

PRIVACY POLICY

The York Centre for Children, Youth and Families Privacy Policy is designed to ensure that the personal information of children, youth and families, volunteers, donors, staff and others associated with The York Centre is protected. The York Centre's Privacy Policy encompasses the requirements of the Personal Health Information and Protection Act (PHIPA), which applies to health information custodians that collect, use and disclose personal health information. The Canadian Personal Information and Electronics Documents Act (PIPEDA) applies to organizations that collect, use and disclose personal information in the course of commercial activities, and was used for reference in the previous version of this policy.

Principles of Consent:

As an agency we have established a set of rules about the manner in which personal health information may be collected, used or disclosed. As a provider of mental health treatment services we receive requests and send requests for information about children, youth and families that are involved in our services, or have applied for service.

Personal Health Information is defined as information that identifies an individual and that relates to an individual's physical or mental health, their family history and health care information, such as their name, address, gender, age, health history, health care programs and services, health care providers, health card numbers and substitute decision maker.

The York Centre collects information for the purposes of providing comprehensive treatment to clients, research, program evaluation, quality control and improvement, volunteerism, fund raising, Legal and Regulatory requirements. As a practice, we inform all clients and their substitute decision makers, in a manner that can be reasonably understood by the individual, of the purposes for the personal health information being collected. If we should choose to use this information for a new purpose, this will be clearly identified to the client, with their consent being obtained.

Informed Consent:

For consent to be valid it must be given by the individual or substitute decision maker. The person must be free from coercion about the decision; be informed about what information will be released; to whom; for what reason; the consequences of this release; and have the capacity to understand the above. In the case of a younger child, for example, consent may be provided by a substitute decision maker, such as a parent or legal guardian.

Capacity / Age of Consent

Children's Mental Health Centres:

- Persons 16 years or older are capable of authorizing the release of information about themselves
- For persons under the age of 16, consent must come from a custodial parent, substitute decision maker or legal guardian.

Three exceptions to this are:

- (i) children 12 years of age or older who receive services under Section 28 of the CFSA (i.e., without parental consent) must authorize the release of information about themselves obtained while receiving service under this section
 - (ii) Information about a child under 16 years who objects to the release of the information and who in the practitioner's opinion is capable of making this decision regarding the release.
 - (iii) Children under the age of 16 years who request on their own behalf, the release of confidential information about themselves and who in the opinion of the practitioner is capable of doing so.
- It is necessary to obtain authorization from all persons 16 years of age or older regardless of their age at the time of the service or their relationship to the client.

Multiple Consents:

In the children's mental health sector it is seldom that the records pertain to only one person. If the parents are separated or divorced the agency should verify who is the custodial parent; who can give consent. If there is joint custody both parents have to give consent. Non custodial parents also have to give consent if they are referred to in the report.

Authorization for Release of Information

The York Centre Authorization for Release of Information Form (dated February 2006) will be used for all community partners, including hospitals and psychiatric facilities.

An expiration of one year from time of signing be added to all consent forms.

The request specifies that the individual may rescind or amend the authorization in writing at any time prior to the expiration date.

Why does The York Centre need your personal information?

The collection of personal health information is limited to that which is necessary for the primary purpose of providing mental health services.

Personal Information is obtained to:

- assess and understand the needs of a client and family so we can assist in developing a treatment plan. This will help in establishing goals that will meet their needs.
- to keep our database up-to-date and useful.

Secondary purposes include:

- meeting accreditation standards
- teaching and training students and other professionals
- being involved in research
- improving the quality of services to ensure proper follow-up (i.e., evaluations are being implemented).
- volunteer recruitment based on client needs

- provide updates on events, fundraising initiatives programmes and other information such as newsletters, etc., that may be of interest to clients, former clients, employees and volunteers

How is your Personal Information stored?

The York Centre keeps all personal information locked in filing cabinets or offices. Electronic data held in computers is password protected and electronic email and fax transmissions are restricted. All employees and volunteers understand the confidentiality policy of the agency and sign an agreement with the agency to keep all information confidential, while involved with the Centre, and after their involvement.

The Centre is very diligent in monitoring and restricting the visibility of confidential information, as well as how it is secured and destroyed. Adherence to the procedure is continually monitored for compliance by the agency's Privacy Officer.

When would The York Centre share your personal information?

The York Centre may disclose a client's personal health information to health care professionals who are providing health care to a client. This may include the disclosure of third party reports that are part of the Centre's clinical record. It is only with a person's consent that certain personal information is shared. Expressed consent is required before we can share personal information with other agencies, services, client's substitute decision maker, and members of other organizations or individuals. Reports containing personal information produced by The York Centre employees, consultants and volunteers, may be shared with consent.

When information is required for research, statistics, reporting to the Ministry, grant applications or programme development, identifying information will be removed, so the Centre can use the remaining data.

Personal information to be shared **without** consent under the following circumstances:

- for an emergency that threatens an individual's life, health or security. The person will be informed of this disclosure.
- to a review team of a Children's Aid Society established for the purpose of planning for a child who has been abused (CFSA, s. 73(5)(6)).
- to an employee of Children's Aid where information is being provided with respect to reporting suspicion of child abuse.
- to a foster parent if the child is in the care of that foster parent and the information is considered critical to the child's protection.
- if the information is required to investigate a contravention of a federal or provincial law.
- if information is already publicly available.
- if the information is required to collect a debt owed to the agency.

Information can be disclosed;

- to a lawyer representing The York Centre.
- comply with a subpoena, a warrant or an order made by a court or other judicious body.
- to a peace officer (e.g. police officer, probation officer, justice of the peace), provided such information is required to ensure the physical or emotional well being. Client must be informed prior to disclosure.

- to a government body that has requested the information and has the lawful right to do so.
- if the information concerns a breach of an agreement or is believed to be in contravention of a law or relates to national security.

Other than as stated above, The York Centre will not divulge the name, phone number, email address or address of other clients, volunteers or staff involved with The York Centre at an individual's request. In consultation with the Privacy Officer, The York Centre staff may notify the requested party and with both parties' permissions, facilitate this connection.

The York Centre has adopted the following 10 principles to ensure that the right to privacy is respected, not only for our employees, but also for those associated with the Centre. (PHIPA is informed by these 10 principles which are set out in the *Canadian Standards Association Model Code for the Protection of Personal Information*).

1. **Accountability:** The York Centre is responsible for the personal information of all members, employees, volunteers, donors and clients. The information will be kept confidential, according to our policies. Compliance by staff and volunteers will be monitored by the Privacy Officer.
2. **Identify the Purpose:** The purpose of collecting personal information will be explained. Any new purpose will require the individual's consent before it will be used.
3. **Consent:** The knowledge and consent of the individuals will be obtained before information is collected, used or disclosed. Consent may be obtained in writing, by permission form, letter, fax, and email or in person. Verbal permission will be followed up with written consent as soon as possible.
4. **Limiting Collection:** The amount of personal information collected will be limited to what is necessary. The York Centre will not deceive or mislead anyone about the reason for collecting personal information.
5. **Limit use, disclosure or retention:** Information that is collected by The York Centre, will not be used or disclosed for purposes other than for what it was collected. If this changes, consent will be obtained. This information will be kept only as long as is needed and then will be destroyed according to our guidelines and procedures.
6. **Accuracy:** All personal information will be accurate, complete and kept up-to-date for the purpose it is to be used.
7. **Safeguards:** The York Centre will ensure safety measures are in place to prevent unauthorized access, disclosure or copying. Personal information will be safeguarded regardless of the format in which it is held. **If there is a breach in security through theft, loss or unauthorized use of personal information clients affected will be notified immediately either by email, letter, phone or personal contact.**
8. **Openness:** The York Centre will inform those involved with our Centre that policies and procedures are in place to manage personal information. These will be available upon request.
9. **Individual Access:** Individuals will know the specific purpose for which information is used or disclosed. Your personal information, stored by The York Centre, is available for your review upon request. We will respond in a timely manner. Any information found to be inaccurate or incomplete would be changed promptly.

10. **Provide Recourse:** The York Centre has instituted a formal process for families, volunteers, donors, staff and others associated with the Centre who would like to discuss a concern. Please see Filing a Formal Complaint below.

Filing a Formal Complaint

If you feel that The York Centre has failed to comply with the Personal Information and Electronics Act, you may:

- (1) Discuss the situation with the Centre staff that you are involved with or their supervisor.
- (2) If you still have concerns, you may discuss the issues with the Executive Director (Agency Privacy Officer). If this does not resolve your concern, the Executive Director may take this to the Executive Committee of the Board.
- (3) If you are not satisfied that the issue has been resolved, you may file a written complaint with the Privacy Commission of Canada, 112 Kent St., Ottawa, ON K1A 1H3

admin\manuals\board\privacy-oct-12

admin\policy\privacy-oct-12

admin\manuals\HR\privacy-oct-12