

1 - A STANDARDS

Approved by:

Board of Directors

Date:

August 23, 2016

1-A-18 Personal Health Information Protection

Applies to:

All Employees, Volunteers and Board Members

Effective Date: January 28, 2005

Revised:

May 2016

Next Review Date: May 2019

ROP

INTRODUCTION

Gateway Community Health Centre is a not-for-profit health centre that is a member of the Association of Ontario Health Centres. Our approach to community health encompasses the broad factors that determine health, such as education, employment, income, housing, environment and social support. We provide accessible primary health care services to our rural communities. We are an integral part of the provincial health services system and play a significant role in providing essential services. This includes a continuum of services which promote individual and community ownership over health.

At Gateway Community Health Centre, we take client privacy very seriously. In addition to our established policy of dealing with personal health and other information in a sensitive manner, we are required by law to ensure that our 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*, ("**PHIPA**").

BY DISCLOSING THE CLIENT PERSONAL HEALTH INFORMATION TO GATEWAY COMMUNITY HEALTH CENTRE OR TO ITS AGENTS AND ACCEPTING THE TERMS OF THIS PERSONAL HEALTH INFORMATION PROTECTION POLICY, THE CLIENT AGREES THAT GATEWAY COMMUNITY HEALTH CENTRE 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) our accountability for our privacy practices;
- (b) the purposes for which we collect personal health information and the sorts of personal health information that we collect;
- (c) the manner in which we obtain consent for our dealings with personal health information;
- (d) the manner in which we use and disclose personal health information;
- (e) our security, retention and disposal processes relating to personal health information;
- (f) the client's right to access his/her individual personal health information;

- (g) how the client can get answers to questions or raise concerns about our dealings with client personal health information and/or our compliance with this policy; and
- (h) our right to amend this policy.

SCOPE

This Policy applies to all personal health information that is held by, or is under the control of, Gateway Community Health Centre 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.

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 the client or from third parties, by any means.

"Consent" means the client's voluntary agreement with what is being done or proposed and is based on the fact that the client is knowledgeable. For the purpose of this policy, consent relates to the client's personal health information. 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 (for health care decisions), a substitute decision-maker as defined under the Health Care Consent Act, or the executor of a will, in certain circumstances.

"Disclose" or **"Disclosure"** means to make the client's personal health information available or to release it to another person or organization.

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

ARTICLE 1 – ACCOUNTABILITY

1.1 The Contact Person below has been designated as Privacy Officer and is responsible for facilitating Gateway Community Health Centre's compliance with this Personal Health Information Protection Policy and may be contacted at:

41 McClellan St., Tweed, ON K0K 3J0
Attention: Mayo Hawco, Executive
Director Phone: 613-478-1906 Ext. 226
Email: mhawco@gatewaychc.org

While the Privacy Officer is primarily responsible for our policy, other Gateway Community Health Centre 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 Officer from time to time. To validate compliance, the Privacy Officer or designate completes the privacy audit tool (Form) annually.

1.2 All Gateway Community Health Centre (GCHC) employees and persons associated with GCHC 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 GCHC . Gateway Community Health Centre has adopted policies and procedures in the workplace designed to enhance the protection of personal health information and ensure that the confidentiality of client medical records is of primary importance. Any service provider that GCHC may engage to process or to otherwise deal with personal health information on our behalf is not permitted to use, retain or disclose personal health information transferred to it by us except in accordance with the terms of its agreement with us. Depending on the circumstances, we may require a contractual commitment with that third party to protect the client'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 Gateway Community Health Centre has implemented policies and practices to give effect to our privacy commitment to the client, including:
- (a) personal health information security processes (see Article 7 below); and
 - (b) access, complaint and correction procedures (see Articles 9 and 10 below).
 - (c) privacy statement (see Article 2 and 3 below)

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

- 2.1 When an individual first becomes a patient or client of Gateway Community Health Centre, he or she will be provided with a Client Information Registration Sheet where the Centre requests specific information that is required to provide health services to the client. GCHC requests that each client review and sign this form as an indication of consent, allowing GCHC to collect and share demographic information.

This information includes personal information such as the client's name and date of birth and health card number. In addition to the personal health information provided by the client in this form, Gateway Community Health Centre will collect personal health information in the course of providing the client with services. This information will be gathered by medical or other personnel who are responsible for the client's health care. The information collected directly from us will include the client's health history, physical or mental health issues, known conditions, present complaints, previous diagnoses and treatment plans.

- 2.2 In addition to the personal health information that we collect directly from the client, GCHC may also collect health information about the client in the course of providing the client with services indirectly. For example, we may receive information from former health care providers, hospitals and other health centres. In addition, we will routinely collect diagnostic information from third parties such as specialists to whom clients are referred and from diagnostic centres, such as laboratories and medical imaging centres.
- 2.3 We collect the personal information referred to above in order to provide medical and other services to the client. More particularly, this information is used by a variety of GCHC employees on a "need to know" basis to make appropriate decisions regarding the client's personal health and care. This may include health care practitioners, pharmacists, chiropractors, dietitians, social workers and other

health professionals engaged in the client's health care. In addition, limited administrative personnel may access the client's personal health information for the purposes of supporting health professionals and of providing necessary information to comply with requirements imposed by the Ministry of Health and Long Term Care and the South East Local Health Integration Network.

- 2.4 If personal health information that has been previously collected is to be used or disclosed for a purpose not previously identified, we will, subject to our legal rights and obligations, identify that new purpose to the client prior to the relevant use or disclosure and, where appropriate, we will seek client consent to this collection prior to its occurrence.
- 2.5 We endeavour to ensure that persons collecting personal health information directly on our behalf are able to adequately explain to the client the purposes for which the client's personal health information is being collected.

ARTICLE 3 – CONSENT

- 3.1 Subject to our legal rights and obligations, GCHC obtains an appropriate form of consent, either implied or express, for the collection, uses and disclosures of personal information contemplated in Article 2 above. Where GCHC receives personal health information about a patient or client for the purpose of providing health care or other services, GCHC is entitled to assume that it has consent to collect, use and disclose the information for the purposes identified in this policy, unless we are advised that the client has expressly withheld or withdrawn consent.

- 3.2 **Withdrawal of Consent**

The client may withdraw his or her consent to our collection, use or disclosure of the client's personal health information at any time, subject to legal or contractual restrictions and reasonable notice. To exercise this right, please contact the Privacy Officer at the co-ordinates cited in Article 1 above. Please note that a failure to provide consent to the use of certain forms of personal health information may limit GCHC's ability to provide proper health care and other assistance to the client or the client's family member. The personal health information of clients of GCHC is an essential tool used in the design and delivery of effective health care services. Where the withdrawal of consent will have an adverse impact on the ability of GCHC to provide continuing services, the client will be informed of his or her rights.

- 3.3 **Lock Box**

Clients of Gateway Community Health Centre may elect to withhold or withdraw consent for the use, collection or disclosure of information for a specific purpose of providing or assisting in the provision of health care. Clients may also provide specific directions surrounding the circumstances under which, and to whom the information may be released. Direction from the client may include, but is not limited to, use or disclosure of a particular item contained within the client's health record, use or disclosure of the entire health record, or restricting the disclosure or use of information by a particular health information custodian or agents (physician, nurse, nurse practitioner, social worker etc.). This is known as the "lock box" provision.

If a client chooses to invoke the lock box provision, the client will complete and submit a written withdrawal of consent to Gateway Community Health Centre. Once the client locks personal health information or restricts the use and disclosure of the information, personal health information may not be used or disclosed unless:

- the individual changes his or her mind, and provides consent
- GCHC “believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons,” (PHIPA, 2004) or as required by law.

ARTICLE 4 - LIMITING COLLECTION

- 4.1 We will collect only that personal health information which we require to achieve the purpose(s) for the collection. GCHC will not collect, use or disclose more personal health information than is reasonably necessary to meet the purpose(s) of the collection, use or disclosure, unless such use or disclosure is required by law. Further, GCHC 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

Disclosure of Personal Health Information to a Third Party

- 5.1 Personal health information is used by a limited number of our personnel, on a "need to know" basis while they are performing their functions and to ensure that proper services are provided to the client or the client's family member.
- 5.2 From time to time, Gateway Community Health Centre may be required by law to disclose or transfer personal health information to other parties. These parties include but are not limited to:
- Medical Officer of Health
 - Children's Aid Society
 - Colleges of Regulated Health Professionals
 - Coroner
 - Subpoenas from Ontario court
 - Registrar General
 - Workplace Safety and Insurance Board (WSIB)
 - Ministry of Transportation

In the course of ordinary care, GCHC may disclose or transfer the client's personal health information to other health care professionals or partner agencies who are considered to be part of the client's "circle of care". These parties may include but are not limited to:

- Pharmacists
- Specialist Physicians

- Hospitals
- Emergency medical providers
- Ontario Drug Benefits Program Branch
- Partner Agencies, e.g. Community Care Access Centres and Home Care nursing services

As well, from time to time, GCHC may be requested to transfer or disclose personal health information to a third party, outside of the ordinary course of care. Prior to the transfer or disclosure of information, the client's consent will be received. Third Parties with whom information may be shared may include, but are not limited to:

- Lawyers
- Insurance Providers

- 5.3 In addition, certain basic health information, such as the nature of each of the client's visits at the Centre, is transferred on a regular basis to governmental authorities for the purpose of providing information that allows us to secure funding, and that provides the Ontario Government with pertinent information to allow it to provide the best health and other services for the region in which we are located. This information is transferred electronically in a system that is designed to restrict access to the client's personal health information and is used only by a limited number of personnel. This information is password protected. We may also provide this information for statistical purposes.
- 5.4 Where personal health information is transferred by us to outside service providers who process personal health information for us, reasonable steps will be taken to ensure that any such provider has personal information privacy procedures and policies in place that are at least comparable to those implemented by GCHC if the circumstances are available to do so. When requesting and/ or sharing personal health information with other providers GCHC may require consent from clients, e.g. request of client record.
- 5.5 GCHC will undertake periodic audits and reviews of client care for the purpose of performance review and quality improvement. These audits/reviews will be undertaken by GCHC staff. Otherwise, the client's personal health information is not available to members of the public or staff of GCHC who are not directly involved in the client's health care. Personal Health Information that has been used to make a decision about the client or the client's family member shall be retained for a reasonable period in order to permit the client to access that personal health information after the decision and to comply with all record retention requirements imposed on GCHC from time to time.

ARTICLE 6 – ACCURACY

- 6.1 We will not routinely update personal health information, unless it is necessary to fulfill the purposes for which the personal information was collected. However, we 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 to GCHC at the time. Clients of GCHC also have an obligation to ensure the information we have collected is accurate and should identify any errors or inaccurate information when they become aware of it and bring it to the attention of the client's health care provider or the Privacy Officer identified in Article 1- Accountability.

ARTICLE 7 – SAFEGUARDS

- 7.1 We protect personal health information under our 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. These safeguards deal with more than just the physical storage of records, but also deal with appropriate password and other protections for any medical information that is stored electronically. In the event GCHC 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.

ARTICLE 8 – OPENNESS

- 8.1 Information about our privacy-related policies and procedures is available upon request. This policy is one example of how we deal with personal health information. If there is a specific question regarding an incidence of the collection, use or disclosure of personal health information, please contact the Privacy Officer (see Article 1) who will respond fully to any questions the client may have regarding the treatment of the client's personal health information.

ARTICLE 9 - INDIVIDUAL ACCESS

An individual has the right to access a record of personal health information that is in the possession of GCHC, unless there is a valid reason to refuse an individual access. This information is the client's information and it is not the practice of the GCHC to refuse access to the client's own records.

- 9.1 Subject to its obligations, GCHC will, upon receipt by our Privacy Officer of a written request for access, inform the client about our possession, use or disclosure of the client's personal information, if any, and permit the client to access that personal information if it is held or controlled by us. If the client requests such information or access, the client must provide sufficient information with the request to permit us to locate the record with reasonable efforts. Any personal information provided by us to the client as a result of a request for access shall be in a generally understandable form.
- 9.2 We 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. We may extend this response deadline for up to an additional thirty (30) days if replying within thirty (30) days would unreasonably interfere with our 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, we 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. We will provide written notice to the client of any response period extension within thirty (30) days of the client's request. We will endeavour to respond to a request for access at no cost. However, GCHC 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.

- 9.3 In the event GCHC is entitled to refuse the request for access to the personal health information, we will inform the client of the reasons in writing unless we are otherwise precluded from doing so by law. If the information requested is not available, the client will be informed promptly in writing. If GCHC refuses the request for access, we will advise the individual of their right to make further inquiry with the appropriate governmental authority.
- 9.4 If the client demonstrates, to our satisfaction, that the client's personal information that is held or controlled by us is inaccurate or incomplete, and gives us the information necessary to correct the record, we will review and if we are in agreement, make appropriate amendments. These amendments may involve the correction, deletion, or addition of personal information. If the client is unable to demonstrate, to our satisfaction, that the client's personal information that is held or controlled by us is inaccurate or incomplete, we will make a "statement of disagreement" describing the client's request as well as our opinion and add it to the client's health record.
- 9.5 Release of Test/ Lab Results to Client

Use of Inked Stamp when Provider is Releasing Information to the Client or Client Representative

An inked stamp "Release to Client" allows Providers to release information directly to the client or client representative during a regularly scheduled appointment. This stamp replaces the need to use Form R 310 for individual reports being provided directly to the client/client representative.

Form R 310 **will be used** in the event that a client requests access to his/her personal health information such as an entire chart or numerous copies of diagnostic reports.

- Clients requesting copies of reports such as blood results, x-ray reports, diagnostic test results, or medication summary will speak directly to the Provider during a regularly scheduled appointment.
- The Provider will discuss the information/results and the request with the client.
- The report will be printed from the client's electronic record and stamped with "Release to Client", dated, and signed by the client and Provider.
- In the event there is more than one page to a report, each page must be dated, stamped and signed by the client and Provider. (When an entire chart, or several reports and numerous pages are requested, Form R 310 is used)
- The Provider will make a notation on the electronic chart that a copy of the information has been given to the client/client representative.

ARTICLE 10 - COMPLAINTS PROCEDURE

- 10.1 In the event that the client wishes to enquire or complain about our personal information practices or our compliance with this Privacy Policy, a written enquiry or complaint should be sent to the attention of the Privacy Officer at the coordinates provided in Article 1 above. The Privacy Officer will investigate all complaints and respond to all written enquiries. If a complaint is found to be justified by the Privacy Officer, we will take all reasonable steps to amend our relevant privacy-related policies or procedures.

- 10.2 In addition to the rights that are provided to the client in this policy, if the client believes that his or her personal health information has been inappropriately dealt with in any respect, the client has a right to bring a formal complaint by contacting Ontario's Information and Privacy Commissioner toll-free at 1-800-387-0073.

D. CHANGES TO THIS POLICY

Gateway Community Health Centre reserves the right to modify or supplement this policy from time to time to respond to legislative or other changes.

Forms Related to this Policy

R309 Consent to Disclose Personal Health Information To/From a Third Party

R310 Request For Personal Health Information by a Client of Client Representative, or Use of an Inked stamp "Release to Client"

R311 "Lock Box" Withdrawal of Consent to Disclose Personal Health Information

R312 Lock Box Tracking Form

R405 Request to Correct Personal Health Information