

HUMAN RESOURCE POLICIES
CLIENT PRIVACY & CONFIDENTIALITY POLICY*

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Approved by: President & CEO

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CCA Accreditation Standards: ORG-SYS-2.1, ORG-SYS-2.2, ORG-SYS-2.4, ORG-SYS-3.1

Cross Reference: *Client Records Policy, Confidentiality Agreement, Electronic Communication with Clients Policy, Protection, Secure Transfer & Retention of Client Records Policy, Working From Home Policy, Working in the Community Policy*

PREAMBLE

Boost CYAC is classified as a health information custodian under the *Personal Health Information Protection Act* (PHIPA). This legislation sets out clearly defined rules for the collection, use and disclosure of personal health information.

Please note that employee and donor records of a custodian (BOOST CYAC) are excluded from the definition, as the records are not primarily used for providing health care. As such, there is a separate privacy policy that relates to the collection, use and protection of employee and donor information.

DEFINITIONS

PERSONAL HEALTH INFORMATION

Personal Health Information as defined by PHIPA refers to oral or written information about the individual relating to an individual's physical or mental health (including family history) and the provision of health care.

DISCLOSURE

The term "disclose" as per PHIPA means to make the personal health information available or to release it to another health information custodian or person. It does not include providing it back to the person who provided it or disclosed it in the first place, whether or not it has been manipulated or altered, as long as it does not include additional identifying information.

AGENT

Under PHIPA, Boost CYAC employees, consultants and students are considered an agent of a health information custodian. Agents are those who are authorized to act on behalf of a custodian; and to perform activities for the purposes of a custodian rather than their own purposes. These apply whether or not they have the authority to bind the custodian, whether or not the custodian employs them, and whether or not they are receiving remuneration.

CONSENT

*Formerly the *Confidentiality Policy*

Under PHIPA, consent can be expressed or provided through an authorized representative. A person can express consent orally, in writing or electronically. Express consent is unequivocal and does not require inference by the individual. Implied consent arises when consent may reasonably be inferred from the action or inaction of the employee or other individual.

INFORMED CONSENT

Under PHIPA, a client or other individual's consent or revocation of consent is valid if, at the time the consent is given or revoked, the person:

- a) has capacity;
- b) is informed as to the nature and the consequences of consent and any alternative(s) to it;
- c) gives or revokes the consent voluntarily, without coercion or undue influence or under influence; and
- d) has had a reasonable opportunity to obtain independent advice.

PURPOSE

This policy is intended to outline Boost CYAC policies and procedures that are in place to protect client confidentiality and privacy and refers to consistent standards and obligations that employees need to be aware of in regards to the personal and confidential information under the custody and control of Boost CYAC.

POLICY

Boost CYAC is a health information custodian under the *Personal Health Information Protection Act* (PHIPA), and is committed to adhere to all privacy standards established by relevant legislation such as the *Personal Health Information Protection Act* (PHIPA), as well as the *Child, Youth and Family Services Act* (CYFSA). Boost CYAC is committed to maintaining the privacy and confidentiality of clients and makes information about its privacy policies and procedures readily available. Information about Boost CYAC's privacy practices are posted on the Boost CYAC website, included in client orientation materials and also available upon request.

ACCOUNTABILITY

1. Boost CYAC is accountable for all personal information in its possession, custody and control, all of which will be kept private and secure. However, Boost CYAC may be required to release/make available information to a number of sources, including parents/guardians, Child Protection, Police Services and legal counsel, in the following circumstances:
 - if Boost CYAC receives a warrant/subpoena to release and produce client records to a criminal, civil or family court of law;
 - suspicions of child abuse; and
 - if any staff at Boost CYAC is made aware of a risk of serious harm to the client or others.
2. All employees, contractors, volunteers, students and other third parties who have dealings with Boost CYAC must be aware of and follow the privacy policies and procedures put in place to conform to principles embodied in its privacy code. In short, employees, contractors, volunteers, students and other third parties who have dealings with Boost CYAC must ensure that any personal information held in their possession is kept private.

CONSENT

1. Information will be collected, used and disclosed with an individual's consent; however, Boost CYAC may collect, use or disclose personal information without consent in a life-threatening situation, or where otherwise required or permitted by law. Consent to collect, use and disclose personal information may be withdrawn by an individual at any time, except where the collection, use or disclosure is required by law. Boost CYAC will explain to the individual the consequences of a withdrawal of consent.
2. In the case that a client chooses not to provide Boost CYAC with consent to collect, use or disclose personal information, Boost CYAC may have insufficient information to provide services to the client. In some cases, the refusal to provide consent may limit the services and benefits that Boost CYAC is able to offer the individual.

COLLECTION, LIMITING COLLECTION & USE OF PERSONAL HEALTH INFORMATION

1. The collection and recording of personal information will be limited to that which is necessary for the provision of service and good continuity of care.
2. Whenever possible, information will be collected directly from the individual requesting services from Boost CYAC; however, information may also be collected indirectly (e.g., referral sources and other third parties) provided consent is obtained from the individual and/or the parent/guardian and when reasonable and appropriate.
3. The purposes for which personal information is collected, used and disclosed will be identified in advance of collection. Where it is not possible to provide advance notice of the purposes, Boost CYAC will provide the information as soon as possible afterward. If Boost CYAC intends to use or disclose personal information for a purpose *not* previously identified, the individual's prior consent in accordance with this policy.

DISCLOSURE

1. As a general rule, Boost CYAC requires valid and informed consent of the individual (and/or parent/guardian) in order to disclose personal health information to third parties. However, Boost CYAC may disclose personal health information without client consent in certain circumstances (i.e. to eliminate or reduce a risk of harm to a person or group of persons). Please refer to the *Client Records Policy* for more detailed information about disclosure of client information and situations where client consent is not required to disclose personal health information.

RETENTION & DISPOSAL

1. Boost CYAC will retain personal health information for the time required to fulfill the purposes for which it was collected, as well as to fulfill any legal requirements.
2. When a client file is closed for active service, it will remain on site for a minimum period of two (2) years. The Program Manager is responsible for separating client records that have reached this timeline and making arrangements with administrative staff to transfer them securely off site to an approved records management facility. Client files are maintained indefinitely.

3. With client consent, electronic recordings of a client session(s) may be used for the purposes of training. Program staff are responsible for keeping copies of electronic recordings in a locked cabinet and/or secure network directory.

SAFEGUARDS

1. Appropriate steps must be taken to safeguard personal information. Boost CYAC will take measures, including physical, administrative and technical safeguards, to protect personal information from loss, misuse, unauthorized access, disclosure, alteration or destruction. The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution and format of the information and the method of storage. More sensitive information will be safeguarded by a higher level of protection.
2. Methods of protection include, but are not limited to:
 - all employees, contractors, fee for service staff, students and volunteers are required to sign a *Confidentiality Agreement* at the beginning of employment or involvement with Boost CYAC. All third party contractors retained by Boost CYAC will also be required to adhere to Boost CYAC's Privacy and Confidentiality Policies;
 - all confidential information will be stored in secure cabinets, which will be locked outside of business hours or when not in use; access to confidential client information will be limited to those who need to know the information or as otherwise permitted or required by law;
 - employees, contractors, and students are only to access, process and transmit confidential information and/or client records using authorized hardware, software and other equipment;
 - information stored on Boost CYAC's computer network is protected through the use of user names and passwords; password(s) to access the computer network or mobile devices are not to be shared with or be accessible to others;
 - email and text communication is only initiated with the informed consent of clients and procedures are in place to minimize risk;
 - care is used when transporting confidential documents to prevent unauthorized parties from gaining access to personal information during the process; and
 - precautions are taken so that conversations regarding client information are not inadvertently overheard by others; appointment books and/or confidential information on electronic devices are to be closed when not in use.
3. Appropriate steps shall be taken to safeguard personal information. However, individuals will be notified at the first reasonable opportunity if information is stolen, lost or accessed by an unauthorized person or if personal information is used and/or disclosed without consent in a manner that is not in line with the privacy policies or procedures of Boost CYAC.

ACCESS & CORRECTION

Upon request, an individual will be informed of the existence, use, and disclosure of their personal information and will be given access to that information, where appropriate. As per PHIPA, a client does not have the right of access to records that contain information required for quality assurance, raw data from psychological tests or assessment, and other specified types of information (i.e. information that is used solely for research purposes.)

Boost CYAC will respond to an individual's request for access to personal information within a reasonable time and at no cost to the individual. An individual will be able to challenge the accuracy and completeness of their personal information and have it amended as appropriate.

Boost CYAC may withhold information that increases or places a child at risk of harm.

PRIVACY OFFICER

Boost CYAC has an appointed Privacy Officer to facilitate compliance with this policy, and other Boost CYAC policies that relate to client privacy/confidentiality, as well as any relevant legislation. The Privacy Officer will also be responsible for receiving complaints and taking appropriate action. Staff that receive requests for information, must notify the Privacy Officer.

The Privacy Officer is the President & CEO and may be contacted at 416-515-1100 (ext. 59225).

If a client or parent/guardian maker is not satisfied with the response of the Boost CYAC Privacy Officer, a complaint may be directed to the Privacy Commissioner for Ontario, for issues with respect to the handling of personal health information, as defined under PHIPA.

The Privacy Commissioner can be contacted:

Toll-free: 1-800-282-1376

Phone: (819) 994-5444

TTY: (819) 994-6591



CONFIDENTIALITY AGREEMENT

1. I understand that Boost CYAC has a relationship of trust with its clients, agencies and the community with respect to the personal and often sensitive nature of client information.
2. I understand that Boost CYAC has custody and control of confidential information that must be protected for legal and ethical reasons.
3. This Agreement represents my commitment to treat this confidential information in a manner that respects the privacy and dignity of clients, co-workers, other individuals and Boost CYAC as a whole.
4. I agree to respect the following rules with respect to the treatment of confidential information and the retention of client records.
 - a. I have read, understand and agree to adhere to the *Client Privacy & Confidentiality Policy* and *Client Records Policy*.
 - b. I will not engage in discussions about confidential information and client records in public or in any area of the office where it is likely to come to the attention of others who are not entitled to receive such information (e.g., hallways, kitchen, elevators, cell phone conversations).
 - c. I will ensure that all confidential information is stored in secure, fireproof cabinets with restricted access, and that the cabinets containing such confidential information are locked outside of business hours.
 - d. I will not allow another person to use:
 - my security pass, if any, to gain access to confidential information and client records; or
 - my user name or password, if any, to access confidential information and/or client records stored in electronic form.
 - e. I will only access, process and transmit confidential information and/or client records using authorized hardware, software and other equipment.
 - f. I will return all confidential information in my possession when requested by my supervisor or when my relationship with Boost CYAC comes to an end.
5. If I become aware of any violations of the *Client Privacy & Confidentiality Policy* and/or the *Confidentiality Agreement*, I will immediately report them to the President & CEO.
6. I have read this Agreement and understand that if I fail to abide by it, I may be subject to corrective action, up to and including termination of employment, loss of privileges, termination of contract, legal action, or other disciplinary action as determined by Boost CYAC.

Employee Name

Employee Signature

Date

Witness Name

Witness Signature

Date