



Manual: Policy and Procedures	Section: Privacy Manual
Subject: Privacy Policy	Date Approved: March 2019
Approved By: Board of Directors	Date Reviewed: February 2019
Applicability: Board members, Staff, Students, Volunteers, Vendors	

Policy Statement:

Vibrant Healthcare Alliance is a health information custodian under the *Personal Health Information Protection Act, 2004* (PHIPA). The organization is accountable and liable for compliance with PHIPA and the protection of health records. Vibrant Healthcare Alliance Board of Directors, staff, students, volunteers and vendors are bound by law and ethics to safeguard client privacy and the confidentiality of personal information.

Vibrant Healthcare Alliance is committed to the protection of personal health information (PHI) from unauthorized collection, access, use or disclosure, and protection of PHI from theft or loss. This policy addresses the appropriate collection, use and disclosure of PHI, a client's right to limit access to his/her medical record, and the secure disposal of PHI.

Staff who are regulated health professionals will be guided by the standards of practice governing their profession unless Vibrant Healthcare Alliance applies a higher standard, in which case the Vibrant Healthcare Alliance policy will prevail. The responsibility for the protection of personal information, including personal health information, outlives the professional relationship and continues indefinitely after the provider has ceased to care for the client.

Definitions:

Blocking: blocking a health record is a common term for a client who withholds or withdraws consent to collect, use or disclose his or her health record for healthcare purposes. This is also referred to internally as a lock box or consent directive.

Stakeholder: Board members, staff, students, volunteers, vendors and any other agents of Vibrant Healthcare Alliance.

Personal Health Information: personal health information (PHI) as defined by the provincial Personal Health Information Protection Act (PHIPA) refers to identifying information about an individual in oral or recorded form relating to their physical or mental health (including personal and family medical history), the provision of health care to the individual including a plan of service, payments or eligibility for health care, substitute decision-makers, organ and tissue donation information and health number. In addition, any other information about an individual that is included in a record containing PHI is also part of this definition.

Identifying Information: information is considered “identifying” if it is foreseeable that it could be used alone or in combination with other information that is reasonably available to identify a client.

Health Record: a health record is any written (including, but not limited to, electronic) information that contains personal health information about a client.

Implied Consent: implied consent is obtained when, given the circumstances of the client, it is reasonable to conclude that the client has by his or her conduct consented to the collection, use or disclosure of the client’s personal health information.

Express Consent: express consent is obtained when a client explicitly agrees orally or in writing to the collection, use and disclosure of the client’s personal health information.

Principles:

Principle 1 – Accountable for Personal Health Information

Vibrant Healthcare Alliance is responsible for any personal health information held.

Our Privacy Officer is the Director, Primary Health Services.

The Privacy Officer is accountable for compliance with this Privacy Policy and compliance with PHIPA. Our commitment to privacy is demonstrated by adherence to our privacy policies and procedures to protect the personal health information we hold and by educating our staff and any others who collect, use or disclose personal health information on our behalf about their privacy responsibilities.

Principle 2 – Identifying Purposes for Collecting Personal Health Information

We collect personal health information for purposes related to direct client care, administration and management of our programs and services, client billing, administration and management of the health care system, research, teaching, statistical reporting, quality improvement, meeting legal obligations and as otherwise permitted or required by law. When personal health 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 permitted or required by law, consent will be required before the information can be used for that purpose.

Principle 3 – Consent for the Collection, Use and Disclosure of Personal Health Information

In general, we require consent in order to collect, use, or disclose personal health information. However, there are some cases where we may collect, use or disclose personal health information without consent as permitted or required by law. Identification of persons who can consent on behalf of an incapable individual or deceased person, is set out in the organization's *Policy - Access, Correction and Release of Client Information*.

3A - Express consent

Should a client wish their other health care providers (outside of their health care providers at Vibrant Healthcare Alliance) to have access to their client health record, the client can provide a verbal or written consent to this effect, which will be communicated to the client's primary health care provider (refer to *Policy - Access, Correction and Release of Client Information*). Should a client wish their lawyer, insurance company, family, employer, landlord or other third party individuals or agencies (non-health care providers) to have access to their health record, the client must provide verbal or written consent to this effect, which will be communicated in accordance with our *Policy - Access, Correction and Release of Client Information*.

3B - Implied consent (Disclosures to other health care providers for health care purposes) – Circle of Care

Client information may also be released to a client's other health care providers for health care purposes (within the "circle of care") without the express written or verbal consent of the client as long as it is reasonable in the circumstances to believe that the client wants the information shared with the other health care providers. No client information will be released to other health care providers if a client has stated they do not want the information shared (for instance, by way of the placement of "Restriction of Access" on their health records).

A client's request for treatment constitutes implied consent to use and disclose their personal health information for health care purposes, unless the client expressly instructs otherwise.

Those who can be in the "circle of care" include (among others providing direct client care if authorized by PHIPA):

Within Vibrant Healthcare Alliance:

- Physicians, Nurse Practitioners, Registered Nurses, Registered Practical Nurses, Dietitians, Psychiatrists, Therapists/Social Workers, Chiropractors, Physiotherapists, Occupational Therapists, Health Promoters, Attendant Care and Independent Living Assistants, Peer Support Coordinator, Medical Secretaries and authorized administrators (i.e. Director, Primary Health Services and Decision Support and Information Management Lead).
- Medical students and residents or nursing or other allied health care students

Outside of Vibrant Healthcare Alliance (among others):

- Regulated health professionals in solo practice or group
- Social workers and social service workers in solo practice or group
- Hospitals
- Community Health Centres
- Long-term care homes
- Ambulance
- Pharmacists
- Laboratories
- A centre, program or service for community health or mental health whose primary purpose is the provision of health care, including as part of

HealthLinks or other regional or provincial shared care systems to coordinate care for you

The following groups are **not** in the circle of care and Vibrant Healthcare Alliance does not share personal health information about clients with them relying on implied consent. That does not mean that Vibrant Healthcare Alliance will never disclose to these individuals and groups - but will do so only if we have express consent or if we are otherwise permitted or required by law:

- Teachers and schools (however, psychologists, social workers, nurses, psychiatrists, speech-language pathologists, occupational therapists, physiotherapists, or audiologists affiliated with schools may be in the circle of care if they are providing health care)
- Children's Aid Society
- Police
- Landlords
- Employers
- External unregulated care providers
- Spiritual leaders/healers
- Insurance companies
- Parents and family members (**NOTE:** substitute decision makers are legally able to make decisions for applicable clients and therefore consent is implied).

3C - No Consent

There are certain activities for which consent is not required to collect, use or disclose personal health information. These activities are permitted or required by law. For example, Vibrant Healthcare Alliance does not need consent from clients to (this is not an exhaustive list):

- Plan, administer and manage our internal operations, programs and services
- Get paid
- Engage in quality improvement, error management, and risk management activities
- Participate in the analysis, administration and management of the health care system
- Engage in research (subject to certain rules)

- Teach, train and educate our stakeholders and others
- Compile statistics for internal or mandatory external reporting
- Respond to legal proceedings
- Comply with mandatory reporting obligations

The list of mandatory reporting obligations is outlined in the *Access and Correction Policy – Release of Client Information*.

If stakeholders have questions about using and disclosing personal health information without consent, they can consult with the Privacy Officer.

3D - Withholding or Withdrawal of Consent

If consent is sought, a client may choose not to give consent (“withholding consent”). If consent is given, a client may withdraw consent at any time, but the withdrawal cannot be retrospective. The withdrawal may also be subject to legal or contractual restrictions and reasonable notice.

3E - Restricting Access to Medical Records

PHIPA gives clients the opportunity to restrict access to any personal health information or their entire health record by their health care providers within Vibrant Healthcare Alliance or by external health care providers (refer to *Restricting Access to Medical Records Policy*). If a physician leaves Vibrant Healthcare Alliance, their clients will be notified and will have a choice to transfer their health records in accordance with the rules set forth by the College of Physicians and Surgeons of Ontario.

Principle 4 – Limiting Collection of Personal Health Information

Vibrant Healthcare Alliance limits the amount and type of personal health information we collect and will only collect what is necessary to fulfill the purposes identified. Information is collected directly from a client, unless the law permits or requires collection from third parties. For example, from time to time we may need to collect information from clients’ family members or other health care providers and others.

Personal health information may only be collected within the limits of each stakeholder’s role. Vibrant Healthcare Alliance stakeholders should not initiate their own projects to collect new personal health information from any source without being authorized by Vibrant Healthcare Alliance.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Health Information

Use

Personal health information is not used for purposes other than those for which it was collected, except with the consent of the client or as permitted or required by law.

Personal health information may only be used within the limits of each stakeholder's role. Vibrant Healthcare Alliance stakeholders may not read, look at, receive or otherwise use personal health information unless they have a legitimate "need to know" as part of their position. If a stakeholder is in doubt whether an activity to use personal health information is part of their position, they should consult with the Privacy Officer. For example, self-directed learning is not allowed (randomly or intentionally looking at health records for self-initiated educational purposes or curiosity) without specific authorization.

Disclosure

Personal health information is not disclosed for purposes other than those for which it was collected, except with the consent of the client or as permitted or required by law.

Personal health information may only be disclosed within the limits of each stakeholder's role. Stakeholders may not share, talk about, send to or otherwise disclose personal health information to anyone else unless that activity is an authorized part of their position. If a stakeholder is in doubt whether an activity to disclose personal health information is part of their position, they should consult with the Privacy Officer.

Retention

Health records are retained as required by law and professional regulations and to fulfill our own purposes for collecting personal health information.

Vibrant Healthcare Alliance follows the Canadian Medical Protective Association (CMPA) and College of Physicians and Surgeons of Ontario (CPSO) recommendations to retain health records for at least ten (10) years from the date of last entry or, in the case of minors, ten (10) years from the time the client would have reached the age of majority (age 18). In some cases, we keep records for longer than this minimum period.



Personal health information that is no longer required to fulfill the identified purposes is destroyed, erased, or made anonymous safely and securely. Please see our “*Safeguards for Client Information Guidelines*”.

Principle 6 – Accuracy of Personal Health Information

Vibrant Healthcare Alliance takes reasonable steps to ensure that information held is as accurate, complete, and up to date as is necessary so that the best available information may be used to make a decision about a client.

Principle 7 – Safeguards for Personal Health Information

The organization has put safeguards in place for the personal health information Vibrant Healthcare Alliance holds, which include:

- Physical safeguards (such as confidential shredding bins, locked filing cabinets and rooms, clean desks);
- Organizational safeguards (such as permitting access to personal health information by staff on a "need-to-know" basis only); and
- Technological safeguards (such as the use of passwords, encryption, audits, backup, secure disposal).

Steps will be taken to ensure that the personal health information held is protected against theft, loss and unauthorized use or disclosure. The details of these safeguards are set out in our “*Safeguards for Client Information Guidelines*”.

Anyone who collects, uses or discloses personal health information on behalf of Vibrant Healthcare Alliance understands to be aware of the importance of maintaining the confidentiality of personal health information. This is done through the signing of confidentiality agreements, privacy training, and contractual means.

Care is used in the disposal or destruction of personal health information to prevent unauthorized parties from gaining access to the information. Vibrant Healthcare Alliance takes responsibility for transferring files to a medical storage company.

Principle 8 – Openness about Personal Health Information

Information about Vibrant Healthcare Alliance's policies and practices relating to the management of personal health information are available to the public, including:

- Contact information for the Privacy Officer, to whom complaints or inquiries can be made;
- The process for obtaining access to personal health information Vibrant Healthcare Alliance holds, and making requests for its correction;
- A description of the type of personal health information Vibrant Healthcare Alliance holds, including a general account of our uses and disclosures; and
- A description of how a client may make a complaint to Vibrant Healthcare Alliance or to the Information and Privacy Commissioner of Ontario.

Vibrant Healthcare Alliance posts its privacy statement in high traffic areas and on the website (see attached – Appendix 1).

Principle 9 – Client Access to Personal Health Information

Clients may make written requests to have access to their records of personal health information, in accordance with our *Policy – Access, Correction and Release of Client Information*.

Vibrant Healthcare Alliance will respond to a client's request for access within reasonable timelines and costs to the client, as governed by law. Vibrant Healthcare Alliance will take reasonable steps to ensure that the requested information is made available in a format that is understandable.

Clients have a right to ask for their records to be corrected if they can demonstrate that the records held by Vibrant Healthcare Alliance are inaccurate or incomplete in some way for the purposes for which that information was held. In some cases, instead of making a correction, a client may be offered an opportunity to append a statement of disagreement to their file.

Please Note: In certain situations, Vibrant Healthcare Alliance may not be able to provide access to all the personal health information held about a client. Exceptions to the right of access requirement will be in accordance with law. Examples may include information that could reasonably be expected to result in a risk of serious harm or the information is subject to legal privilege.



Principle 10 – Challenging Compliance with Our Privacy Policies and Practices

Any person may ask questions or challenge our compliance with this policy or with PHIPA by contacting our Privacy Officer:

The Privacy Officer
Vibrant Healthcare Alliance
2398 Yonge Street
Toronto, ON M4P 2H4
Phone: (416) 486-8666

Vibrant Healthcare Alliance will receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal health information. Clients who make inquiries or lodge complaints will be informed of other available complaint procedures.

Vibrant Healthcare Alliance will investigate all complaints. If a complaint is found to be justified, appropriate measures will be taken to reach a resolution.

The Information and Privacy Commissioner of Ontario oversees compliance with privacy rules and PHIPA. Any individual can make an inquiry or complaint directly to the Information and Privacy Commissioner of Ontario by writing to or calling:

2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Phone: 1 (800) 387-0073 or (416) 326-3333 in Toronto
Fax: (416) 325-9195
Email: www.ipc.on.ca

Appendix 1

Privacy Statement

Vibrant Healthcare Alliance staff takes steps to safeguard your privacy and the confidentiality of your personal health information.

This includes:

- Identifying the purposes for collecting your personal health information;
- Collecting only the information that may be necessary to fulfill those purposes;
- Keeping accurate and up-to-date records;
- Safeguarding personal information in our custody or possession
- Sharing information with other health-care providers and organizations on a 'need-to-know' basis where required for your health care;
- Disclosing information to third parties only with your express consent, or when necessary for legal reasons;
- Retaining/destroying records securely and in compliance with applicable laws or regulations.

What we collect

We collect your personal health information directly from you in most cases. However, we may also collect personal health information from other professionals, persons acting on your behalf, or others if you have provided your consent or the law permits.

If you are a client, the personal health information we may collect will include your contact information, medical history, records of the care you received during prior visits to Vibrant Healthcare Alliance or other clinics or hospitals. Your request for care from Vibrant Healthcare Alliance implies consent for our collection, use and disclosure of your personal information for purposes related to your care.

We also collect personal information that you provide to us if you become a donor or a volunteer, if you make an application for employment, or if you participate in one of our programs.

How we use and disclose your personal health information

If you are a client, we use and disclose your personal health information to provide you with the care and for related purposes. These include:

- To provide you with care;
- To communicate with other professionals to whom you are referred for care or consultation;
- To process payments for your treatments (from OHIP, WSIB and others);
- To manage our programs and services, including conducting risk management activities and quality improvements;
- To conduct research, provide education to health professionals, and to conduct client surveys;
- To perform other activities consistent with the operation of health care centre;
- Other purposes for which you consent or are specifically permitted or required by applicable law.

We also use and disclose personal health information for other programs and services. For example, we may use your personal health information to enroll you in one of our programs at your request, to manage our volunteer programs in which you participate, and for other purposes that are identified at the time of collection or prior to at the time of the use or disclosure of your personal health information.

In some cases, we may be required to disclose your personal health information. We may also disclose your personal health information if reasonably necessary to protect you, Vibrant Healthcare Alliance, Vibrant Healthcare Alliance staff, volunteers or clients, or other individuals, and such disclosure is permitted by applicable laws.

Access and Correction

You have the right to access the personal health information we have collected or created about you. If you are a client, this includes your records. You may also obtain copies of your records. Please see the receptionist for our procedure for this service. Please speak to your provider if you have any concerns about the accuracy of your records.



Questions and Complaints

If you receive health care services and would like to discuss our privacy policy in more detail, or have specific questions or complaints about how your personal information is handled, please speak to your provider.

If, having discussed your concerns with your provider, your complaint has not been satisfactorily resolved, please address your question or complaint to Vibrant Healthcare Alliance's Privacy Officer:

Director, Primary Health Services
Vibrant Healthcare Alliance
2398 Yonge Street
Toronto, ON M4P 2H4
Phone: (416) 486-8666

Inactive clients and members of the public may also address general questions, concerns or complaints to the Privacy Officer.

You have the right to complain to the Information and Privacy Commissioner of Ontario. The commissioner can be reached at:

Information and Privacy Commissioner of Ontario

2 Bloor St. East, Suite 1400
Toronto, ON M4W 1A8
Telephone: (416) 326-3333
www.ipc.on.ca

Email and Website Privacy Statement

Vibrant Healthcare Alliance recognizes that email is an important method of communication. However, because of the privacy risks associated with email, healthcare providers are not able to communicate with clients via email. If a client wishes to be contacted via email, they must sign a written agreement that they understand the risk of using email with respect to the protection and privacy of their personal health information.

Programs that do not provide health care services may use email to communicate with clients and vice versa.

While Vibrant Healthcare Alliance takes physical, electronic and administrative measures to protect email communication, clients should recognize and accept the risks and conditions associated with the use of email.

Risks of Using Email

Transmitting information by email poses several risks that you should be aware of. You should not agree to communicate with staff by email without understanding and accepting these risks. The risks include, but are not limited to the following:

- The privacy and security of email cannot be guaranteed.
- Employers and online services may have a legal right to inspect and keep emails that pass through their system.
- Email may be falsified. In addition, it is very difficult to verify the true identity of the sender, or to ensure that only the recipient can read the email once it has been sent.
- Emails can introduce viruses into a computer system and potentially damage or disrupt the computer.
- Email can be forwarded, intercepted, circulated, stored or even changed without the knowledge or permission of the sender or recipient. Email senders can easily misaddress an email, resulting in it being sent to unintended and unknown recipients.
- Email is indelible. Even after the sender and recipient have deleted their copies of the email, backup copies may exist on a computer or in cyberspace.
- Use of email to discuss sensitive information can increase the risk of such information being disclosed to third parties.
- Email can be used as evidence in court.



- The client waives these encryption requirements, with the full understanding that such waiver increases the risk of violation of the client's privacy.

Conditions of Using Email

The staff and Vibrant Healthcare Alliance will use reasonable means to protect the security and confidentiality of email information sent and received. However, because of the risks outlined above, the staff and sender cannot guarantee the security and confidentiality of email communication and will not be liable for improper disclosure of confidential information unless it is the direct result of intentional misconduct of the provider.

Website

When you visit or interact with us through our website, we and our service providers may use technologies that automatically collect information about how you access, navigate and leave our website. For example, we will collect information on what other website you came to before visiting the sites, what browser type and operating system you are using, the internet protocol (IP) address you are accessing the website from, the pages you are navigating through and what website you go to after visiting our website. In general, we do not associate this type of information with other personal information about you except in the case of an investigation into our website security. Our website uses analytics services, including Google Analytics, a web analytics service provided by Google, Inc. Google Analytics uses cookies to help the website analyze how users use the site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage.