

# LYNWOOD CHARLTON CENTRE

## POLICY

### PRIVACY

Lynwood Charlton Centre is committed to meeting the highest standard of ethics with respect to maintaining the privacy and confidentiality of client personal health information that we collect, use and disclose. The Centre strives to protect the privacy rights of our clients by meeting or exceeding the standards established by law, including Ontario's *Personal Health Information Protection Act, 2004* ("PHIPA").

Each member or authorized agent of Lynwood Charlton Centre must take an oath of confidentiality with respect to client information that they may obtain through the course of their involvement with the Centre, which includes adherence to the terms of this Privacy Policy. This oath is taken when the individual first becomes involved with Centre and continues in effect indefinitely.

As part of establishing this Privacy Policy, we have appointed the Executive Director as the contact person for privacy matters. The Executive Director can be reached at 905-389-1361, extension 223. In keeping with the requirements of *PHIPA*, for the purposes of protecting the privacy and confidentiality of client information, we have also prepared a Privacy Statement, which is available to the public.

#### **What is Client Personal Health Information?**

Client information is "identifying information" about an individual, whether oral or recorded. It includes any information about an individual's health or service history. "Identifying information" means information that could identify an individual when used alone or with other information.

The types of client information we collect, use and store may vary depending upon the individuals involved and the nature of their relationships with the Centre. For clients (children, youth and families), we collect client information that may include a client's name, address, date of birth, health card information, and personal/family information related to assessment, diagnosis, medication, counselling and treatment.

To acknowledge donations and for accounting purposes, we also collect names and addresses of specific donors.

#### **When Do We Need Consent?**

Lynwood Charlton Centre will not collect, use or disclose client information without a client's consent, or as required by law, or in circumstances of imminent risk. For most service provision purposes, consent is implied as a result of consent to admission to our programs. However, in some circumstances, express and often written, consent may be required.

We may rely on a client's implied consent to share client information with an authorized agent, as long as the sharing is related to the provision of service and the client has not

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**Original:** 02/01/06  
**Revised:** 29/08/14

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expressly stated otherwise.

### **How We Use the Information We Collect**

Lynwood Charlton Centre will identify the purposes for which client information is being collected, in advance, and will inform clients of these purposes. The Centre will only collect, use and store information that is necessary for these purposes.

With limited exceptions, we obtain most client information directly from our clients and collect only as much information as is necessary to meet the purpose of the collection. We will not collect client information if other information we have will serve the purpose of the collection.

The information we collect, use and store depends upon the individual involved and the nature of their relationship with us.

For example, for clients, information may be used:

- to provide assessment, counseling, treatment planning and service provision;
- for quality assurance purposes, including relevant accreditation requirements, which provide feedback as to how effective/helpful our services have been;
- to comply with legal and regulatory requirements;
- to contact individuals regarding upcoming events, activities, and programs that may be of interest;
- for fundraising purposes;
- to acknowledge donations and for accounting purposes;
- as required in circumstances of imminent risk, information may be released to police or emergency medical personnel, and
- as otherwise required by law.

We will obtain the appropriate consent if we wish to collect, use or disclose client information for any other purpose.

When using client information, we exercise the highest level of care and will take all reasonable steps to ensure that client information is accurate, complete and up-to-date for the purpose the information is being used. We use advanced technology and well-defined practices to ensure client information is processed promptly, accurately, and completely. We depend on our clients, however, to advise us of any changes to client information.

### **Sharing Personal Health (Client) Information**

We will not share a client's information with anyone outside of the Centre, our authorized agents or other health care providers involved in a client's care, without his or her

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consent. The only exceptions to this is that we may be required by law or a Court Order, or in circumstances of imminent risk, to share certain client information.

We will only share client information with other professionals, agencies and schools who are involved in the care, education and treatment of a client if the client (age 16 and over) or his or her parent/guardian (for children or youth under age 16) provides consent for us to do so.

Under no circumstances will we sell client lists or other client information to third parties.

### **Safeguards and Security**

Lynwood Charlton Centre recognizes the importance of safeguarding client information and will take all steps that are reasonable in the circumstances to ensure that personal health information in our custody or control is protected against theft, loss or unauthorized use or disclosure. We will also ensure that the records containing this information are protected against unauthorized copying, modification or disposal.

To ensure the safe storage of client information, we have taken steps to meet the need for physical security, technological security and administrative controls. The measures we have taken for the physical security of clients' information include:

- keeping personal health information in locked filing cabinets; and
- restricting office access to authorized people; and
- installing a security system.

The technological security measures we have taken include the use of:

- passwords, user IDs;
- firewalls and virus scanners; and
- restricted access to information.

We have also implemented administrative controls to protect clients' information, including:

- preparing confidentiality and records security policies in writing, which all staff are required to follow,
- the appointment of a staff member with overall responsibility for security,
- staff training;
- regular audits of our practices to ensure compliance with our security policies; and
- confidentiality agreements.

Clients should be reminded that e-mail is not necessarily secure against interception. Clients should not send sensitive communications electronically unless the e-mail is

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encrypted or the browser indicates that access is secure.

### **Privacy Breaches**

In the event that a client's information has been stolen, lost or accessed by an unauthorized person, we will notify the client at the first reasonable opportunity.

### **Retention of Personal Health Information**

We retain client records for twenty-eight (28) years after the client's date of discharge or in accordance with any minimum retention period that is established by law.

Annually, in December, the Centre destroys client records that exceed the twenty-eight (28) year requirement by means of shredding. Prior to destruction, the client names and discharge dates are recorded in the Shredded Files Tracking.

### **Disposal of Personal Health Information**

When client information is destroyed, the Centre will use safeguards to ensure secure destruction, including by entering into a written agreement with any agent retained to dispose the client information, which will set out the requirements for secure disposal and require the agent to confirm in writing that secure disposal has occurred.

### **Access to Personal Health Information**

With certain limited exceptions, clients have a general right to access and request a copy of the client information kept about them by the Centre.

We have specific policies and procedures concerning access and disclosure of client information. During the course of ongoing service, a client's worker(s) will provide him or her with copies of reports generated within the Centre. If a client would like to request access his or her client information, he or she must make a written request to the contact person, the Executive Director, who can be reached at 905-389-1361, extension 223.

We may charge a fee for this service and if so, we will provide notice in advance of processing the request.

All requests for access to client information will be responded to in a reasonable time frame.

### **Correction to Client Personal Health Information**

If a client believes that his or her client information is not accurate or complete, he or she may make a written request to the contact person (outlined above) to have the information corrected.

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The Centre will correct client information where it is demonstrated that the information in the client's record is, in fact, inaccurate or incomplete and necessary information is provided to correct the record.

However, we may refuse to correct client information if the information is a professional opinion or an observation of a service provider. Clients have a right to append a short statement of disagreement to their record if a correction request is denied.

All requests for correction to client information will be responded to in a reasonable time frame.

### General

At Lynwood Charlton Centre, we review policies and procedures on an ongoing basis and may revise these from time to time. If these revisions significantly change how we collect, use or disclose previously collected client information, we will inform our clients and obtain consents where required.

### Questions/Concerns

If you have any questions or concerns about Privacy at Lynwood Charlton Centre, please speak with the Executive Director:

Privacy Officer/Health Information Custodian  
Executive Director  
526 Upper Paradise  
Hamilton, ON  
L9C 5E3

If we are not able to address your concerns, or if you require further information regarding Privacy in Ontario, please contact the following:

Information & Privacy Commissioner of Ontario  
2 Bloor Street East, Suite 1400  
Toronto, ON M4W 1A8  
1-800-387-0073  
[www.ipc.on.ca](http://www.ipc.on.ca)