



Title:

Personal Health Information Protection

Policy No.:

ADM-006

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May 2016 - New paragraph regarding the personal information disclosure on social media under section "Health Information Custodian" on pages 3 and 4; Policy Renumbering

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Applies to:

Prescott and Russell Residence and Paramedic Service of the Emergency Services Department

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1. Policy Statement

- 1.1. The *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sched. A (“*PHIPA*”) provides for the collection, use, and disclosure of personal health information for Health Information Custodians operating within the province of Ontario and allows individuals to request access to their own personal health information held by these Custodians.

2. Definitions

- 2.1. “Agent” In relation to a Health Information Custodian, *PHIPA* defines an Agent as a person who, with the authorization of the Health Information Custodian, acts for or on behalf of the Custodian in respect of personal health information for the purposes of the Custodian, and not the Agent’s own purposes, whether or not the Agent has the authority to bind the Custodian, whether or not the Agent is employed by the Custodian, and whether or not the Agent is being remunerated.
- 2.2. “Contact Person” *PHIPA* defines a Contact Person as an Agent of the Health Information Custodian who is authorized on behalf of the Custodian to,
- a. facilitate the Custodian’s compliance with *PHIPA*;
 - b. ensure that all Agents of the Custodian are appropriately informed of their duties under *PHIPA*;
 - c. respond to inquiries from the public about the Custodian’s information practices;
 - d. respond to requests of an individual for access to or correction of a record of personal health information about the individual that is in the custody or under the control of the Custodian; and
 - e. receive complaints from the public about the Custodian’s alleged contravention of *PHIPA* or its regulations.
- 2.3. “Health Information Custodian” *PHIPA* defines Health Information Custodians as listed persons or organizations who have custody or control of personal health information as a result of the work that they do or in connection with the powers and duties they perform. Health Information Custodians include health care practitioners (or a person who operates a group practice of health care practitioners), the operator of a hospital, a nursing home, a pharmacy, or an ambulance service. The Minister of Health and Long-Term Care is also a Health Information Custodian. Regulations passed by the Province under *PHIPA* may also list additional Health Information Custodians in the future.

3. Purpose

- 3.1. The United Counties of Prescott and Russell (the “UCPR”) wish to establish a policy as to the requirements for consent, limits to the collection of personal

health information, safeguard measures, as well as the retention, disclosure, and disposal of personal health information.

4. Application

4.1. This Policy applies to the Prescott and Russell Residence and the Paramedic Service of the Emergency Services Department.

5. Policy Requirements

5.1. Health Information Custodians

5.1.1. At the UCPR, there are two Health Information Custodians:

- a. Prescott and Russell Residence (the “Residence”); and
- b. Paramedic Service of the Emergency Services Department (the “Paramedic Service”).

5.1.2. The UCPR provide a broad range of health services through the Residence and Paramedic Service. To meet the needs of individuals and provide effective care and service, the Residence and Paramedic Service need to collect, use, and disclose personal health information. As such, they are both Health Information Custodians, as defined in *PHIPA*, and are accountable for the protection of the individuals’ personal health information.

5.2. Paramedic Service of the Emergency Services Department

5.2.1. The contact person designated for the Paramedic Service is the Deputy Chief of Operations of the Emergency Services Department.

5.2.2. The Paramedic Service collects personal health information from individuals in the course of providing emergency health services. The collection, use, and disclosure of personal health information by the Paramedic Service are regulated by the *Ambulance Act*, R.S.O. 1990, c. A.19 (the “*Ambulance Act*”), and its regulations. Patient information is generally contained in an Ambulance Call Report, which is a record whose form and content are prescribed by the *Ambulance Act* and its regulations.

5.2.3. A patient’s personal health information is confidential. The Paramedic Service will only disclose a patient’s personal health information to receiving medical staff responsible for the care of the patient or to the patient himself or herself. A patient’s personal health information will not be disclosed to any other party, unless there is consent from the patient or there is a legal authority to disclose without consent. The Paramedic

Service also adheres to patient documentation standards established by the province's Ministry of Health and Long-Term Care.

5.2.4. All Agents of the Paramedic Service are strictly forbidden to share, disclose, or transmit personal health information collected while performing their duties through social media such as Facebook, Twitter, etc. Any disclosure of personal health information must be made in accordance with *PHIPA*.

5.3. Prescott and Russell Residence

5.3.1. The contact person designated for the Prescott and Russell Residence is the Director of Care.

5.3.2. The Residence collects, uses, and discloses personal health information in accordance with the *Long-term Care Homes Act, 2007*, S.O. 2007, c. 8, and its regulations, and other applicable legislation such as the *Health Care Consent Act, 1996*, S.O. 1996, c.2, Sched. A.

5.3.3. The Residence collects, uses, and discloses personal health information of its residents for the purposes of providing them residential and medical services, including but not limited to, managing the admission, discharge, and transfer of the residents, and developing and implementing their plan of care.

5.3.4. A resident's personal health information is confidential. Personal health information will be disclosed by authorized Agents of the Residence to other health care workers involved in the circle of care, based on the resident's implied consent, to provide health care workers with the personal health information they need to provide appropriate care when a resident is referred and care is transferred.

5.3.5. Other than those in the circle of care, disclosure to third parties will only occur with the consent of the resident, unless there is a legal authority to disclose without consent.

5.3.6. All Agents of the Residence are strictly forbidden to share, disclose, or transmit personal health information collected while performing their duties through social media such as Facebook, Twitter, etc. Any disclosure of personal health information must be made in accordance with this Policy and *PHIPA*.

5.4. Access to Personal Health Information

- 5.4.1. In accordance with *PHIPA*, every individual has a right of access to his or her personal health information, subject to the provisions of *PHIPA*.
- 5.4.2. Requests for information must be made formally in writing by filling out the UCPR's prescribed form and sending it to the contact person designated for the Health Information Custodian concerned by the request.
- 5.4.3. As stipulated in *PHIPA*, the Health Information Custodian must respond to an individual's request for access as soon as possible in the circumstances but no later than 30 days after receiving a request for access. The Health Information Custodian may extend the time limit for a further 30 days upon written notice if:
- a. responding within 30 days would unreasonably interfere with the operations of the Health Information Custodian because the information consists of numerous pieces of information or locating the information would necessitate a lengthy search; or
 - b. the time required to undertake the consultations necessary to reply to the request within 30 days after receiving it would make it not reasonably practical to reply within that time.
- 5.4.4. The Health Information Custodian may charge an individual a fee based on reasonable cost recovery for purposes of granting access if the individual is first provided an estimate of the fee.
- 5.4.5. The Health Information Custodian will also take reasonable steps to be satisfied as to the individual's identity by requiring that the individual present two pieces of valid identification, one of which with photo identification.

5.5. Privacy Practice

- 5.5.1. The following practices are required under both the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 and *PHIPA*, and the UCPR ensure that they:
- a. notify individuals of the purpose for the collection of personal health information and of the intended use(s) of the information;
 - b. obtain an individual's consent to the collection, use, and disclosure of personal health information, except where there is legal authority to

collect, use, or disclose the personal health information without consent;

- c. only collect personal information required for the identified purpose, and collect this information by fair and lawful means;
- d. obtain consent from the individual if his or her personal health information is used for other purposes;
- e. keep personal health information as accurate and up-to-date as necessary for the fulfillment of the purposes for which it was collected. Where the personal health information is not accurate, the UCPR will make the necessary changes to ensure the correction of the personal health information as outlined in *PHIPA*; and
- f. ensure protection of personal health information by security safeguards appropriate to the Department in question and to the sensitivity of the information.

5.6. Retention

5.6.1. Records containing personal health information are retained according to the applicable legislation and the UCPR's Retention By-law.

6. Responsibilities

- 6.1. The Paramedic Service and the Residence, as Health Information Custodians, are responsible for respecting and enforcing this Policy.
- 6.2. The Clerk is responsible for the administration and updates of this Policy.

7. Legislative Authority

- *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A

8. References

- *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56
- *Ambulance Act*, R.S.O. 1990, c. A.19
- *Long-term Care Homes Act, 2007*, S.O. 2007, c. 8
- *Health Care Consent Act, 1996*, S.O. 1996, c.2, Sched. A.

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