not provided, as permitted by Part X: Personal Information of the Child, Youth and Family Services Act, 2017.

Individuals are entitled to challenge the accuracy and completeness of their personal information and request that it be corrected.

If Contact Hamilton has granted an individual access to their personal information and if the individual believes that their client record is inaccurate or incomplete, the individual may make a written request that Contact Hamilton correct the client record.

Contact Hamilton will respond in writing to the written request for correction within 30 days after receiving the request. In certain situations, such as when it is not reasonably practical to provide a response within 30 days or providing a response within 30 days would unreasonably interfere with the operations of Contact Hamilton, Contact Hamilton may extend the deadline for responding by not more than 90 days. If Contact Hamilton extends the deadline, it will give the individual written notice of the extension setting out the length of the extension and the reason for it.

Part X: Personal Information of the Child, Youth and Family Services Act, 2017 sets out exceptions where Contact Hamilton is not required to correct the client record. For example:

- The client record was not originally created by Contact Hamilton and Contact Hamilton does not have sufficient knowledge, expertise, or authority to correct the client record
- It consists of a professional opinion or observation that was made in good faith about the individual
- There are reasonable grounds to believe that the request for correction is frivolous or vexatious or is made in bad faith



If its accuracy or completeness is successfully challenged, Contact Hamilton will correct the client record. For example, Contact Hamilton will correct the client record if the individual demonstrates to Contact Hamilton's satisfaction that the client record is inaccurate or incomplete and gives Contact Hamilton the information necessary to enable Contact Hamilton to correct the client record.

Contact Hamilton will correct the client record by recording the correct information in the client record and striking out the incorrect information in a manner that does not obliterate the client record. After correcting the client record, Contact Hamilton will give written notice to the individual of what has been done in terms of correcting the client record. In addition, after correcting the client record and at the request of the individual, Contact Hamilton will give written notice of the correction to the client record, to the extent reasonably possible, to the persons to whom Contact Hamilton has disclosed the client record, subject to a limited exception set out in Part X: Personal Information of the Child, Youth and Family Services Act, 2017.

If Contact Hamilton denies an individual's request for correction to their client record, in whole or in part, Contact Hamilton will provide written notice to the individual indicating that Contact Hamilton is refusing the request, providing a reason(s) for the refusal, and, in relation to the Children's Services program, letting the individual know that the individual is entitled to make a complaint about the refusal to the Information and Privacy Commissioner. Whenever the denial is not on the basis of a request for correction that is frivolous or vexatious or is made in bad faith, Contact Hamilton will also let the individual know that the individual is entitled to: prepare a concise statement of disagreement that sets out the correction that Contact Hamilton has refused to make, require Contact Hamilton to attach the statement of disagreement as part of the individual's client record and disclose the statement of disagreement whenever Contact Hamilton discloses that client record, and require Contact Hamilton to make all reasonable efforts to disclose the statement of disagreement to any person to whom Contact Hamilton has disclosed the client record.

## **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

Contact Hamilton for Children's and Developmental Services

140 King Street East, Suite 4, Hamilton, ON L8N 1B2

905-570-8888/ 1-877-376-4674

[privacy@contacthamilton.ca](mailto:privacy@contacthamilton.ca)

In relation to the Children's Services program, any individual can make a written complaint to the Information and Privacy Commissioner:

Information and Privacy Commissioner of Ontario

2 Bloor Street East, Suite 1400, Toronto, ON M4W 1A8

Fax: 416-325-9195

[info@ipc.on.ca](mailto:info@ipc.on.ca)

Information and privacy practices are regularly reviewed and this Privacy and Information Practices Policy is updated as indicated.

**Ce document est disponible en français**