

 <b>Grand River Community Health Centre</b>	Main Folder: General		Number: PRI-006	Policy and Procedure
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Subject: Privacy at GRCHC	Date Originally Issued: 11.15 Date Revised: 06.19 Date Reviewed:
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Issued by: Leadership Team	Approved by: Executive Director <i>Burton 11/17/19</i>
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**Policy**

The Grand River Community Health Centre (GRCHC) is committed to protecting the privacy, confidentiality and security of all personal health information under its control whether written, verbal, electronic, photographic or stored on any other medium.

GRCHC maintains privacy in compliance with the Personal Health Information Protection Act (PHIPA) 2004; legislation that establishes rules for the collection, use and disclosure of personal health information.

As a health information custodian, GRCHC and its agents (including employees, students, volunteers, independent contractors and any third-party personnel) are responsible for ensuring that the personal health information of clients is treated with respect and sensitivity. The Personal Information Protection and Electronic Document Act (PIPEDA), Canada’s private sector privacy legislation that governs the collection, use and disclosure of personal information, shall be taken into account where applicable.

**Definitions**

Agent:

A person that, with the authorization of The Grand River Community Health Centre (GRCHC), acts for or on behalf of the organization in respect of personal health information for the purposes of GRCHC and not the agent’s own purposes. A person is an agent of GRCHC:

- Whether or not the agent has the authority to bind the custodian,
- Whether or not the agent is employed by GRCHC and
- Whether or not the agent is being remunerated

Examples of agents of GRCHC include, but are not limited to: employees, volunteers, students, independent contractors, residents, consultants, researchers, vendors and third-party personnel.

Confidential Information:

Personal health information, personal information or organizational information. Organizational confidential information may include financial, administrative, technical information and can also include legal or employee-related information. These records may be subject to the Freedom of Information and Protection of Privacy Act (FIPPA)

#### Personal Information (PI):

Identifying information about an individual that does not contain health care information. Examples include age, religion, address and telephone number. Records that contain personal information may be subject to the Freedom of Information and Protection of Privacy Act (FIPPA).

#### Health Information Custodian:

Organizations or persons listed under the Personal Health Information Protection Act who have custody or control of personal health information as a result of the work they do. GRCHC is considered to be a Health Information Custodian (Personal Health Information Protection Act, 2004, Schedule A, Section 3 (vii) "a centre, program or service for community health or mental health whose primary purpose is the provision of health care").

#### Personal Health Information (PHI):

Any identifying information about an individual relating to the individual's health or to the provision of health care to the individual. Examples of personal health information include name, client record number, health insurance card number, address, telephone number, and any clinical documents or information such as a medical diagnosis, history and physical, x-ray report or blood type. It also includes information about a care provider, physician or client family member.

#### Record of Personal Health Information:

The Personal Health Information Protection Act defines a record as personal health information in any form or in any medium whether in written, printed, photographic, electronic form or otherwise. Furthermore, any information in a health record under the custody or control of The Grand River Community Health Centre including:

- Client name, client record number, health insurance number, address, telephone number
- All the names of clinical staff involved in client care, films, slides, diagnoses, discharge summaries, progress notes, transcribed reports, orders, consents, electronic images and photographs
- Any information that has been scanned
  - The electronic copy (scanned version) is the official copy or source documentation for client care and research purposes
- Any information and/or medical images
- Any information in the GRCHC system, including integrated information from other systems (e.g. lab results)

#### **Accountability for Personal Health Information:**

GRCHC is responsible for personal health information under its control in compliance with the Personal Health Information Act (PHIPA) 2004. The Executive Director or designated Chief Privacy Officer (Director of Primary Care and Community Health) are responsible for ensuring compliance with this policy.

Breaches of this policy and related privacy policies may be subject to disciplinary action. The Grand River Community Health Centre and its agents are also subject to fines and penalties set out in the Personal Health Information Protection Act.

The following practices have been implemented:

- The appointment of a Chief Privacy Officer (Director of Primary Care and Community Health)

- Policies and Procedures to protect personal health information (PHI)
- Confidentiality agreement to be signed by all agents of the Grand River Community Health Centre prior to commencement of employment or affiliation with GRCHC
- Processes to respond to requests for access to, or corrections of, personal health information in its custody
- Orientation, training and communication to staff and other agents on information about PHIPA
- Procedure to receive and respond to complaints about information practices
- In accordance with PHIPA, GRCHC will inform clients of the loss, theft or inappropriate access of their personal health information as soon as is reasonably possible.

**Purpose for the Collection of Personal Health Information:**

Personal Health Information may be collected if the purpose(s) are for the provision of client services, planning and administration of services, teaching, and research, collecting statistics, and meeting legal and regulatory requirements as described in PHIPA. An information practice statement (“Our Commitment to Privacy” Appendix A) is available to clients.

Identifying the purpose(s) for which personal health information is collected at or before the time of collection allows GRCHC to determine the information it needs to collect. The identified purpose(s) are specified at or before the time of collection to the individual from whom the personal health information is collected. This may be done verbally or in writing. A client who presents for services/treatment is also giving consent (implied consent) for the use of his or her personal health information for authorized purposes.

Notices identifying the purposes for the collection of personal health information are readily available to clients (Appendix A). When personal health information collected is to be used for a purpose not previously identified, the new purpose will be identified prior to use. The consent of the individual is required before information can be used for a new purpose unless required by law.

**Consent for the Collection, Use & Disclosure of Personal Health Information:**

The collection, use and disclosure of PHI requires both “knowledge” and “consent.” GRCHC will obtain implied or expressed consent before collecting, using or disclosing personal health information.

When collecting, using and disclosing the personal health information of a client for health care purposes, GRCHC will rely on implied consent. The knowledge and consent of the individual are required for the collection, use, or disclosure of personal health information, except where inappropriate.

In certain circumstances, personal health information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent, or when the individual is seriously ill or mentally incapacitated, it may be inappropriate or impractical to seek consent. In these circumstances, consent of the individual’s substitute decision maker will be sought, where feasible.

Consent is required for the collection of personal health information and the subsequent use or disclosure of this information. Typically, GRCHC will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use.

The Grand River Community Health Centre will make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

GRCHC will not, as a condition of providing care, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the specified and legitimate purposes. In obtaining consent, the reasonable expectations of the individual are also relevant.

The Grand River Community Health Centre can assume that an individual's request for treatment constitutes implied consent for specific purposes. The way in which The Grand River Community Health Centre seeks consent may vary, depending on the circumstances and the type of information collected.

Individuals can give consent in many ways. For example:

- A form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and specified uses and/or disclosures
- Consent may be given verbally or in writing at the time that an individual uses a service
- Consent may be given verbally when information is collected over the telephone

In cases where express consent is required and it is provided verbally, this exchange is documented in the client's electronic medical record.

**Withdrawal of consent:**

An individual may withdraw consent at any time, subject to legal restrictions and reasonable notice. Withdrawal of the consent will not have a retroactive effect. The Grand River Community Health Centre will inform the individuals of the implications of such a withdrawal.

**Limiting Collection of Personal Health Information:**

The collection of personal health information will be limited to that which is necessary for the purposes identified by GRCHC (Our Commitment to Privacy, Appendix A). Information will be collected in accordance with PHIPA and other applicable legislation.

**Limiting Use, Disclosure & Retention of Personal Health Information:**

**Limiting Use:**

If using personal health information for a new purpose, The Grand River Community Health Centre will document this purpose.

**Disclosure:**

Personal health information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law.

**Retention of PHI:**

GRCHC implements policy and procedure based on legislative requirements and provincial guidelines with respect to the retention of PHI (see PHI-002 Retention of Personal Health Information). Personal

health information that is no longer required to fulfill the identified purposes will be destroyed, erased or made anonymous. GRCHC will follow procedures for the destruction of personal health information.

#### **Ensuring Accuracy of Personal Health Information:**

The Grand River Community Health Centre will take reasonable steps to ensure that information is accurate, complete, and up to date, as necessary for the purposes for which it is to be used, and to minimize the possibility that inappropriate information may be used to make a decision about an individual. Limitations on the accuracy and completeness of personal health information disclosed will be clearly set out to the recipient where possible.

An individual may challenge the accuracy and completeness of the information (client request for correction). When an individual successfully demonstrates the inaccuracy or incompleteness of personal health information, GRCHC will amend the information required. The amendment may involve correction, deletion or addition of information. Where appropriate, the amended information will be transmitted to authorized third parties having access to the information in question.

When a challenge is not resolved to the satisfaction of an individual, GRCHC will record the substance of the unresolved challenge in the form of a letter from the client/individual in the client's health record.

#### **Ensuring Safeguards for Personal Health Information:**

Personal health information will be protected by security safeguards. The security safeguards will protect personal health information against loss or theft as well as unauthorized access, disclosure, copying, use or modification.

The methods of protection include:

- Physical measures including restricted access to areas housing confidential personal health information and locking filing cabinets
- Organizational administrative measures including confidentiality agreements, limiting access on a "need to know" basis and policies
  - GRCHC will make its employees aware of the requirement to maintain confidentiality of personal health information
  - Employees, independent contractors, students, volunteers, and agents of GRCHC must sign a confidentiality agreement
  - Care will be used in the disposal or destruction of personal health information to prevent unauthorized parties from gaining access to the information
- Technological measures including the use of passwords, controlled access, access approval process and secure computer networks

#### **Openness about Personal Health Information Policies and Practices:**

The Grand River Community Health Centre makes readily available to individuals specific information about its practices relating to the management of personal health information. A written statement is available to the public. This statement, (Our Commitment to Privacy Appendix A):

- Provides a general description of GRCHC's information practices
- Describes how to contact the designated privacy officer
- Provides contact information for The Information and Privacy Commissioner of Ontario

**Individual Access to Personal Health Information:**

Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal health information and will be given access to that information (see PRI-001 Access to Personal Health Information). The Grand River Community Health Centre may choose to make sensitive medical information available through a medical practitioner. A "Request to Access Personal Health Information Form" (Appendix B) shall be completed by the requestor and submitted to the GRCHC.

The Grand River Community Health Centre will respond to an individual's request within the period specified in the Personal Health Information Protection Act (30 days or with notice to the individual, 60 days for more complex requests) and at no cost to the individual. Where reasonably practical, the requested information will be made available with an explanation of terms, codes or abbreviations used in the record.

In providing an account of third parties to which personal health information has been disclosed, The Grand River Community Health Centre will attempt to be as specific as possible. When it is not possible to provide a list of organizations to which the information about the individual has been disclosed, a list of possible organizations may be provided.

In certain situations, The Grand River Community Health Centre may not be able to provide access to the personal health information it holds about an individual. Exceptions may include information that cannot be disclosed for legal or security reasons, or, contains references to other individuals. Examples may include information that could reasonably be expected to result in risk of serious harm.

**Challenging Compliance with GRCHC's Privacy Policies and Practices:**

An individual will be able to address a challenge concerning compliance with this policy to the Chief Privacy Officer of The Grand River Community Health Centre. Complaints regarding personal health information may be directed to the Chief Privacy Officer at:

- (519) 754-0777 x 255
- Or by e-mail to: [Privacy@grchc.ca](mailto:Privacy@grchc.ca)

GRCHC will investigate complaints and concerns and will take appropriate measures including training staff, reviewing processes, and amending policies and practices where appropriate.

**Appendix:**

- Appendix A: Our Commitment to Privacy
- Appendix B: Request to Access Personal Health Information Form

**Other Relevant Policy:**

- PRI-001 Access to Personal Health Information
- PRI-002 Retention of Personal Health Information
- PRI-003 Confidentiality

**References:**

- The Personal Health Information Protection Act (PHIPA) 2004

- The Personal Information Protection and Electronic Documents Act (PIPEDA)
- Community Care Information Management (CCIM) Ten CSA Privacy Principles
- Office of the Privacy Commissioner of Canada, Fair Information Practices
- Privacy by Design, Office of the Information & Privacy Commissioner, Ontario

## PRI-006 Appendix A Our Commitment to Privacy

### Collection of Personal Health Information:

The Grand River Community Health Centre collects personal health information about you directly from you or from the person acting on your behalf. The personal health information that we collect may include, for example, your name, address, health history, records of your visits to The Grand River Community Health Centre and the care received. As a client at The Grand River Community Health Centre, your personal health information is essential to the health care team. It allows us to provide you with the best possible care. Our service providers work in teams to provide you with comprehensive care and service. Information may be shared among those directly involved in your care.

### Uses and Disclosures of Personal Health Information:

We use and disclose your personal health information to:

- Treat and care for you
- Plan, administer and manage our internal operations
- Obtain payment for your care from WSIB, private insurers or others
- Conduct risk management and quality improvement activities such as client satisfaction surveys
- Teach
- Support approved research
- Comply with legal and regulatory requirements and fulfill other purposes permitted or required by law
- Compile statistics

### Your Choices:

You may access and correct your personal health records, or withdraw your consent for some of the uses and disclosures by contacting us (subject to legal exceptions).

### Important Information:

- We take steps to protect your personal health information from theft, loss and unauthorized access, copying, modification, use, disclosure and disposal
- We conduct audits and complete investigations to monitor and manage our privacy compliance
- We will investigate any complaints about our privacy practices and take appropriate measures to resolve such complaints
- We will notify you if your privacy has been breached
- We take steps to ensure that everyone who performs services for us protect your privacy and only use your personal health information for the purposes you have consented to.

### How to contact GRCHC:

If you have any questions, you may contact our Privacy Officer:

**Phone:** 519-754-0777x255

**Email:** [Privacy@grchc.ca](mailto:Privacy@grchc.ca)

**Mail:** 363 Colborne St, Brantford, ON, N3S 3N2

**Web:** [www.grandriverchc.ca](http://www.grandriverchc.ca)

### You may also contact:

The Information and Privacy Commissioner of Ontario

**Mail:** 2 Bloor St. E, Suite 1400, Toronto, ON M4Z 1A8

**Phone:** 1-800-387-0073

**TDD/TTY:** 416-325-7539

**Fax:** 416-325-9195

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

**Web:** [www.ipc.on.ca](http://www.ipc.on.ca)