

COMMUNITY LIVING BRANT
POLICY AND PROCEDURE MANUAL

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| SUBJECT: Privacy of Information and Confidentiality Policy | POLICY NO.: 6.1 PAGE 1 of 6 |
| FILE UNDER SECTION: 6 | EFFECTIVE DATE: October 19, 1993 REVISION DATE: December 2010 APPROVAL DATE: February 1, 2011 |

PURPOSE

Community Living Brant respects the importance of maintaining privacy and confidentiality of the personal information for each person who receives services.

POLICY

Each person has the right to have his or her information, whether written or other form, treated with respect, kept in strictest confidence and only released with his or her consent, a legally appointed guardian's consent, or in a life and death emergency involving the person.

Community Living Brant will comply with applicable legislation in the collection retention, disclosure, and destruction of a person's records and personal information (including personal health information under the Personal Health Information Protection Act (PHIPA)).

DEFINITION

For the purpose of this policy the term "record" indicates all recorded information regardless of physical form or characteristics that:

- Relates to the person
- Is recorded in connection with the provision of an approved service, or a service purchased by an approved agency, to the person or a member of the person's family
- Is under the control of a service provider
- May include but is not limited to: correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, CD, DVD, AIMS database, or any other paper or electronic documentary material
- Personal health information including; physical & mental health information, health care providers for the person, identified substitute decision maker, prescribed medications and health card numbers

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PROCEDURE (CONTINUED)

PROCEDURES

1.0 Ownership of Records

The person's record shall be retained in the custody or under the control of the Agency. Community Living Brant has the property right to all information that it has compiled.

2.0 Collection of Information

2.1 Community Living Brant collects upon entry into service, with consent from the person and as applicable, a record of support on behalf of people receiving service. This documentation may include the following:

- 2.1.1 Referral Information, including a Supports Intensity Scale
- 2.1.2 Diagnosis and medical conditions including medications
- 2.1.3 Information that a person and/or family has provided to us or authorized us to receive about their personal life and family
- 2.1.4 Results of any external assessments or consultations
- 2.1.5 The person's Ontario Disability Support Program number, Native Band number, Passport number, Health Card number, Old Age Security number, and Social Insurance number
- 2.1.6 Photo for use on AIMS database

3.0 Documentation of Information

Community Living Brant provides person directed services that cover all areas of a person's life. The range and type of information that is documented is very specific to each person,

3.1. In the day to day delivery of service, a variety of personal information is documented as part of a person's record. The type and amount of information recorded is based on the supports and services required for the person.

3.2. The types of information that may be collected include (but are not limited

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PROCEDURE (CONTINUED)

to) the following:

3.2.1 Personal Health Information

- Records of visits to health care professionals
- Medication
- Health Card Number
- Names of health care professionals providing treatment
- Diagnosis and medical conditions, including family history.

3.2.2 Copy of the person's will, power of attorney substitute decision maker and other legal documentation

3.2.3 Information regarding Person Directed Plans, various planning tools and action plans

3.2.3 Information regarding day to day supports in regards to assisting people in the achievement of Personal Outcomes as outlined in the person directed plan

3.2.4 Financial Information

3.2.5 Safety Information including risk assessments and incident reports

3.2.6 Information regarding the person's rights, restrictions and rights audits.

3.2.7 Information about friends, family and community relationships

4.0 Retention of Records

Community Living Brant will retain all records in a person's file for at least twenty years after the last entry in the file or at least seven years after the death of a person.

5.0 Security of Records

Community Living Brant will take all reasonable precautions to ensure that people's records are protected from accidental or intentional access by unauthorized people, from unauthorized modification, and from unauthorized, accidental or intentional destruction.

5.1 All information shall be securely retained. Based on privacy legislation, if a person chooses, their files may be stored in their own personal rooms or other areas of their choosing. Records shall not be left unattended in areas accessible to unauthorized people.

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PROCEDURE (CONTINUED)

- 5.2 The AIMS database includes security of records through the use of a unique username and password for each staff and an agency PIN.
- 5.3 All information being sent from Community Living Brant, internally or externally, paper or electronically, shall be identified as "Confidential".

6.0 Release of Information

- 6.1 Original documents or duplicates and access to the person's information may be transferred within departments of Community Living Brant as authorized in writing by a Supervisor/designate including the date of transfer, staff name, and destination and must be recorded in the file or database.
- 6.2 When a person is referred to other agencies, copies of Community Living Brant reports or informational summaries may be forwarded with the written consent of the person or if applicable, parent/guardian.
- 6.3 Any documents and their contents received from outside of Community Living Brant may not be released to any person without the expressed written consent of the original source of the document as well as the person to whom the information relates.
- 6.4 Informed written consent of the person (or legal guardian if applicable) is required for the release of information to people not otherwise authorized to receive it (Consent to Release Information Form No. 1-CRK).

7.0 File Access

Community Living Brant shall provide access to a person's record based on all applicable legislation. Such access will be specific in nature and always considered to be in the best interest of the person.

7.1 People Receiving Services

- 7.1.1 People receiving services have the right to access to their records.

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PROCEDURE (CONTINUED)

7.1.2 People receiving services shall be offered access to their records on a regular basis. This shall be documented in their record, including under "My File Access" on AIMS database.

7.2 Staff

Only those Community Living Brant staff who are directly involved in the support of the person will have access to the person's record. Management staff of Community Living Brant shall have access as required.

7.3 Students/Volunteers

7.3.1 Only those students/volunteers who are directly involved in the support of the person shall have access to the person's record.

7.3.2 Information presented shall be restricted to that which is deemed essential for effective involvement with the person.

7.4 Others

7.4.1 Informed written consent of the person (or legal guardian if applicable) is required for the release of information to people not otherwise authorized to receive it. (Consent to Release Information Form No. 1-CRK).

7.4.2 Other legally authorized people (i.e. Police, Ministry Officials) shall have access to the person's records as required by legislation. The person shall be informed immediately.

7.4.3. Information given will be specific to the request for information.

8.0 Correction of Errors and Omissions

A person who has a right to access a record, also has a right to request that errors or omissions in the record be corrected.

8.1 Where Community Living Brant disagrees with the requested change or correction or cannot make the requested change or correction, it shall be noted in the record. In such a case, the person has the right to add their information to the record.

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PROCEDURE (CONTINUED)

8.2 Every change or correction to a person's record shall be noted and forms part of the record.

9.0 Removal or Destruction of Record

9.1 Removal of all or part of a person's file from the premises of Community Living Brant must be authorized by a Supervisor/designate. When a file is removed, date of removal, staff name and date returned must be recorded on a file sleeve to be inserted in place of the file.

9.2 Community Living Brant shall ensure that the destruction of a record (whole or in part) will be done in a manner that assures confidentiality and is in accordance with applicable legislation and Part 2.0 of this policy.

10.0 Confidentiality

10.1 No person (staff, volunteers, students, members of the Board of Directors) shall disclose personal information in contravention of the Community Living Brant Confidentiality Policy or any applicable legislation.

10.2 All people who have access to a person's record arising out of their relationship with Community Living Brant shall be required to sign the Pledge of Confidentiality.

10.3 The Agency shall not condone any misuse of confidential information, and offenses will result in discipline up to and including discharge.

COMMUNITY LIVING BRANT

CONSENT TO RELEASE INFORMATION

Name of Individual: _____

Date of Birth: _____

I/We hereby authorize:

Name/Agency: _____

Address: _____

to release to:

Name/Agency: _____

Address: _____

any and all information about the above-named client pertaining to:

for the purpose of:

Signature of Witness

Signature of Individual/Parent/Guardian

Relationship

Signature of Witness

Signature of Individual/Parent/Guardian

Relationship

Date: _____

Date of Expiry: _____



366 Dalhousie Street
Brantford, ON N3S 3W2
Tel: 519-756-2662
Fax: 519-756-7668

Pledge of Confidentiality For Employees

I, _____, hereby pledge not to disclose or discuss with another person or entity, or use for my own purpose, professionally acquired information concerning the supports of people receiving services from Community Living Brant or the business and affairs of Community Living Brant unless otherwise authorized in accordance with Community Living Brant's Privacy of Information and Confidentiality Policy. This is a lifetime pledge, not just for the term of my employment with Community Living Brant.

Signature

Date

Witness

Date

YOUR PERSONAL INFORMATION

Community Living Brant supports people in many types of programs and services. We respect the importance of maintaining privacy and confidentiality of your personal information.

COLLECTING YOUR PERSONAL INFORMATION

We will ask you to tell us about yourself and what has been happening in your life. We will ask you how we can help, so that we can plan together for the supports you need. The things you tell us about your health, finances, family, friends, and services and supports are called "personal information". We collect personal information from you or from someone else (such as your doctor or another agency that is helping you). We keep your information on a computer database called AIMS and on paper in your file.



SHARING YOUR PERSONAL INFORMATION



The law says that we must keep your personal information PRIVATE. This means that we will not share your information outside the agency, except where we have to, or know that you want us to. For example, with your permission, we may talk to someone helping you (such as a doctor or counsellor) so that we can plan together to provide better service to you. However, there are times when we may have to tell other people your information. Other legally authorized people (i.e. Police, Ministry Officials) may have access to a person's records as required by law. If you tell us you have been abused, the law says we have to report it to the Police.

USING YOUR PERSONAL INFORMATION

How we use your personal information:

- To make decisions about how we can help you;
- To teach students that may be working with us;
- If the law tells us we have to share information or other reasons, such as reporting abuse.
- Sometimes at Community Living Brant we need to share your information between programs to make sure you get the best supports.
- The amount of information we keep will depend on the program you get services from.

CONFIDENTIALITY AND SECURITY OF PERSONAL INFORMATION

- We will take all reasonable steps to ensure that the personal information we collect and keep is protected against theft, loss and unauthorized use or disclosure.
- In the unfortunate event that personal information is stolen, lost, or accessed by someone outside of our agency, we will inform you at the first reasonable opportunity.
- Please ask us for a copy of our **Privacy of Information and Confidentiality Policy**, which explains the steps we take to protect your personal health information.

YOUR ACCESS TO INFORMATION

You have the right to see your personal information and to get a copy of it, by asking us. You also have the right to ask for a correction if you believe your information is inaccurate or incomplete, and you can do so by contacting your assigned worker. Please note that there are circumstances where you may not be able to access your information, and reasons will be given if these circumstances exist.

HOW TO CONTACT US

If you have concerns with the way your information is collected, documented or shared, please talk to a staff you trust or the program Supervisor. You can also follow the steps in the **Complaints Procedure**.