



<p>Team Name: Health Information Services</p> <p>Team Lead: Regional Privacy &amp; Access Office</p> <p>Approved by: VP - Corporate Services</p>	<p>Reference Number: ORG.1411.PL.201</p> <p>Program Area: Health Information Services</p> <p>Policy Section: Privacy &amp; Access</p>
<p>Issue Date: January 13, 2016</p> <p>Review Date:</p> <p>Revision Date: September 21, 2017</p>	<p>Subject: Confidentiality of Personal Health Information</p>

**POLICY SUBJECT:**

Confidentiality of Personal Health Information

**PURPOSE:**

To protect all confidential information and adopt administrative, technical and physical safeguards to ensure the confidentiality, security, integrity and availability of this information. Confidentiality of information is governed by provincial and federal law and Southern Health-Santé Sud policy.

**BOARD POLICY REFERENCE:**

Executive Limitation (EL-2) Treatment of Clients

**POLICY:**

- Personal health information that is collected and maintained in a facility or a portion of a facility designated as a psychiatric facility under The Mental Health Act is governed by the standards of confidentiality within this Act, which takes precedence over PHIA and FIPPA.
- Staff are obligated to protect confidential information as outlined below and understand this obligation continues after their employment/contract/association/appointment with Southern Health-Santé Sud ends.
- All employees and Persons Associated with the Trustee are responsible for protecting all Personal Health Information including Demographic Information (oral or Recorded in any form,) that is obtained, handled, learned, heard or viewed in the course of his/her work or association with the Trustee.
- Staff have a legal, professional and ethical responsibility to protect all confidential information (oral or recorded in any form) that is obtained, handled, learned, heard or viewed in the course of the their work or association with Southern Health-Santé Sud.
- Confidential Information must be protected and staff are responsible for using safeguards that protect the confidentiality, security and integrity and availability of this information during its collection, use, disclosure, storage, transmission, transport and destruction in accordance with applicable legislation and/or Southern Health-Santé Sud policy.
- Staff comply with Southern Health-Santé Sud policy as it relates to the protection of confidential information in electronic form while using Information and Communication Technology (ICT) resources or accessing ICT services.

- Accessing, using, disclosing or discussing confidential information is acceptable only where required in the performance of one's job duties and responsibilities and is on a "need to know" basis and only the minimum amount required. For example: A health care provider in a care relationship with an individual may only access, use, disclose, or discuss the individual's information for:
  - provision of health care; or
  - to arrange for the provision of health care; or
  - when information is required to fulfill administrative responsibilities and duties related to supporting the provision of health care.
- Staff are not permitted to access confidential information about themselves, their family, friends or co-workers without following the access to information procedures set out in the Southern Health-Santé Sud policy.
- Staff who, in the performance of their duties, are required to have access to confidential information about a family member, friend or co-worker will:
  - consult with their manager to determine if another staff member should be assigned, where possible; and
  - where required and practical, obtain verbal consent from the client prior to fulfilling these duties.
- Employees and Persons Associated with the Trustee may be required to receive additional PHIA orientation and sign another ORG.1411.PL.201.FORM.01 Declaration of Confidentiality each time there is a substantial change in an Individual's position, as determined by the department/program responsible for the person (i.e. an employee moves from a department with little exposure to Personal Health Information to a department that collects or Maintains large amounts of Personal Health Information).
- Employees and Persons Associated with the Trustee may be required to complete an additional PHIA Orientation and sign another ORG.1411.PL.201.FORM.01 Declaration of Confidentiality, at the discretion of the Regional Privacy & Access Officer/Designate, (i.e. disciplinary purpose).
- When required to discuss confidential information, precautions are used to ensure the conversation is not overheard and is not in the presence of persons not entitled to this information such as in public places (elevators, lobbies, cafeterias, coffee shops, off premises, etc.).
- All staff, as a condition of employment/ contract/ association/ appointment with Southern Health-Santé Sud, are required to complete the following prior to the commencement of their employment or association with Southern Health-Santé Sud :
  - Confidentiality and PHIA training;
  - review of the Confidentiality policy;
  - Signing of a Southern Health-Santé Sud ORG.1411.PL.201.FORM.01 Declaration of Confidentiality. The Declaration must be signed as soon as reasonably practicable, but no later than two weeks after commencement of relationship with Southern Health-Santé Sud.
- Staff have a duty to report any knowledge of or reasonable belief that a privacy incident has occurred.
- All persons who become aware of a possible Breach of Security or Confidentiality of Personal Health Information shall refer to ORG.1411.PL.203 Reporting of Security Breaches Related to Personal Health Information and Corrective Procedures to be followed.

#### Confidentiality Agreements

- All Information Managers are required to enter into and sign an agreement that provides, amongst other things, for protection of confidential information. The Regional Privacy & Access Officer/Designate oversees the execution and maintenance of all Information Manager's agreements.
- All persons contracted under a Service Agreement or another Agreement with Southern Health-Santé Sud, as a condition of acceptance of the agreement, are required to sign an Agreement that provides, amongst other things, for protection of confidential information.

#### Persons Associated with Southern Health-Santé Sud

- Persons Associated with Southern Health-Santé Sud will sign a ORG.1411.PL.201.FORM.02 Persons Associated with Southern Health-Santé Sud Information and Agreement for the person's review and signature; (i.e. volunteers, students, contracted persons).

#### Visitors on Business

- Visitors attending Southern Health-Santé Sud facilities for business purposes will sign an ORG.1411.PL.201.FORM.03 Confidentiality Agreement for Contractors/Vendors when going to locations where they may be exposed to confidential information (i.e. touring inpatient units).

#### Disciplinary Response

- Failure to comply with Southern Health-Santé Sud policy that results in a privacy breach involving unauthorized access, collection, use, disclosure or destruction of confidential information may result in a disciplinary response as follows:
  - disciplinary action up to and including termination of employment/ contract/ association/ appointment with the region;
  - imposition of fines pursuant to *The Personal Health Information Act* where the confidential information was personal health information; and
  - a report to an associated professional regulatory body.

### **RESPONSIBILITIES**

#### Senior Leadership Team:

- Ensure all Board members are provided with Confidentiality and PHIA training and sign the Declaration of Confidentiality.

#### Payroll & Benefits or Human Resources:

- Oversee the provision of Confidentiality and PHIA training and administration of the Declaration of Confidentiality for all new staff.

#### Medical Services:

- Oversee the provision of Confidentiality and PHIA training and administration of the Declaration of Confidentiality for all medical staff, medical students.

#### Regional Privacy & Access Officer:

- oversee the development, implementation and maintenance of Confidentiality and PHIA training;
- oversee the administration of information manager agreements and other information sharing agreements.

#### Program Directors/Managers:

- ensure all employees have received Confidentiality and PHIA training and have signed a ORG.1411.PL.201.FORM.01 Declaration of Confidentiality;
- ensure visitors attending a facility/program for business purposes and who may be exposed to confidential information, review and sign a ORG.1411.PL.201.FORM.03 Confidentiality Agreement for Contractors/Vendors;
- ensure contracts include clauses for the protection of confidential information where such information may be exposed as part of the contracted or purchased service;
- oversee the provision of Confidentiality training and administration of the Declaration of confidentiality for all volunteers;
- facilitate the provision of the training and signing of the Declaration for students (except medical students).

## **DEFINITIONS:**

ORG.1411.PL.502.SD.01 PHIA DEFINITIONS

## **PROCEDURE:**

All Staff complete the Confidentiality and PHIA training and sign the Southern Health-Santé Sud Declaration of Confidentiality as follows:

New Employees, students, and volunteers

- Educators, Human Resources, Payroll & Benefits or Program Directors/Managers will:
  - provide Confidentiality and PHIA training during regional orientation;
  - provide a copy of the Confidentiality policy and the Declaration of Confidentiality for the employee's review and signature;
  - maintain the signed Declarations;
  - maintain a record of employee's completion of PHIA training and the date the Declaration of Confidentiality was signed in the QHR staff scheduling system.

Medical Staff

- Medical Services will:
  - ensure the Confidentiality and PHIA training is available for viewing;
  - provide a copy of the Confidentiality policy and the Declaration of Confidentiality for review and signature following completion of the training;
  - maintain the signed Declarations;
  - maintain a record of medical staff's completed training in the medical staff appointment checklist.

Contracted health care providers

- Program Managers will:
  - arrange for contracted providers to complete Confidentiality and PHIA Self Learning Package;
  - provide a copy of the Confidentiality policy and the Declaration of Confidentiality for review and signature following completion of the training;
  - maintain the signed Declarations.

Persons Associated with Southern Health-Santé Sud

- Program Directors/Managers who are meeting with the person associated with Southern Health-Santé Sud will:
  - provide ORG.1411.PL.201.FORM.02 Persons Associated with Southern Health-Santé Sud for the person's review and signature;
  - forward the signed form to the Regional Privacy & Access Officer.

Board Members

- Senior Leadership Team will:
  - make arrangements for the board members to complete the Confidentiality and PHIA Self Learning Package;
  - provide a copy of the Confidentiality policy and the Declaration of Confidentiality for review and signature following completion of the training;
  - maintain the signed Declarations.

Visitors on Business

- Program Directors/Managers who are meeting with the visitor will:
  - provide ORG.1411.PL.201.FORM.03 Confidentiality Agreement for Contractors/Vendors for the visitor's review and signature;
  - forward the signed form to the Regional Privacy & Access Officer.

## Contracts and Agreements

- Program Directors/Managers contact the Regional Privacy & Access Officer to arrange for the administration of an Information Manager's agreement where the program/facility will be entering into a contract for information management services.
- Program Directors/Managers ensure all service contracts/agreements include, at minimum, a standard confidentiality clause related to protecting confidential information.
- Program Directors/Managers meeting with the person conducting Quality Improvement/Program Evaluation/Research will:
  - provide ORG.1411.PL.201.FORM.04 Agreement for Persons conducting Quality Improvement/Program Evaluation/Research in Southern Health-Santé Sud to the individual for review and signature;
  - forward the signed form to the Regional Privacy & Access Officer.
- Transportation of Personal and/or Personal Health Information Off-Site
  - If Personal Health Information is removed from the Trustee's premises by an authorized person for purposes authorized by the Trustee, that person(s) shall secure storage at all times in alignment with the ORG.1411.PL.404 Southern Health-Santé Sud Security and Storage of Personal Health Information Policy.
  - When Personal and/or Personal Health Information on multiple individuals is transported off site, the person transporting the information shall ensure that each individual's information is included in a separate envelope.

## **SUPPORTING DOCUMENTS:**

[ORG.1411.PL.201.FORM.01](#) Declaration of Confidentiality

[ORG.1411.PL.201.FORM.02](#) Information and Agreement for Persons Associated with Southern Health-Santé Sud

[ORG.1411.PL.201.FORM.03](#) Confidentiality Agreement for Contractors/Vendors

[ORG.1411.PL.201.FORM.04](#) Agreement for Persons conducting Quality Improvement/Program Evaluation/Research in Southern Health-Santé Sud

[ORG.1411.PL.502.SD.01](#) PHIA Definitions

## **REFERENCES:**

*The Personal Health Information Act*

*The Personal Health Information Regulations*

*WRHA Confidentiality of Personal Health Information, Policy #10.40.020*

*Southern Health-Santé Sud Reporting of Security Breaches Related to Personal Health Information and Corrective Procedures to be followed Policy ORG.1411.PL.203*