

**Section:** Management System\HHHS\Corporate - Human Resources\

**Approved By:** Senior Management Committee

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### **Policy Statement:**

#### **Accountability for Personal Information**

Haliburton Highlands Health Services is responsible for personal information under its control and has designated an individual who is accountable for HHHS' compliance with the following:

- Accountability for HHHS' compliance with the policy rests with the Chief Executive Officer, although other individuals within the HHHS are responsible for the day-to-day collection and processing of personal information. In addition, other individuals within Haliburton Highlands Health Services are delegated to act on behalf of the Chief Executive Officer, such as the Corporate Privacy Officer.
- The name of the Corporate Privacy Officer designated by HHHS to oversee its compliance with this policy is a matter of public record.
- HHHS is responsible for personal information in its possession or custody, including information that has been transferred to a third-party for processing. HHHS will use contractual or other means to provide a comparable level of protection while the information is being processed by a third-party.
- HHHS will implement policies and practices to give effect to this policy, including:
  - Implementing procedures to protect personal information;
  - Establishing procedures to receive and respond to complaints and inquiries;
  - Training staff and communicating to staff information with respect to HHHS' policies and practices; and
  - Developing information to explain HHHS' policies and procedures.

#### **Identifying Purposes for the Collection of Personal Information**

Haliburton Highlands Health Services will identify the purpose for which personal information is collected at or before the time the information is collected.

- Haliburton Highlands Health Services collects personal information for the primary purposes of:
  - Treat and care for you,
  - Get payment for your treatment and care (from OHIP, WSIB, your private insurer or others),
  - Plan, administer and manage our internal operations,
  - Conduct risk management activities,
  - Conduct quality improvement activities (such as sending patient satisfaction surveys),
  - Teach,
  - Compile statistics,
  - Fundraise to improve our healthcare services and programs,
  - Comply with legal and regulatory requirements, and
  - Fulfill other purposes permitted or required by law.
  
- Identifying the purposes for which personal information is collected at or before the time of collection allows HHHS to determine the information it needs to collect to fulfill these purposes.
  
- HHHS will specify the identified purpose at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An admission form, for example, may give notice of the purposes. A patient who presents for treatment is also giving implicit consent for the use of his or her personal information for authorized purposes.
  
- When personal information that has been collected is to be used for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose.
  
- Persons collecting personal information will be able to explain to individuals the purposes for which the information is being collected.

### **Consent for the Collection, Use, and Disclosure of Personal Information**

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

**Note:** In certain circumstances personal 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. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat

the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, if HHHS does not have a direct relationship with the individual, HHHS may not be able to seek consent.

- Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, HHHS 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 (for example, when HHHS wants to use information for a purpose not previously identified).
- The principle requires “knowledge and consent.” HHHS will make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.
- HHHS will not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified and legitimate purposes.
- The form of the consent sought by HHHS may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, HHHS will take into account the sensitivity of the information. Although some information (for example, medical records and income records) is almost always considered to be sensitive, any information can be sensitive, depending on the context.
- In obtaining consent, the reasonable expectations of the individual are also relevant. For example, an individual coming to the hospital for tests will reasonably expect that HHHS, in addition to using the individual’s personal information for treatment purposes, would also contact the referring physician to report results or place the individual on a waiting list. In this case, HHHS can assume that the individual’s request for services constitutes consent for specific, related purposes. On the other hand, an individual would not reasonably expect that personal information given to the hospital would be given to a company selling health care products, unless consent was obtained.

- The way in which HHHS seeks consent may vary, depending on the circumstances and the type of information collected. HHHS will generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).
- Individuals can give consent in many ways. For example:
  - An individual presenting to the Emergency Department to see the doctor is giving “implied” consent for the hospital to collect, use and disclose their information to those healthcare providers involved in the examination and treatment of that individual for that particular episode of care.
  - Express consent (in writing) is required when releasing personal health information to third parties (other than within the client’s “circle-of-care”).
  - Consent may be given orally when information is collected over the telephone; or
  - Consent may be given at the time that individuals receive a health service or treatment (either verbal or written).
- An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. HHHS will inform the individual of the implications of such withdrawal.

### **Limiting the Collection of Personal Information**

HHHS will limit the collection of personal information to that which is necessary for the purposes identified by HHHS. Information will be collected by fair and lawful means.

- HHHS will not collect personal information indiscriminately. Both the amount and the type of information collected will be limited to that which is necessary to fulfill the purposes identified
- The requirement that personal information be collected by fair and lawful means is intended to prevent HHHS from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

**Limiting Use, Disclosure, and Retention of Personal Information**

Personal information will 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 information will be retained only as long as necessary for the fulfillment of those purposes.

- If HHHS uses personal information for a new purpose, HHHS will document this purpose.
- HHHS will develop guidelines and implement procedures with respect to the retention of personal information. These guidelines will include minimum and maximum retention periods. HHHS is subject to legislative requirements with respect to retention periods.
- Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous. HHHS will develop guidelines and implement procedures to govern the destruction of personal information.

**Ensuring Accuracy of Personal Information**

Personal information will be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

- The extent to which personal information will be accurate, complete, and up-to-date will depend upon the use of the information, taking into account the interests of the individual. Information will be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual.
- Haliburton Highlands Health Services will not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.
- Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

**Ensuring Safeguards for Personal Information**

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

- The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. HHHS will protect personal information regardless of the format in which it is held.

- 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. Highly sensitive information will be safeguarded by a higher level of protection, such as health records.
- The methods of protection will include:
  - Physical measures, for example, locked filing cabinets and restricted access to offices;
  - Organizational measures, for example, confidentiality agreements and limiting access on a “need-to-know” basis; and
  - Technological measures, for example, the use of passwords, encryption and audits.
- HHHS will make its employees aware of the importance of maintaining the confidentiality of personal information. As a condition of employment, all new HHHS employees/agents (e.g., employee, clinician, physician, board members, allied health, volunteer, student, vendor or contractor) must sign the HHHS Confidentiality Agreement.
- Care will be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

#### **Openness About Personal Information Policies and Practices**

HHHS will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

- HHHS will be open about its policies and practices with respect to the management of personal information. Individuals will be able to acquire information about its policies and practices without unreasonable effort.

This information will be made available in a form that is generally understandable.

- The information made available will include:
  - The name or title, and the address, of the Chief Privacy Officer who is accountable for HHHS’ policies and practices, and to whom complaints or inquiries can be forwarded;
  - The means of gaining access to personal information is held by HHHS,

- A description of the type of personal information held by HHHS, including a general account of its use;
  - A copy of any brochures or other information that explains HHHS' policies, standards, or codes; and
  - What personal information is made available to related organizations.
- HHHS may make information on its policies and practices available in a variety of ways. For example, HHHS may choose to make brochures available in high traffic patient areas (e.g. the emergency room), mail information to its patients, provide online access, or establish a toll-free telephone number.

### **Individual Access to Own Personal Information**

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal 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, HHHS may not be able to provide access to all of the personal information 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 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 privilege.

- Upon request, HHHS will inform an individual whether or not it holds personal information about the individual. HHHS will seek to indicate the source of this information and allow the individual access to this information. However, HHHS may choose to make sensitive medical information available through a medical practitioner. In addition, HHHS will provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.
- An individual may be required to provide sufficient information to permit HHHS to provide an account of the existence, use, and disclosure of personal information. The information provided will only be used for this purpose.
- In providing an account of third parties to which HHHS has disclosed personal information about an individual, HHHS will attempt to be as specific as possible. When it is not possible to provide a list of organizations to which it has actually disclosed

information about an individual, HHHS will provide a list of the organizations to which it may have disclosed information about the individual.

- HHHS will respond to an individual's request within a reasonable time and at a reasonable cost to the individual. The requested information will be provided or made available in a form that is generally understandable. For example, if HHHS uses abbreviations or codes to record information, an explanation will be provided.
- When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, HHHS will amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. 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, HHHS will record the substance of the unresolved challenge. When appropriate, the existence of the unresolved challenge will be transmitted to third parties having access to the information in question.

#### **Challenging Compliance with HHHS's Privacy Policies and Practices**

An individual will be able to address a challenge concerning compliance with this policy to the Chief Executive Officer.

- HHHS will put procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The complaint procedures will be easily accessible and simple to use.
- HHHS will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures. A range of these procedures may exist.
- HHHS will investigate all complaints. If a complaint is found to be justified, HHHS will take appropriate measures, including, if necessary, taking disciplinary measures or legal action against staff members and/or amending its policies and practices in respect of the handling of personal information.

**Attachment:** APPENDIX A: HHHS' Personal Health Information Data Holdings



## APPENDIX A

**HHHS' Personal Health Information Data Holdings:**

The following data holdings are operated under HHHS' Section 45 'prescribed entity' mandate under the *Personal Health Information Protection Act, 2004*.

<b>Data Holding</b>	<b>Data Elements</b>	<b>Data Steward</b>
Electronic Patient Information Management System (MediPatient)	- Administrative Data - Clinical Data - Demographic Data	Manager, Health Information Management Services
Patient Registers (In-Patient, Out-Patient, Physiotherapy and Diagnostic Imaging)	- Administrative Data - Clinical Data - Demographic Data	Manager, Health Information Management Services
In-Patient Medical Records	- Administrative Data - Clinical Data - Demographic Data	Manager, Health Information Management Services
Out-Patient Medical Records	- Administrative Data - Clinical Data - Demographic Data	Manager, Health Information Management Services
Physiotherapy Client Records	- Administrative Data - Clinical Data - Demographic Data	Active Files: Physiotherapy Dept. Inactive Files: Manager, Health Information Management Services
Diabetes Education Network Client Records	- Administrative Data - Clinical Data - Demographic Data	Diabetes Education Network Office
Mental Health Client Records	- Administrative Data - Clinical Data - Demographic Data	Program Manager, Mental Health Services
Supportive Housing Program Client Records	- Administrative Data - Clinical Data - Demographic Data	Manager of Supportive Housing Program
<b>Data Holding</b>	<b>Data Elements</b>	<b>Data Steward</b>
Long-Term Care Resident Records	- Administrative Data - Clinical Data - Demographic Data	Director of Care, Long-Term Care