

	Subject: Risk, Health, Information Policy	No. of Pages: 6	Effective Date:
	Type: General	Policy #: PRG-18-03-320	Approved:
	<input type="checkbox"/> Finalized/Approved <input checked="" type="checkbox"/> Revision <input type="checkbox"/> New		Individual/Department

Intent

The intended outcome of this policy is the safeguarding and protection of all personal health information under the custody and control of Thresholds Homes and Supports Inc. (Thresholds) and full compliance with all associated legislative and regulatory requirements.

Any person who collects uses or discloses personal health information on Thresholds’ behalf will follow best practices, as outlined in this policy, for the protection and confidentiality of personal health information under Thresholds’ custody and control.

Definitions

- Access* Refers to the ability of an individual to retrieve, view or process personally identifiable information.
- Agent* An individual, with the authorization of the custodian, acts for or on behalf of the custodian in respect of personal health information for the purposes of the custodian, and not the agent’s own purposes, whether or not the agent has the authority to bind the custodian, whether or not the agent is employed by the custodian and whether or not the Agency is being remunerated.
- Authorized User/Person* Employees or agents of Thresholds who have been granted access to specific data bases or other stores of personal information required for the necessary execution of their duties. It is understood that these individuals will have completed all required privacy and security and/or role based training specific to their roles within Thresholds.
- Collection* Refers to the gathering of personal information of identifiable individuals which may occur directly, indirectly, actively or passively.
- Confidentiality* Refers to Thresholds’ obligation to ensure that information is only accessible to those authorized to have access and that people we support experience this right of privacy.

<i>Consent</i>	<i>Means the informed voluntary agreement with that which is being done or proposed. Consent can either be express or implied. Express consent is clear and does not require any inference on the part of Thresholds seeking consent. Implied consent arises where consent can be reasonably inferred from the action or inaction of the person.</i>
<i>Data Repository</i>	<i>Several databases that support applications could reside in a single health care data repository.</i>
<i>Disclosure</i>	<i>Refers to the release of information to others outside of Thresholds for specific and defined purposes.</i>
<i>Health Information Custodian</i>	<i>An organization or an agent responsible for personal health information. Thresholds is responsible for PHI of our clients and so are our employees as our agents.</i>
<i>Freedom of Information and Protection of Privacy Act (FIPPA)</i>	<i>The Freedom of Information and Protection of Privacy Act is an Act of the Legislative Assembly of Ontario. The Act requires that local government institutions protect the privacy of an individual's personal information existing in government records. It also gives individuals the right to request access to municipal government information, including most general records and records containing their own personal information.</i>
<i>Legal Representative/Substitute Decision Maker (SDM)</i>	<i>A person who has legal authority to make decisions on behalf of another person.</i>
<i>Minimum/Relevant Information</i>	<i>Refers to the most limited information required for carrying out of a specific role, task or function.</i>
<i>Need to Know</i>	<i>The principle which supports an authorized user's access and use of "minimal/relevant" personal information necessary to meet required business purposes of Thresholds.</i>
<i>Personal Health Information</i>	<i>Refers to identifiable personal information in any form, including:</i> <ul style="list-style-type: none"> <i>a) age, name, income, information relating to race, national or ethnic origin, colour, religion, social status, sex, sexual orientation or marital or family status of the individual;</i> <i>b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;</i> <i>c) any identifying number, symbol or other particular assigned to the individual;</i> <i>d) address, telephone number, fingerprints or blood type of the individual;</i> <i>e) personal opinions or views of the individual except where</i>

- they relate to another individual;*
- f) *correspondence sent to an agency that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;*
- g) *views or opinions of another individual about the individual, and;*
- h) *individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;*
- i) *information that is collected in the course of providing health and support services to the individual; and/or,*
- j) *information that is collected incidentally to the provision of health services to the individual.*

Personal health information does not include the name, title or business address or telephone number of an employee of Thresholds.

Personal Health Information Protection Act (PHIPA)

PHIPA is one of two components of the Health Information Protection Act. The Health Information Protection Act is, comprised of two schedules: PHIPA and the Quality of Care Information Protection Act.

Retain

Refers to the keeping of personal information or personal health information within Thresholds.

Right of Access

Refers to an individual's right to view or receive copies of their own personal information in the custody or control of Thresholds, subject to the limited and specific provisions of FIPPA, and/or PHIPA or where FIPPA/PHIPA does not apply, reasonable discretion of Thresholds as the custodian of personal information.

Right to Request Correction

Refers to an individual's right to request that Thresholds update or otherwise modify their own personal information where that information may be in error.

Third Party Service Provider

An individual or entity that Thresholds collects, uses, discloses personal health and/or personal information with for non-health care purposes.

Use

Refers to the handling of personal and personal health information within Thresholds.

Associated Documents

- Your Privacy at Thresholds Homes and Supports
- Privacy Breach Policy (PRG-18-03-105)

- Consumer Rights and Responsibilities Policy
- Confidentiality Agreement
- Incident Reporting Policy (PRG-18-03-210)

Guidelines

1. Accountability for Personal Health Information

Thresholds is responsible for the personal health information in its custody or control, and has designated an individual, the Privacy Officer, who is accountable for Thresholds' compliance with its Privacy Policy and related legislation.

Thresholds makes evident its commitment to privacy and the confidentiality of personal information by:

- Implementing policies and procedures to protect personal health information.
- Educating anyone who collects, uses or discloses personal health information on Thresholds' behalf about their obligations under Thresholds' privacy policies.
- Operationalizing policies and procedures through the Privacy Officer to:
 - Receive and respond to complaints;
 - Manage inquiries on privacy related matters; and
 - Ensure resources on Thresholds' privacy policies and procedures are publicly available.

2. Identifying Purposes for Which Personal Health Information is Being Collected

Thresholds will identify to the individual from whom it collects personal health information (and inform as necessary) the purposes for the collection.

Thresholds collects personal health information for purposes related to direct client care, administration and management of Thresholds' programs and services, statistical reporting, and fundraising permitted or required by law.

When personal health information that has been collected is to be used for the purpose not previously identified, the new purpose will be explained. Unless the new purpose is permitted or required by law, consent is required before the information is used for that purpose.

3. Consent for the Collection, Use and Disclosure of Personal Health Information

Thresholds relies on implied consent from clients or their legally authorized representative for the collection, use, or disclosure of personal health information. In some circumstances, Thresholds will obtain express consent to collect, use or disclose PHI as required by Thresholds policy and by law. Thresholds may disclose personal health information as required by law without consent.

A person may withdraw consent at any time, but withdrawal cannot be considered retroactive. The withdrawal may be subject to legal or contractual limitations and reasonable notice.

4. Limiting Collection of Personal Health Information

Thresholds limits the amount and type of personal health information it collects to that which is necessary to fulfill the purposes identified. Information is collected directly from the individual, referral sources and other service providers.

5. Limiting the Use, Disclosure, and Retention of Health Information

Thresholds uses and discloses personal health information for purposes related to direct person-centered care, administration and management of Thresholds programs and services, statistical reporting, and as permitted or required by law.

Personal health information will be retained in accordance with Thresholds policy, and as required by law. Otherwise it will be destroyed, erased, or made anonymous.

6. Accuracy of Personal Health Information

Personal health information will be as accurate, complete and up-to-date as reasonably possible for the purposes for which it is to be used. Thresholds updates personal health information when changes are necessary to fulfill the purposes for which the information was collected.

7. Safeguards for Personal Health Information

Thresholds security safeguards for the personal health information it holds include:

- Physical measures (such as locked filing cabinets, rooms);
- Operational measures (such as permitting access on a “need-to-know” basis only, consent management);
- Technological measures (use of passwords, encryption, and audits).

Thresholds requires everyone who collects, uses or discloses personal health information on its behalf to be cognizant of the importance of maintaining the confidentiality of personal health information. This is put into action through the signing of confidentiality agreements, privacy training and contractual agreements.

Thresholds has taken steps to ensure that personal health information in its custody and control is protected against theft, loss and unauthorized use or disclosure.

Precautions are used in the disposal or destruction of personal health information to prevent unauthorized persons from gaining access to the information.

8. Openness About Personal Health Information Policies and Practices

Information about Thresholds’ policies and practices relating to the management of personal information is available, including:

- Contact information for Privacy Officer, to whom complaints or inquiries can be made;
- The process for obtaining access to personal health information held by Thresholds, and making requests for its correction;
- A description of the type of personal health information held by Thresholds, including a general account of its use and disclosures;
- A copy of any brochures or other information that explains Thresholds’ privacy policies, standards, or codes.

9. Individual Access to Personal Health Information

Individuals may make written requests to have access to their records of personal health information, in accordance with Thresholds’ policy for access and correction to records.

10. Challenging Compliance with Thresholds’ Privacy Policies and Practices

Thresholds will receive and respond to complaints or questions about its policies and practices that relate

to the management of personal health information. Thresholds will investigate all complaints. If a complaint is found to be justified, appropriate measures will be taken. Individuals who are not satisfied with a response to a complaint will be informed of other available avenues to address their concerns.

For further information about Thresholds' compliance to the *Health Privacy Policy* and related procedures, please contact the Privacy Officer at 519-742-3191 or by email at privacy@thresholdsupports.ca.