

Personal Health Information Protection Act, 2004

Information Practices Statement – Sunnyside Seniors’ Services, Regional Municipality of Waterloo

September 16, 2015

The Regional Municipality of Waterloo, Sunnyside Seniors’ Services division provides a broad range of health services to residents in the Sunnyside Home long-term care home and to clients of community-based service programs including the Community Alzheimer Programs, Supported Living Program, Homemakers and Nurses Services Act (HNSA) and Integrated Assisted Living Program.

To meet residents’ and clients’ needs and to provide effective care and service, Sunnyside Seniors’ Services collects and uses personal health information.

As a result, Sunnyside Seniors’ Services is the health information custodian, defined in the *Personal Health Information Protection Act, 2004 (PHIPA)* and is accountable for the protection of residents’ and clients’ personal health information.

Collection of personal health information

The purpose of collecting personal health information is to provide health and support services to residents and clients and to promote health and prevent disease.

In all but exceptional circumstances, Sunnyside Seniors’ Services, uses consents to collect, modify, use and disclose personal health information.

In general, the information collected consists of:

- The resident’s/client’s name, address and Ontario Health Card number
- Facts about health, health care history and the health care that the resident/client is being provided
- Facts about payment for the resident’s or client’s health care.

Personal health information is collected through face-to-face meetings with Sunnyside Seniors’ Services staff, over the telephone, and through written or electronic documents.

Information is collected at an initial meeting and/or through initial submission of admission applications, while care and service is provided and when follow-up is completed.

The documentation of personal health information by Sunnyside Seniors' Services on paper and in electronic format must comply with stringent internal standards, policies and procedures related to confidentiality, the security of information and professional practice standards.

Personal health information of residents is collected in a number of ways:

- Personal health information is received from the Community Care Access Centre to make admission decisions
- Directly from residents, clients and/or Substitute Decision-Makers (SDM), as a component of the admission and ongoing assessment of health status
- Other health care professionals as part of the care planning process, which identifies the goals and the interdisciplinary care team's strategies and interventions for achieving these goals.
- Through ongoing documentation and communication in residents' or clients' health records
- Through administrative communication in terms of residents'/clients' health status (e.g., 24-hour report)
- Through hospital transfer notes regarding the residents'/clients' personal health status, e.g., emergency, admission to hospital or attendance at clinic (dental, eye, cardiac, etc.), specialist appointments.

Personal health information of clients of the community-based service programs (Community Alzheimer Program, Supported Living Program, Homemakers and Nurses Services Act and Integrated Assisted Living Program) is collected in a number of ways:

- From physicians, families and clients as a component of the assessment process for eligibility for programs and services
- As a component of the service plan which identifies the clients' and families' requested service levels and staff interventions
- From the Community Care Access Centre, community agencies and retirement homes where the clients currently reside.

Use of personal health information

The main purpose of using personal health information is to plan, deliver and evaluate care and service for our residents and clients. It is also used to make decisions about the types of services required and to communicate with other service providers involved in that person's care.

When necessary, personal health information may be used to investigate and manage potential risks for others who may be affected by a health risk.

Non-identifying information related to residents' and clients' care and service is used for administration, management, strategic planning, decision-making, research and allocation of resources within the home to meet legal and regulatory requirements.

Disclosure of personal health information

Personal health information is disclosed to other health care workers involved in the care, based on residents'/clients' implied consent, to provide the health care workers with the information they need to provide appropriate care when a resident or client is referred and care is transferred.

Personal health information is usually disclosed only when the resident/client gives consent.

If a resident or client wishes to refuse consent to disclose information, he/she may do so by notifying the Team Leader or Manager of Community Programs.

Personal health information will be disclosed without consent in exceptional circumstances.

These situations include emergency situations in which consent is not possible and the disclosure of personal health information is required to meet legal and regulatory requirements. Personal health information is sent to hospitals through Emergency Medical Services or in emergency situations, by phone and fax.

Consent to disclose personal health information is also not ordinarily required:

- In situations of imminent harm and risk to the person or others directly affected
- To the Medical Officer of Health for public health protection purposes
- To the Ministry of Health and Long-Term Care (MOHLTC) for monitoring care and payments for health care funded in whole or in part by the Ministry, as well as reporting serious incidents
- Disclosure of information may occur for purposes like law enforcement investigations
- Research to be performed in accordance with a research plan approved by a research ethics board
- To clinical institutes for the purpose of analysis with respect to the management of the health care system
- Planning and evaluation of services

Sunnyside Seniors' Services has policies to limit access to personal health information to the following situations:

- With the written consent of either the resident/client or the legally authorized substitute decision-maker
- When required by law
- Upon issuance of a subpoena
- When medical reasons require the release of information without the resident's/client's consent
- As required to provide care and service by members of the interdisciplinary care team
- To medical, therapeutic and pharmaceutical consultants, who are providing health care services to the residents/clients.

Access to personal health information

Residents and clients have the right to request access to their personal health information, subject to the provisions of PHIPA. Sunnyside Seniors' Services' policy states that individual residents/clients or the legally authorized Substitute Decision-Maker may make a request for access to the resident's or client's personal health information.

A designated Sunnyside Seniors' Services staff member will be provided, at a mutually convenient time, to explain and help the resident/client understand medical terminology and Sunnyside Seniors' Services procedures. However, access to this information may be denied, in limited circumstances outlined in the legislation, including situations in which the sharing of the personal health information could reasonably be expected to harm the resident's or client's or others' mental or physical health and safety. Residents and clients also have the right to ask Sunnyside Seniors' Services to correct a record if it is inaccurate or incomplete.

Family and friends

Personal health information is private. Unless the law authorizes sharing it with others, Sunnyside Seniors' Services cannot and will not give out any personal health information without consent. However, it is understood the residents'/client's, family and friends may inquire about their well-being from time-to-time.

For Sunnyside Home, unless the resident objects, the following information will be provided to someone who makes an inquiry about a resident:

- Confirmation that the person is a resident and their room number

Although residents and clients have the right to request their personal health information, this right does not automatically extend to their family members and/or friends. If consent is provided to let a family member or friend see personal health information, then the family member or friend may be allowed access to the part(s) of the personal health record that the resident/client has consented to let them see.

If the resident/client is unable to give consent and/or has a legally authorized Substitute Decision-Maker, then this person may be allowed access to the personal health information, in accordance with their legal authority. This person is bound by law to act on the resident's/client's behalf and must make decisions based on their knowledge of what the resident/client would wish done if he/she were able to decide.

Security

Personal health information is kept securely by Sunnyside Seniors' Services. All paper files are stored in locked files or restricted areas. All electronic record systems are password protected. Residents' and clients' personal health information is retained in their active health care record files, which are safely and securely stored to limit access.

When a resident or client is discharged or deceased, the inactive health care record is securely stored in a locked area until it is archived. If staff working in the community need immediate access to personal health information to conduct a home visit(s), provide community-based services or attend a meeting in another office for the purpose of planning and providing authorized service, a copy only of the required personal health information will be used.

New personal health information collected through the home visit(s) or meeting will be secured in the client's file immediately upon return to Sunnyside Seniors' Services. The personal health information removed from Sunnyside Seniors' Services for the home visit(s) or meeting will be limited to the information required for the particular meeting.

The Region of Waterloo's network security and firewall are in place to protect unwarranted access to the server on which electronic personal health information resides. Access to the application that is used for health care records is governed by a unique user identification and password. User identifications are assigned and controlled based on the job function of the employee and their need to know. Back-up from the application are stored in a safe.

Retention of personal health information

Records containing personal health information are retained according to the Region of Waterloo's by-law governing records retention and disposal. Retention of resident and client records complies with all legislated or professional practice standards. Clients' and residents' records are kept on site while residents and clients receive care, then they are transferred to long-term storage until they may be securely disposed of under the retention by-law.

Privacy matters to us

The mission of Sunnyside Seniors' Services is to enable adults to age with dignity. We provide innovative Programs Services, Housing and Long-Term Care. The needs of aging adults are met through commitment to planning, community, partnerships, research and education. Sunnyside Seniors' Services is committed to protect the privacy of personal health information of residents and clients.

Access to personal health information or complaints about information handling

Sunnyside Seniors' Services is committed to resolving all concerns or complaints about personal health information handling, as well as requests for access to personal health information. Residents, clients or Substitute Decision-Makers are encouraged to first contact the program and staff who provide care or service.

Questions about access to or correcting personal health information, as well as concerns about privacy practices, can be directed to the following staff:

- For a resident of Sunnyside Home: Administrator, Resident Care, 519-893-8494 ext. 6312
- For clients of all other community-based programs: Manager of Community Programs, 519-893-8494 ext.6370

Individuals who wish to make a formal, written request for access to or correction of personal health information under PHIPA, should contact:

Connie Lacy
Director, Seniors' Services
247 Franklin Street North
Kitchener ON N2G 1Y5
519-893- 8494 ext. 6310

For general concerns or complaints about privacy practices or information access, individuals may contact the provincial oversight body for PHIPA:

Information & Privacy Commission
2 Bloor Street East, Suite 1400
Toronto ON M4W 1A8

Telephone: 416-326-3333 or 1-800-387-0073
TDD/TTY: 416-325-7539
Fax: 416-325-9195
Website: www.ipc.on.ca