	Privacy & Confidentiality of Information	IMT-PPG-001
		Version: 2
		Approved on: 23-10-19
		Scope: Centre-wide Administration

1.0 Introduction

SickKids Centre for Community Mental Health (SickKids CCMH) is firmly committed to protecting and preserving all personal information (PI), personal health information (PHI) and other confidential information that is collected, used, disclosed, and retained within its custody and control.

The obligations of SickKids CCMH regarding personal health information are outlined in Ontario's health information privacy legislation; the Personal Health Information Protection Act, 2004 (PHIPA).

In the course of carrying out its patient/client care, research, teaching and administrative functions the centre collects, retains, uses, discloses, and ultimately disposes of PI and PHI relating to its patients and staff, within its custody and control.

Our privacy measures are based on our legal and regulatory requirements and the Canadian Standards Association Model Code for privacy which outlines ten specific principles including:

1. Accountability for Personal Information and Personal Health Information
2. Identifying Purposes for the Collection of Personal Information or Personal Health Information
3. Consent for the Collection, Use, and Disclosure of Personal Information
4. Limiting Collection of Personal Information
5. Limiting Use, Disclosure, and Retention of Personal Information
6. Ensuring Accuracy of Personal Information
7. Ensuring Safeguards for Personal Information
8. Openness about Personal Information Policies and Practices
9. Individual Access to their own Personal Information
10. Challenging Compliance with SickKids CCMH Privacy Policy and Practices


2.0 Definitions

Privacy Breach: A privacy breach happens when personal health information or personal information is collected, used, disclosed or disposed of in a way that does not comply with PHIPA.

Collection: The process of gathering, acquiring, receiving or obtaining personal information, personal health information or private and confidential information, whether directly from the person or patient/client, or from any other source such as tests, images, samples, specimens or other care providers. Generally, information is collected the first-time information is gathered, acquired, received or obtained. Any viewing, handling or otherwise dealing with the information after the initial collection is generally considered to be a use.

Confidential Information: Confidential information is all information of a sensitive nature in any format which is created, received or disclosed by SickKids CCMH in the course of its business, including corporate and proprietary information and including physical and electronic records in the custody of agents retained by SickKids CCMH. Confidential information is categorized in to one of three security levels: high sensitivity, moderate sensitivity or low sensitivity.

Consent: Voluntary agreement with what is being done or proposed. Consent can be "express", "implied" or via "notice". Express consent is given explicitly, either orally or in writing. Implied consent arises where consent may reasonably be inferred from the action or inaction of the individual. Notice includes situations whereby patients, families, visitors and staff are given written information explaining how their information may

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be used or disclosed but are not asked to sign any form indicating that they have read the notice and agreed with its terms and conditions.

Disclosure: To make information available or to release it to another health information custodian or person.

Patient/Client: Throughout this document, "patient/client" is understood to mean either the patient/client or, if applicable, a person legally authorized to make decisions on the patient/client's behalf, such as the substitute decision maker.

Personal Health Information (PHI): Oral or recorded identifying information about someone that is related to a person's physical or mental health or family history or health care an individual receives, including who provided the health care. For the purpose of this policy, personal health information has the same meaning as defined in Section 4 of PHIPA.

Personal Information (PI): Recorded information about an identifiable individual.

Privacy: The right of individuals to determine for themselves when, how and to what extent personal information about the individuals is communicated, and to be secure from unauthorized use or disclosure of their personal information.

Staff: Employees, volunteers, students, trainees, observers, and members of the medical staff of SickKids CCMH who are employed by, work at, or are receiving training at SickKids CCMH.

Use: To view, handle or otherwise deal with information.

3.0 Policy


SickKids CCMH is responsible for respecting the privacy of Personal Information (PI) and Personal Health Information (PHI) that it collects, uses or discloses about individuals and for protecting the confidentiality of information, whether verbal, written, or electronic.

It is the responsibility of all SickKids CCMH staff working or carrying on activities on behalf of SickKids CCMH, to respect the privacy rights of individuals and to maintain the confidentiality and security of sensitive information. This is consistent with and supplementary to any applicable professional "codes of conduct" or "codes of ethics". Professional staff is additionally governed by their professional standards for privacy and confidentiality. Any person in possession of sensitive information must be diligent in protecting this information. Managers are accountable for ensuring compliance with privacy policies and procedures within their areas.

Everyone is accountable for ensuring that sensitive information is only used as required to perform their necessary job duties, and that such information is not disclosed to anyone who does not have a legitimate need to have access to such information. For example, patient/client records should only be accessed for the following reasons:

- care of the patient/client;
- quality and risk management activities;
- research as approved by the Research Ethics Board (REB);
- to educate SickKids CCMH trainees;
- to plan, deliver or monitor health-related programs provided by SickKids CCMH.

All privacy breaches are to be reported and will be addressed in accordance with established practices.

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Only Health Records can authorize the removal of any original hard copy health records from SickKidsCCMH premises.

4.0 Guideline

SickKids CCMH will conduct itself according to the following privacy principles.

Principle 1 - Accountability for Personal Information (PI) and Personal Health Information (PHI)

SickKids CCMH is responsible for PI/PHI under its custody or control and has designated a Privacy Officer, who is accountable for the Centre's overall compliance with privacy legislation. The Privacy Officer's duties may include:

- periodic assessments of information collection use and disclosure practices;
- developing policies, procedures and tools to carry out a centre-wide privacy compliance program;
- oversee and/or conduct ongoing staff training;
- update/revise the privacy and confidentiality policies and procedures as required;
- privacy impact assessments and privacy audits of information use.

Other individuals within SickKids CCMH identified as privacy leads may be delegated to act on behalf of the Privacy Officer.

SickKids CCMH will have in place and maintain policies, procedures and practices in respect of privacy that are necessary to enable them to comply with their obligations under PHIPA, and other privacy legislation where applicable.

SickKids CCMH will use contractual or other means to provide a comparable level of protection for information that has been transferred to a third-party for processing.

Audits will be conducted periodically on records of a confidential nature to monitor compliance with this policy.


Principle 2 - Identifying Purposes for the Collection for Personal Information or Personal Health Information

SickKids CCMH, at or before the time PI/PHI is collected, will identify the purposes for which this information is collected, used, disclosed, and retained. The main purposes are:

- delivery of patient/client care;
- administration and management of the centre, including the hiring and credentialing of staff;
- education of SickKids staff and trainees;
- REB approved research;
- statistics and quality improvement;
- ensuring compliance with legal and regulatory requirements.

Contact information (e.g. names and addresses) may also be used for other purposes such as:

- fund-raising to support priorities of the centre; and
- patient/client satisfaction surveys to evaluate and improve the quality of care.

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When PI/PHI that has already been collected is to be used for a purpose not previously identified, the consent of the individual will be obtained, unless the new purpose is permitted or required by law. Foreexample, if information was collected for the provision of care and will be used for research, consent is generally required.

Principle 3 - Consent for the Collection, Use, and Disclosure of Personal Information or Personal Health Information

The knowledge and consent of the individual or substitute decision-maker is required for the collection, use or disclosure of their PHI, except where it may be inappropriate to seek consent due to legal, medical or security reasons. SickKids CCMH will make reasonable efforts to ensure that individuals are advised orally or in writing (through the use of notice signs and brochures) about the collection, use or disclosure of their PHI. Individuals will have the opportunity to request that their information not be used for fund-raising and patient/client satisfaction survey purposes by contacting the Privacy Office.

PHIPA permits SickKids CCMH to assume an individual's implied consent to collect, use or disclose the individual's PHI for the purpose of providing or assisting in the provision of care to the individual, unless the individual has expressly withheld or withdrawn such consent.

If an individual has expressly withheld or withdrawn consent for the purpose of providing or assisting in the provision of care, a staff member at SickKids CCMH may override the consent directive if express consent is obtained or if the staff member believes on reasonable grounds that it is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.

Use of PI/PHI for research must be approved by SickKids CCMH Research Ethics Board to ensure the highest ethical standards of consent, use, and disclosure.

Principle 4 - Limiting Collection of Personal Information or Personal Health Information


The collection of PI/PHI will be limited to that which is necessary for the purposes identified by SickKids CCMH. Information will be collected by fair and lawful means. However, it should be noted that the minimum quantity of information needed to satisfy identified purposes may often be substantial.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information or Personal Health Information

PI/PHI will not be used or disclosed for purposes other than those for which it was collected, except with the express consent of the individual, for a Research study approved by SickKids CCMH Research Ethics Board or as permitted or required by law. PI/PHI will be retained in accordance with the Records Retention and Destruction policy. Only those individuals who need a record of PI/PHI in the performance of their work duties shall access it. See Records Retention and Destruction policy.

Principle 6 - Ensuring Accuracy of Personal Information or Personal Health Information

SickKids CCMH will take steps to ensure PI/PHI is as accurate, complete, and up to date as necessary and as reasonably possible for the purposes for which it is to be used. The extent to which PHI is required to be accurate and up to date depends on the purposes of the information. Efforts to update PHI must be limited to what is necessary. PHI must not routinely be updated unless such a process is necessary to fulfill the purposes for which the information was collected.

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SickKids CCMH will take steps to ensure PI/PHI is as accurate, complete and up-to-date as necessary and as reasonably possible for the purposes of any disclosures that are known to SickKids CCMH at the time of the disclosure unless the limitations, if any, on the accuracy, completeness or up-to-date character is clearly set out for the recipient of the disclosure.

An individual will be able to challenge the accuracy and completeness of his/her information and have it amended as appropriate. Such amendments will generally not involve deletions or alterations of the original record but would take the form of addendums to the record. Where appropriate, the amended information will be transmitted to third parties having access to the information in question. When a challenge is not resolved to the satisfaction of the individual, the centre will record the substance of the unresolved challenge.

Where an individual believes their PI or PHI contained in a SickKids CCMH record is incorrect or inaccurate, they may request a correction of that information. If SickKids CCMH disputes the correction, the individual shall have an opportunity to provide the centre with a statement of disagreement that shall be attached to the record.

Principle 7 - Ensuring Safeguards for Personal Information or Personal Health Information

SickKids CCMH is required to retain, transfer and dispose of PHI in a secure manner and to take steps that are reasonable in the circumstances to ensure that PHI is protected against theft, loss and unauthorized use or disclosure.

Security safeguards appropriate to the sensitivity of the information will protect PI/PHI against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. SickKids CCMH will protect PI/PHI regardless of the format in which it is held. The methods of protection include physical, organizational, and technological measures.


Care will be used in the disposal or destruction of PI/PHI, to prevent unauthorized parties from gaining access to the information. Details on destruction of PI/PHI can be found in the Records Retention and Destruction policy.

All breaches of confidentiality are to be reported following the Safety Event reporting process (Safety Reporting Policy) and will be dealt with in accordance with established SickKids CCMH practices. Any SickKids CCMH employee who violates this policy will be subject to disciplinary action up to and including immediate suspension or termination of employment with SickKids CCMH. The existing channels for appealing such decisions apply. If required, the breach may be reported to the employee's professional body. SickKids CCMH may exercise its discretion to terminate the placement of a student, volunteer or observer upon a breach of this policy. For more information, refer to the Code of Conduct policy.

Safety Reports initiated under the Event Category 'Privacy/Confidentiality' are reviewed by the Privacy Office. The manager of the individual or department named will be contacted (if identified) in order to help manage the breach.

Principle 8 - Openness about Personal Information or Personal Health Information Policies and Practices

SickKids CCMH will make readily available to individuals' information about its policies and practices relating to the management of PI/PHI. New SickKids CCMH staff and any other individual doing work at SickKids CCMH will be made aware of this policy during their orientation to SickKids CCMH.

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Principle 9 - Individual Access to their own Personal Information or Personal Health Information

Upon request, an individual will be informed of the existence, use and disclosure of his or her PI/PHI and will be given access to that information. SickKids CCMH will respond to such requests within 30 days and at minimal or no cost to the individual. Staff who have authorized access to clinical systems are prohibited from directly accessing their own PHI or PHI of any relative for whom they may have access rights. All access requests are to be directed to Health Records and managed according to requirements outlined in PHIPA. See Disclosure of Personal Health Information Policy for access requests from third parties.

SickKids CCMH may offer to have a clinical member of staff review the health record with the patient/client or family. If patient/client or family declines to have a clinical member of staff review the health record, then the health record can only be viewed such that the staff in the area can be sure that no information is being changed or removed by the patient/client or family member.

In certain situations, SickKids CCMH may not be able to provide access to all the PI/PHI 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 in the case of PHI (under PHIPA) may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation purposes.

Principle 10 - Challenging Compliance with SickKids CCMH Privacy Policy and Practices

An individual will be able to lodge a privacy complaint regarding the above principles to the Privacy Contact, or appropriate designated individual. SickKids CCMH will investigate all complaints. If a complaint is found to be justified, SickKids CCMH will take appropriate measures. Complaints may also be lodged with the Office of the Information and Privacy Commissioner, Ontario.

5.0 Related Policies

[Lock-box](#)

[Access and Disclosure of Personal Health Information](#)

[Remote access policy](#)

[Electronic monitoring policy](#)

[Email and instant messaging](#)

[Information security](#)

[Record retention](#)

[Mobile device security](#)

[Information technology acceptable use policy](#)

6.0 References

The Information and Privacy Commissioner of Ontario website. <http://www.ipc.on.ca/>

[Personal Health Information Protection Act, 2004.](#)