

**St. Demetrius (Ukrainian Catholic) Development Corporation
and St. Demetrius Supportive Care Services
("The Corporations")**

Policy & Procedure



Ukrainian Canadian Care Centre

St. Demetrius Supportive Care Services

DEPARTMENT: Administration	EFFECTIVE DATE: August 2013
CATEGORY: Introduction	REVISED DATE: August 2013, January 2014
SUBJECT: Privacy of Personal Information	REVIEWED DATE: January 2017
POLICY NUMBER: ADM-INFO-11	SUPERSEDES: September 23, 2008, October 2010
ISSUING AUTHORITY: Executive Director	SIGNATURE:

PREAMBLE:

St. Demetrius (Ukrainian Catholic) Development Corporation's and St. Demetrius Supportive Care Services' ("The Corporations") Privacy Policy is based on the principles of the CSA Model Code for the Protection of Personal Information (the "CSA Model Code") and conforms to the requirements of the Personal Information and Electronic Documents Act (Canada) ("PIPEDA") and Personal Health Information Protection Act (PHIPA) and applicable Canadian privacy legislation.

PURPOSE:

To safeguard and protect personal and confidential data collected and stored electronically for its intended purpose for residents/clients, staff and volunteers.

POLICY:

Principle 1- Accountability

The Corporations are responsible for personal and personal health information under its control and has designated an individual, the Chief Privacy Officer, the Director of Quality Organizational Development & Housing, to be accountable for compliance with the following privacy principles.

- 1.1 Accountability for the Corporations' compliance with the privacy policy rests with the Chief Privacy Officer, (the Director of Quality, Organizational Development and Housing) although other individuals at the Corporations are responsible for the day-to-day collection and processing of personal and personal health information. All staff share responsibility for adhering to the Corporations' privacy policies and procedures. The Director of Operations is the Technical Privacy Officer and is responsible for overseeing the safeguarding/breach of electronic health records.
- 1.2 The name and contact information of the individuals designated to oversee compliance with the principles set out in this privacy policy will be made available upon request.
- 1.3 The Corporations are responsible for personal and personal health information in our possession or custody, including information that has been transferred to a third party for processing. The Corporations will use commercially reasonable efforts through

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contractual or other means to provide a comparable level of information protection while the information is being process by the third party.

- 1.4 The Corporations implemented policies and practices to give effect to this policy, including:
- a) procedures to address the recording of consent in appropriate circumstances where express consent is required;
 - b) procedures to protect personal and personal health information;
 - c) procedures to receive and respond to complaints and inquires; and
 - d) Training staff and communicating to staff relevant information relating to their responsibilities under applicable Canadian privacy legislation.

Principle 2 - Identifying Purposes

The Corporation will identify the purposes for the collection of personal and personal health information at or before the time the information is collected. The purposes for collection include:

- Make decisions about the types of services you need
- Provide direct resident/client care
- Communicate with other service providers
- Monitor provision of services and evaluate your response to services provided
- Verify eligibility for payment by the Ministry of Health and Long-Term Care
- Meet legal and regulatory requirements

- 2.1 The identified purposes are specified at or before the time of collection to the individual from whom the personal and personal health information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. Upon admission, for example, a notice or brochure identifying the purposes may be posted or given to the individual.
- 2.2 When personal and personal health information that has been collected is to be used or disclosed for a purpose not previously identified for which consent is required, the new purpose will be identified prior to use or disclosure. Unless the new purpose complies with the purposes identified, the consent of the individual will be obtained before the information will be used for another purpose.
- 2.3 Persons collecting personal and personal health information will be able to explain to individuals the purposes for which the information is being collected.

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Principle 3 – Consent

The knowledge and consent of the individual are required for the collection, use or disclosure of personal and personal health information, as noted below.

Note: In certain circumstances personal and 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. Acquiring consent may be impossible or inappropriate when the individual is a minor, cognitively impaired, seriously ill or psychotic and the Substitute Decision Maker is not available. The Corporations will follow the rules provided in the Health Care Consent Act, the Substitute Decisions Act and the Personal Health Information Protection Act.

- 3.1 Consent may be express or implied.
- 3.2 When the Corporations receive personal and personal health information from the individual, the individual's Substitute Decision Maker, or another health information custodian for the purposes of providing health care, and will assume that the individual implies consent to collect, use and disclose the information as necessary for that purpose unless the individual has expressly withheld or withdrawn consent.
- 3.3 When a person's consent is required for collecting, using or disclosing personal and personal health information, it will be knowledgeable, relate to the information, and not be obtained through coercion or deception. Consent is knowledgeable if it is reasonable to believe, in the circumstances, that the individual knows the purposes of the collection, use or disclosure, as the case may be, and that the individual may provide or withhold consent.
- 3.4 Consent to the disclosure of personal and personal health information about an individual by the Corporations to a person who is not a health information custodian will be express. If the Corporations disclose personal and personal health information to another health information custodian for a purpose other than for providing health care, consent will also be express.
- 3.5 Typically, the Corporations 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, e.g., where the Corporations have collected information from another health care provider identifying a request for admission to the Corporations.
- 3.6 In obtaining consent, the reasonable expectations of the individual are relevant. For example, an individual seeking service/admission should reasonably expect that the corporation, in addition to using the individual's name and address for administration purposes, would also, as an example, contact the individual to advise on the availability of the room at the Corporations. On the other hand, an individual would not reasonably expect that personal and personal health information given to a health care professional

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would be given to a company selling health care products, unless consent has been obtained for the disclosure. We do not obtain consent through deception.

- 3.7 The ways in which we seek consent may vary, depending on the circumstances and the type of information to be collected. We will generally seek express consent when the information is considered sensitive. Implied consent would generally be appropriate when the information is less sensitive, or when informed consent may reasonably be inferred from the circumstances and the action of the individual to whom the personal and personal health information relates. Consent can also be given by an authorized representative of the individual. We will at all times follow the rules for an authorized representative provided in applicable legislation governing substitute decision-making.
- 3.8 Individuals may be asked to give consent in a variety of ways. For example:
- a) An admission form may be used to seek consent, collect information and inform individuals of the use that will be made of their information. By completing and signing the form, individuals are consenting to the collection and the specified uses of their personal and personal health information;
 - b) A check-off box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties;
 - c) Consent may be given orally when information is collected over the telephone; or
 - d) Consent may be deemed to be given at the time that the individuals use our products or services.
- 3.9 An individual may refuse to give consent or may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. We will inform the individual of the implications of such withdrawal.

Principle 4 - Limiting Collection

The collection of personal and personal health information shall be limited to that which is necessary for the purposes identified by the Corporations. Information will be collected by fair and lawful means.

- 4.1 The Corporations will only collect personal and personal health information for lawful purposes permitted by PHIPA and by other Acts.
- 4.2 The Corporations will not collect personal and personal health information if other information can serve the purpose.
- 4.3 The Corporations will not collect personal and personal health information indiscriminately. Both the amount and the type of information collected will be limited to that which is necessary to fulfill the purposes identified.

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- 4.4 Personal and personal health information will be collected by fair and lawful means.
- 4.5 Information may be collected indirectly without the consent of the individual in certain circumstances when the information is reasonably necessary for the provision of healthcare to the individual. These circumstances include: where it is not reasonably possible to collect the information from the individual in a timely manner; where it is not reasonably possible to rely on the information from the individual as accurate; where another Act permits the collection.

Principle 5 - Limiting Use, Disclosure, and Retention

Personal and personal health information shall 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. Personal and personal health information will be retained as long as necessary for the fulfillment of the purposes.

- 5.1 The Corporations will use and disclose personal and personal health information for lawful purposes permitted or required by PHIPA and by other Acts.
- 5.2 The Corporations will not use or disclose personal and personal health information if other information can serve the purpose.
- 5.3 The Corporations will not use or disclose personal or personal health information indiscriminately. Both the amount and the type of information used and disclosed will be limited to that which is necessary to fulfill the purposes identified.
- 5.4 The Corporations will use and disclose personal and personal health information for the purposes identified. If the Corporations use or disclose personal and personal health information for a new purpose, it will document this purpose and obtain consent, e.g., for promotion.
- 5.5 If personal and personal health information is used or disclosed without an individual's consent in a circumstance that requires consent, the Corporations will make a note of such use and/or disclosure, and inform the individual of the use or disclosure at the first reasonable opportunity. We will keep the note as part of the record about the individual or in a form that is linked to those records.
- 5.6 The Corporations may disclose personal and personal health information to a health care provider if the disclosure is reasonably necessary for the provision of health care and it is not reasonably possible to obtain consent in a timely manner.
- 5.7 The Corporations may disclose personal and personal health information where the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to an individual, a person or group of persons.

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Principle 6 – Accuracy

The Corporations will take reasonable steps to ensure personal and personal health information is as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

- 6.1 The extent to which personal and personal health information shall be kept accurate, complete and up-to-date will depend upon our use of the information, taking into account the interests of the individual. Information will be kept sufficiently accurate, complete and up-to-date to minimize the possibility that outdated or inappropriate information may be used to make a decision about the individual.
- 6.2 We do not routinely update personal and personal health information, unless such a process is necessary to fulfill the purposes for which the information was collected.

Principle 7 – Safeguards

Personal and personal health information will be protected by security safeguards appropriate to the sensitivity of the information.

- 7.1 The Corporations' security safeguards will protect personal and personal health information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. We will protect personal and personal health information regardless of the format in which it is held, e.g., verbal, paper or electronic.
- 7.2 The Corporations ensure that the records of personal and personal health information in its custody and control are retained, transferred and disposed of in a secure manner.
- 7.3 The methods of protection included:
 - Physical measures, such as restricted access to offices or other areas where personal and personal health information is kept and other measures deemed to be appropriate in the circumstances.
 - Organizational measures, such as security clearances and limiting access to personal and personal health information on a “need-to-know basis; and
 - Technological measures, such as the use of passwords and encryption.
- 7.4 The Corporations make sure its employees, volunteers and other agents are aware of the importance of maintaining the confidentiality of personal and personal health information. As a condition of employment, all our employees must sign the Corporations' confidentiality agreement and agree to adhere to the information practices.
- 7.5 Care is taken in the disposal or destruction of personal or personal health information, to prevent unauthorized parties from gaining access to the information.

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7.6 The Corporations will notify an individual at the first reasonable opportunity if personal and personal health information is stolen, lost or accessed by unauthorized persons.

Principle 8 – Openness

We recognize the importance of an individual’s right to keep personal identifiable information private and we are committed to protecting those individual privacy rights. We will make readily available to individuals specific information about our policies and practices relating to the management of personal and personal health information.

8.1 We are committed to being open about our policies and practices with respect to the management of personal and personal health information. This information shall be made available in a form that is generally understandable.

8.2 The information we make available shall include:

- The title and address of the person (Privacy Officer) who is accountable for the Corporations’ policies and practices and to whom complaints or inquiries can be forwarded;
- The means of gaining access to personal and personal health information held by us;
- A description of the type of personal and personal health information held by us, including a general account of its use(s);
- A copy of any brochures or other information that explains our privacy policies, standards, or codes; and
- The personal and personal health information that is made available to other organizations, such as healthcare providers.

Principle 9 - Individual Access

Upon request, an individual will be informed of the existence, use and disclosure of his or her personal and personal health information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Note: In certain situations, the Corporations may not be able to provide access to all the personal and personal health information that it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions may include: access could reasonably be expected to result in a risk of serious harm to the treatment or recovery of the individual or a risk of serious bodily harm to an individual or group of individuals; information that is prohibitively costly to provide; information that contains references to other individuals; information that cannot be disclosed for legal reasons; and information that is subject to solicitor-client or litigation privilege.

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- 9.1 If you write to request access, the Corporations will inform you whether or not we hold personal and personal information about you. We will indicate the source of the information and will permit you access to the information. However, we reserve the right to make medical information available only through a medical practitioner. In addition, the Corporations will provide an account of the use that has been made or is being made of the information and an account of the third parties to which has (or may have been disclosed).
- 9.2 The Corporations will provide a request form to enable the individual to access his or her record. Under PHIPA, the Corporations can take up to 30 days to provide access and may charge the individual seeking access a fee.
- 9.3 An individual may be required to provide sufficient information to permit the Corporations to provide an account of the existence, use and disclosure of their personal and personal health information. The information provided in this context will only be used for this purpose.
- 9.4 When an individual successfully demonstrates the inaccuracy or incompleteness of their personal and personal health information, the Corporations will amend the information as required. Depending upon the nature of the challenged information, amendments may include the correction, deletion or addition of information.
- 9.5 The Corporations will notify persons to whom the record was previously disclosed of the correction except where the correction would not affect the provision of health or other benefits.
- 9.6 The Corporations are not required to correct personal and personal health information that consists of a record that was not originally created by them, if the Corporations do not have sufficient knowledge, expertise or authority to correct the record or the record consists of a professional opinion made in good faith about the individual.
- 9.7 When the Corporations are unable to make a correction, the Corporations will inform the individual of the refusal, provide reasons and inform him or her of the right to appeal the refusal or the right to attach a statement of disagreement to the individual's health information.

Principle 10 – Challenging Compliance

An individual will be permitted to address a challenge concerning compliance with the above principles to our designated Privacy Officer, and other individuals responsible for our Corporations' compliance with this Privacy Policy.

- 10.1 The Corporations have procedures in place to receive and respond to complaints or inquiries about our policies and practices relating to the handling of personal and personal health information. The Corporations will inform individuals who make

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inquiries or lodge complaints of the existence of relevant complaint mechanisms. Any complaints or inquiries should be directed to our Privacy Officer.

- 10.2 We will investigate all privacy-related complaints received by us. If a complaint is found to be justified through the internal or external complaint review process, we will take steps it deems appropriate, including, if necessary, amending its policies and practices.

Related Policies and Procedures:

- ADM-INFO-08 Safeguarding Personal and Health Information
- ADM-INFO-09 Access and Release of Information

ADDITIONAL REFERENCES:

1. Personal Health Information Protection Act (PHIPA) legislation
2. Ministry of Health and Long-Term Care (MOHLTC) Homes Act
3. Personal Information Protection and Electronic Documents Act (PIPEDA) legislation