

INTRODUCTION

Community Living Kingston takes privacy issues related to service users, families, employees, volunteers and students very seriously. In addition to established practices of dealing with personal health and other information in a sensitive manner, the organization is required by law to ensure that the collection, use, retention and disclosure of personal health information is carried out in accordance with established principles and requirements of Ontario's *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Schedule A ("PHIPA")

By disclosing personal health information to Community Living Kingston or to its agents and accepting the terms of this personal health information privacy policy, service users, families, employees, volunteers and students agree that Community Living Kingston may collect, use, retain, disclose and dispose of personal health information in accordance with the terms of this policy.

This Policy deals with the following:

- (a) the organization's accountability for its privacy practices;
- (b) the purposes for which collect personal health information is collected and the sorts of personal health information that are collected;
- (c) the manner in which consent is obtained for dealings with personal health information;
- (d) the manner in which personal health information is used and disclosed;
- (e) the security, retention and disposal processes relating to personal health information;
- (f) the right of individuals to access their own personal health information;
- (g) how to get answers to questions or raise concerns about the organization's dealings with personal health information and/or compliance with this Policy; and
- (h) the organization's right to amend this Policy.

SCOPE

This Policy applies to all personal health information that is held by, or is under the control of, Community Living Kingston and is designed to ensure that personal health information is protected during its collection, use, disclosure, storage and destruction in accordance with the applicable legislative requirements. While much of this policy statement is written in ways that address the personal information of clients, the same principles outlined in Articles 1 through 10 apply to the personal information of employees, students and volunteers.

DEFINITIONS

The following definitions have been created to explain terms that are used extensively in this Privacy Policy:

"Collect" or **"Collection"** means the act of gathering, receiving or obtaining personal health information from individuals or from third parties, by any means.

"Consent" means an individual's voluntary agreement with what is being done or proposed is knowledgeable and relates to the personal health information. Consent can be either expressed or implied. In appropriate circumstances, consent may be implied as more fully detailed in Article 3, below. Consent can also be given by an authorized representative, such as a legal guardian, power of attorney or a substitute decision-maker, in certain circumstances.

"Disclose" or **"Disclosure"** means to make an individual's personal health information available or to release it to another person.

"Personal Health Information" means information about an identifiable individual including information that relates to the physical or mental health of an individual and a person's medical history and plan of treatment and it includes an individual's health number.

ARTICLE 1 – ACCOUNTABILITY

1.1 The Contact Person below is responsible for facilitating Community Living Kingston's compliance with this Personal Health Information Policy and may be contacted at:

Community Living Kingston, 1412 Princess Street, Kingston, Ontario,
K7M-3E5

Attention: Privacy Coordinator, 546-6613, Ext 247, or Fax 546-00436 or e-mail: smckellar@kdacl.on.ca

While the Privacy Coordinator is primarily responsible for Community Living Kingston's Policy, other Community Living Kingston personnel may be assigned responsibility for the day to day collection and processing of personal health information or for acting on behalf of the Privacy Coordinator from time to time.

1.2 All Community Living Kingston employees and persons associated with Community Living Kingston in the collection, use and disclosure of personal health information (in oral or recorded form) are responsible for the personal health information that is obtained, handled or viewed in the course of the operation and services of Community Living Kingston. Any

service provider that Community Living Kingston may engage to process or to otherwise deal with personal health information on the organization's behalf is not permitted to use, retain or disclose personal health information transferred to it by this organization except in accordance with the terms of its agreement with Community Living Kingston. Depending on the circumstances, Community Living Kingston may require a contractual commitment with that third party to protect an individual's personal health information. The unauthorized use or disclosure of personal health information shall, in the case of employees, result in disciplinary action, up to and including termination of employment.

1.3 Community Living Kingston has implemented practices and procedures to give effect to the organization's commitment to privacy:

(a) personal health information security processes (see Article 7 below); and

(b) access, complaint and correction procedures (see Articles 9 and 10 below).

ARTICLE 2 - PURPOSES FOR COLLECTING, USING AND DISCLOSING PERSONAL HEALTH INFORMATION

2.1 Community Living Kingston may collect some or all of the following personal health information from individuals receiving support in the course of providing services:

- Health card number;
- Information regarding previous hospitalization or residence;
- Cognitive, communication, vision, hearing and behaviour patterns;
- Information respecting social and physical functioning and informal support services;
- Medical information relating to continence and disease diagnoses, general health condition, nutrition, hydration and dental status.
- Health Care Plans detailing treatments, requirements for care and assistance with particular medical problems.
- Lists of all medications prescribed; and

- Functional Assessments detailing physical and emotional functioning, allergies and special needs.

In some cases this information may be collected directly from individuals. In other circumstances, Community Living Kingston may collect or receive this information indirectly, such as from health care providers.

- 2.2 The personal information referenced in Section 2.1 above is collected in order to provide services to Community Living Kingston clients. More specifically, this information is used by a variety of Community Living Kingston employees to make appropriate accommodations and decisions respecting proper support and care for clients who access our services.
- 2.3 The purposes for collection are explained at or before the time of collection. If personal health information that has been previously collected is to be used or disclosed for a purpose not previously identified, the organization will, subject to its rights and obligations, identify that new purpose to individuals prior to the relevant use or disclosure.
- 2.4 The organization will endeavour to ensure that persons collecting personal health information directly are able to adequately explain to individuals the purposes for which personal health information is being collected.

ARTICLE 3 – CONSENT

- 3.1 Subject to its legal rights and obligations, Community Living Kingston will obtain appropriate form of consent for the collection, uses and disclosures of personal information contemplated in Article 2 above. Where Community Living Kingston receives personal health information about a client for the purpose of assisting with the provision of health care, Community Living Kingston is entitled to assume that it has implied consent to collect, use and disclose the information for the purposes identified, unless advised that an individual has expressly withheld or withdrawn consent.
- 3.2 Individuals may withdraw consent to the collection, use or disclosure of personal health information at any time, subject to legal or contractual restrictions and reasonable notice. To exercise this right, please contact the Privacy Coordinator noted in Article 1 above. Please note that a failure to provide consent to the use of certain forms of personal health information may limit Community Living Kingston's ability to provide supports, services and medical assistance to an individual or family member. The personal health information of clients of Community

Living Kingston is an essential tool used in the design and delivery of effective services and supports.

ARTICLE 4 - LIMITING COLLECTION

- 4.1 Community Living Kingston will collect only that personal health information that is required to achieve the purposes identified in Article 2 above. The organization will not collect, use or disclose more personal health information than is reasonably necessary to meet the purposes of the collection, use or disclosure, unless such use or disclosure is required by law. Further, Community Living Kingston will not collect, use or disclose personal health information if other non-health information will serve the purpose.

ARTICLE 5 - LIMITING USE, DISCLOSURE AND RETENTION

- 5.1 Personal health information is used by a limited number of personnel, on a "need to know" basis, while they are performing their functions and to ensure that proper services are provided to individuals or family members.
- 5.2 From time to time, this organization discloses or transfers personal health information to other parties. Except as required or permitted by law, this organization will not disclose personal health information without consent to other parties. Community Living Kingston may disclose personal health information to the following third parties in the course of providing support and services:
- Pharmacists;
 - Ambulance dispatch and attendants;
 - Third Party nursing organizations;
 - Access Centres;
 - Psychiatric assessment services;
 - Advising physicians;
 - Medical laboratories; and
 - Hospitals.
- 5.3 Where personal health information is transferred by Community Living Kingston to outside service providers that process personal health information, reasonable steps will be taken to ensure that any such provider has personal information privacy policies and procedures in place that are at least comparable to those implemented by this organization if the circumstances are available to do so. Community Living Kingston will further seek to ensure that any personal health information that is

transferred to such a third party is returned or destroyed at the end of the processing relationship.

- 5.4 Community Living Kingston retains and disposes of personal health information in a secure manner that ensures protection against unauthorized copying, modification or destruction. Personal health information that has been used to make a decision about an individual or family member shall be retained for a reasonable period in order to permit the service user to access that personal health information after the decision has been made.
- 5.5 Client records are maintained a minimum of twenty years after the date of last entry, or at least five years after the death of a client, consistent with DSA regulations. Employee records are maintained in locked storage indefinitely.

ARTICLE 6 – ACCURACY

- 6.1 Community Living Kingston will not routinely update personal health information, unless it is necessary to fulfill the purposes for which the personal information was collected. However, the organization will take reasonable steps to ensure that the information is as accurate, complete and up to date as is necessary for the purposes of the disclosure that are known at the time.

ARTICLE 7 – SAFEGUARDS

- 7.1 Community Living Kingston will protect personal health information under the organization's control with safeguards that are appropriate to the sensitivity of that information. These safeguards are designed to protect personal health information in all formats against theft, loss and unauthorized use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or disposal. In the event Community Living Kingston discovers that personal health information in its custody or under its control has been stolen, lost or accessed by an unauthorized person, it will notify the affected individual at the first reasonable opportunity. Some general organizational safeguards include, but are not limited to, locked central client files, locked personnel files, clearly articulated sign-out and/or viewing procedures, and Confidentiality Policies, including signed affirmations by all employees.

ARTICLE 8 – OPENNESS

- 8.1 Information about Community Living Kingston's privacy-related practices and procedures is available upon request. This policy is one example of how the organization deals with personal health information. If there is a specific question regarding an incidence of the collection, use or disclosure of personal information, please contact the Privacy Coordinator above.

ARTICLE 9 - INDIVIDUAL ACCESS

- 9.1 An individual has a right of access to a record of personal health information that is in the possession of Community Living Kingston, unless there is a valid legal right to refuse an individual to allow access.
- 9.2 Subject to its legal rights and obligations, Community Living Kingston will, upon receipt by the organization's Privacy Coordinator of a written request for access, inform individuals about the possession, use or disclosure of personal information, if any, and permit individuals to access that personal information if it is held or controlled by the organization. If an individual requests such information or access, sufficient information must be provided with the request to permit the organization to locate the record with reasonable efforts. Any personal information provided by Community Living Kingston to an individual as a result of a request for access shall be in a generally understandable form.
- 9.3 Community Living Kingston will respond to a request as soon as possible in the circumstances and in any event within thirty (30) days of receipt of the request. This response deadline may be extended for up to an additional thirty (30) days if replying within thirty (30) days would unreasonably interfere with the employer's operations, or if the time required to undertake any consultations necessary to respond to the request would make it impractical to meet that time limit. When necessary, the organization may also extend the response deadline for as long a period as is necessary to permit conversion of the personal information at issue into an alternative format that would allow a person with a sensory disability to read or listen to that personal information. The organization will provide written notice to an individual of any response period extension within thirty (30) days of the request. The organization will endeavour to respond to a request for access at no cost. However, Community Living Kingston may charge a fee in appropriate circumstances to process a request and will provide an estimate of that fee at the time the request is received.
- 9.4 In the event Community Living Kingston is entitled to refuse the request for access to the personal health information, it will inform the individual

making the request of the reasons in writing unless it is otherwise precluded from doing so by law. If the information requested is not available, the individual will be informed promptly in writing. If Community Living Kingston refuses the request for access it will advise of the individual's right to make further inquiry with the appropriate governmental authority.

- 9.5 If an individual demonstrates to Community Living Kingston's satisfaction that personal information that is held or controlled by the organization is inaccurate or incomplete, and provides the information necessary to correct the record, the appropriate amendments will be made. These amendments may involve the correction, deletion, or addition of personal information.

ARTICLE 10 - COMPLAINTS PROCEDURE

- 10.1 In the event that an individual wishes to enquire or complain about Community Living Kingston's personal information practices or the organization's compliance with this Privacy Policy, a written enquiry or complaint should be sent to the attention of the Privacy Coordinator noted in Article 1 above. The Privacy Coordinator will investigate all complaints and respond to all written enquiries. If a complaint is found to be justified by the Privacy Coordinator, Community Living Kingston will take all reasonable steps to amend the relevant privacy-related policies or procedures.

CHANGES TO THIS POLICY

Community Living Kingston reserves the right to modify or supplement this Policy.