

B.40 Privacy & Confidential Information for People Receiving Services

PURPOSE:

- To protect people receiving services from harm resulting from the unsanctioned or inappropriate release of personal and confidential information.
- To comply with legislation regarding the protection of personal information and confidential information.

POLICY:

The Society will comply with legislation, regulations and best ethical and professional practices regarding the protection and nondisclosure of personal and confidential information.

Definition of Personal Information:

All information collected by the Society about a person receiving services including all electronic files (Sharevision).

Personal information may include but is not limited to the following:

- Identification data (e.g. name, address, Social Insurance Number, Personal Health Number, BCID, etc).
- Medical, functional, behavioral, psychiatric or psychological assessments, reports and meetings outcomes.
- Family and personal histories, as appropriate.
- Prior program histories.
- Verbal or written reports from other service providers, funding agencies, families, friends or advocates.
- Reports, care plans and protocols, summaries, logs, serious incident reports, written or electronic correspondence and other documentation generated as a reasonable result of receiving services.
- All financial information collected including bank statements and Individual house accounts forms.
- All legal documentation including but not limited to summons, court hearings and records, subpoenas, charges, probation and any criminal records.

Collection and Use of Personal Information:

The Society will limit the collection and use of people receiving services' personal information to that which is required by law and to that which is required to effectively plan and provide services to individuals in order to fulfill its obligation to provide the service deliverable outlined in its contracts with funding.

Wherever possible, personal information will be collected directly from the person about whom it pertains. If personal information is collected from a third party, the Society will note their identity unless there is a lawful reason for not doing so.

A person receiving services or his/her advocate may withdraw (in writing) his/her consent to the collection, use or disclosure of personal information at any time subject to legal or contractual restrictions and reasonable notice.

A person receiving services may request changes to applicable records when s/he believes information is inaccurate. While the Society may not destroy existing records, errant information will be replaced with current information and archived as soon as it is reasonable to do so. Corrections will be made when the Society is satisfied that the suggested amendment is more accurate than existing information.

Files will maintain a printed record on individual's applying for services, receiving services or discharged from services. At least once per year, these records will be culled and non-essential or inactive information will be sent to archives. While electronic information in databases or files may be deleted if printed versions of the information exist, the information may also be maintained in an "inactive" status. Convenient copies of records (i.e. duplicates) may be confidentially shredded provided the original is retained.

All records will be maintained for a period of time prescribed by applicable legislation or contract, whichever is longer.

Disclosure to Third Parties:

A person receiving services or advocate(s) will be informed of the nature of the disclosure and its implications in a manner that is meaningful to them. S/he will also be invited to participate in disclosures to the extent that s/he is capable and interested in doing so.

In addition to obtaining consent from a supported individual or his/her legal representative, a disclosure to a third party will also require the written consent of the Province when the information belongs to the Province and the disclosure is not directly related to the fulfillment of the Society's contractual obligations.

Requests by third parties for written disclosures of an individual's personal information will be directed to the Executive Director(s) or designate.

When making disclosures of personal information to third parties, the Society will take reasonable steps to ensure that the person receiving it has adequate safeguards in place to ensure that the information will be protected.

The Society will not disclose information that it deems to be unnecessary or irrelevant to the stated purpose of information requests.

Disclosure to Family Members:

While family members are generally considered to be "third parties," they also have an integral role in the provision of service to person's for whom informed consent is problematic. In such cases, effective fulfillment of the Society's contractual obligations may require involvement of family members who are in relationships and support with the individual. For these reasons, the Society may disclose information to family

members when it is in the best interest of supported individuals to do so, and when obtaining reasonably informed consent from supported individuals is problematic.

Obtaining Consent:

Consents may be obtained verbally or in writing, although written consents will generally be preferred or required over verbal ones. The Society has discretion to accept email, letters, designated Society forms, or facsimiles as acceptable forms of written consent.

Consents of children or youth must be signed by a legal designate.

Use of Non-Legal Designates for Consents:

Where appropriate, the Society may assist an individual who cannot provide informed consent to establish a legal representative. It may also attempt to identify someone to serve as a non-legal designate to sign consent on behalf of a person receiving services. While a non-legal designate does not have the legal authority to act on behalf of the person receiving services, the Society will recognize his or her moral authority in circumstances where consent is required and where there is substantive question regarding a people receiving services ability to provide informed consent.

The Society will seek direction from relevant stakeholders as to how consents will be gathered for adults for whom there is no legal designate.

This process will be reviewed at the discretion of the Society or as requested by a stakeholder.

Circumstances Where Consent is not required:

The Society may lawfully collect, use or disclose information without the knowledge or consent of the people receiving services when 1) the collection, use or disclosure of the personal information is clearly in the interests of the people receiving services and consent cannot be obtained in a timely way, 2) the information is publicly available, 3) the collection or disclosure is required or authorized by law, 4) the information is used for the purpose of responding to an emergency that threatens the life, health or security of an individual and/or 5) the disclosure is made to a lawyer representing the Society.

Safeguards to Protect Personal Information:

The Society will take all the necessary security arrangements to protect personal information whether written and/or electronic.

People receiving services Access to his/her Records:

Where possible, a person receiving services request to review his or her record(s) will be met within 5 business days. Requests to view files or archived records will be addressed within 30 days of receiving them.

While people receiving services have the right to view the contents of their records, statutory exceptions may apply. Examples of circumstances where people receiving services may be denied access to part or all of their records include, but are not limited

to information that 1) could reasonably be expected to threaten the safety or physical or mental health of an individual, including who made the request, 2) would reveal personal information about another individual and 3) discloses the identity of a person receiving services who does not consent to the disclosure of his or her identity.

Records belonging to the Province will be accessed by means of the process established under the Freedom of Information and Protection of Privacy Act (FOIPPA). When the person receiving services would like a third party (i.e. family member, friend or advocate) to help them access and view his or her records, and where the third party is not a legal representative with a valid authority to view the records or the person receiving services would like his or her records, whether in part or in whole, for either himself or herself or for a third party.

In such cases, the Society will offer assistance to make and expedite a Freedom of Information Request, if possible.

B.40 Privacy & Confidential Information for Employees

PURPOSE:

- To protect employees from harm resulting from the unsanctioned or inappropriate release of personal and confidential information.
- To comply with legislation regarding the protection and confidentiality of personal information.

POLICY:

The Society will limit the collection and use of employee's personal information to that which is required by law, that which is needed to establish maintain and terminate the employment relationship, and that which is needed to effectively provide services.

Definition of Personal Information:

All information collected by the Society about an employee including all electronic files.

Responsibility of the Employer:

The Society will ensure that personal information is protected and safeguarded where designated individuals have access. For example, the Society will ensure that all electronic files are protected using a password system where only designated individuals have access.

Access to personnel records will be limited to designated individuals such as auditors and caregivers who administer employment, compensation and benefits policies, and to persons or organizations entitled to access as per legislation or in accordance to the wishes of an employee via written consent.

Responsibility to Inform Employee:

The Society will advise new employees that personal and confidential information is being collected and s/he may withdraw his or her consent to collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions and reasonable notice. The Society will inform the employee of the implications of a withdrawal of consent, including the possible termination of employment as a result of the Society's inability to administer or manage employment.

Personnel Files:

When an employee has requested to review personnel files, where possible, the request will be met within 5 business days.

Essential personnel files (written, printed and electronic) will be stored in a confidential manner and accessible for a period of 5 years. These personnel records will be destroyed after this period.

Accuracy of Information:

Employees may request changes to personnel records when they believe information is inaccurate. Corrections will be made when the Society is satisfied that the suggested amendment is accurate.

Disclosure of Employee Personal Information to Third Parties:

Personal information will not be disclosed to external organizations without prior written consent from the respective employee. A letter, memo, e-mail and/or fax are examples of acceptable forms of written consent. Consent will be specific with respect to both the information that can be disclosed and to whom the information can be disclosed. Where appropriate, time limits for disclosure will be established.

Situations where Consent is not required:

The Society may lawfully collect, use or disclose information without the knowledge or consent of the employee where 1) the collection is in the best interests of the employee and consent cannot be given, 2) the use or disclosure of the personal information is clearly in the interests of the employee and consent cannot be obtained in a timely way, 3) it is reasonable to expect the information could be useful in an investigation or legal proceedings, 4) the use or disclosure is necessary for emergency medical treatment of the employee the employee does not have the legal capacity to give consent, 5) the information is used for the purpose of responding to an emergency that threatens the life, health or security of an individual, and 6) the disclosure is made to a lawyer representing the Society.

The employer has the right to deny an employee access to certain information in order to protect the rights of a third party such as 1) work references, 2) personal information lawfully collected without the employee's consent for the purpose of an investigation wherein associated proceedings and appeals have not been completed, and 3) personal information collected or created by a mediator or arbitrator appointed under enactment or by the court. Further, as required by law, the Society will not give an employee access to personal information if doing so 1) could reasonably be expected to threaten the safety or physical or mental health of the individual who made the request, 2) the disclosure would reveal personal information about another individual, 3) the disclosure would reveal the identity of an individual who had provided personal information about the employee and who does not consent to the disclosure of his or her identity.

Concerns and Complaints:

Employees with questions and/or concerns regarding the collection, use, retention, disclosure or disposal of personal information may contact the Executive Director(s) or designate. Complaints may be registered in writing to the Executive Director(s) or designate.

B.40 Privacy & Confidential Information for Volunteers/Practicum Students

PURPOSE:

- To protect volunteers/practicum students from harm resulting from the unsanctioned or inappropriate release of personal and confidential information.
- To comply with legislation regarding the protection and confidentiality of personal information.

POLICY:

The Society will limit the collection and use of volunteer/practicum students personal information to that which is required by law, that which is needed to establish maintain and terminate the relationship, and that which is needed to effectively provide services.

Definition of Personal Information:

All information collected by the Society about a practicum/volunteer's personal information including all electronic files.

Responsibility of H.O.M.E. Society:

The Society will ensure that personal information is protected and safeguarded where designated individuals have access. For example, the Society will ensure that all electronic files (Sharevision) are protected using a password system where only designated individual(s) have access.

Access to volunteer records will be limited to designated individuals and to persons or organizations entitled to access as per legislation or in accordance to the wishes of a volunteer/practicum student via written consent.

Responsibility to Inform Volunteer:

The Society will advise new practicum student/volunteers that personal and confidential information is being collected and s/he may withdraw his or her consent to collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions and reasonable notice.

Volunteer Records:

Essential practicum/volunteer records (written, printed and electronic) will be stored in a confidential manner and accessible for a period of at least 5 years.

Accuracy of Information:

Practicum students/volunteers may request changes to his or her records when they believe information is inaccurate. Corrections will be made when the Society is satisfied that the suggested amendment is accurate.

Disclosure of Volunteer/Practicum Student Personal Information to Third Parties:

Personal information about a volunteer/practicum student will not be disclosed to external organizations without prior written consent from the respective volunteer/practicum student. A letter, memo, e-mail and/or fax are examples of acceptable forms of written consent. Consent will be specific with respect to both the information that can be disclosed and to whom the information can be disclosed. Where appropriate, time limits for disclosure will be established.

Volunteer/practicum student names and personal information at no time will be sold to any other organization or business enterprise.

CONFIDENTIALITY AGREEMENT

In order to run a smooth and efficient agency, it is very important that Contractors/Employees/Volunteers and Practicum Students(personnel) understand and follow the policies concerning confidentiality. "Confidential Information" is defined to include all personal information that is contained in individual records and files, or has been disclosed to the Society for purposes of employment/volunteering and/or the provision of service to individuals supported. Examples may include financial, medical or criminal record information, and family or personal histories

The nature of our work and the well-being of our Society is dependant upon protecting and maintaining confidential information. All H.O.M.E. Society personnel will refrain from disclosing anything that may be considered as personal or sensitive and will refer all requests for information to the Executive Director(s) or designate. As a society, we are very serious about the importance of confidentiality and privacy, and will not tolerate anything that may undermine team morale and the well being of those we support through the unnecessary disclosure of private information.

Confidentiality Agreement (This agreement will be placed in your personnel file).

In consideration of my continued relationship with H.O.M.E.S., and in recognition of the increased awareness of privacy rights and the need for confidentiality, I _____ agree with the following.

During the course of my contractual/employment/volunerring responsibilities with the society, I will have access to and be entrusted with confidential information relating to the individuals supported by the Society, contractors, employees and the services provided by the society. If the Confidential Information is disclosed to any individuals external to the society, it would be detrimental to the best interests of the Society as a whole.

I, therefore agree that during the term of my contract/employment/volunteering and at all times thereafter, I will not (i) reveal, disclose or make known any of the Confidential information to any person or (ii) use the Confidential Information for any purpose of the Society except:

1. As mandated by law.
2. To prevent clear and immediate danger to a person.
3. If there is a waiver previously obtained in writing, and then such information may only be revealed in accordance with the terms of the waiver.
4. To improve the quality of life of a specific person, with the written authorization of H.O.M.E.S. I recognize that confidentiality and privacy requirements also apply to all H.O.M.E.S. personnel.

I shall be responsible to store or dispose of Individual records in ways that maintain confidentiality and will request guidance in any situation of uncertainty.

I acknowledge and agree that this confidentiality Agreement survives the termination of my contract/employment/volunteering howsoever caused.

Personnel

Printed Name _____ Employee Number: _____

Personnel

Signature _____ Date _____

Manager Signature _____ Date _____

Release of Information Form

I / We, _____ hereby authorize the release of pertinent information about me/us, whether or not considered or privileged.

To: The H.O.M.E. Society

31581 South Fraser Way

Abbotsford, B.C. V2T 1T8

Attn: Dave Lappin

Executive Director

This consent is only valid for 60 Days.

Name of Consenting Person A	Signature	Date
Address		

Name of Consenting Person B	Signature	Date
Address		

Name of Witness	Signature	Date
Address		