

Macaulay Child Development Centre
Policy and Procedure Manual

Subject: Privacy and Confidentiality

Program: All Programs; Board of Directors

Date Approved: October 18, 2010; December 11, 2013; May 11, 2016; October 5, 2016;
February 13, 2019

Policy

Macaulay treats all personal information of staff, students, providers, volunteers, including board members, and service users in a confidential manner. This applies to the collection, use, storage, transfer and disclosure of personal information.

Macaulay does not share personal information with persons or organizations outside the centre without the approval of the person or their legal parent/guardian, unless required to do so by law, in an emergency or where there is a significant risk of serious harm to a person or group.

Macaulay takes steps to protect personal information from theft, loss and unauthorized access, copying, modification, use, disclosure and disposal.

Macaulay is committed to maintaining the privacy of confidential information that is transmitted. Senders are individually responsible and accountable for protecting the confidentiality of information they transmit.

Macaulay takes steps to inform all staff, students, providers and volunteers including board members of their responsibilities under this policy. All staff, students, and volunteers, including board members are required to sign a Pledge of Confidentiality upon commencement of their duties at Macaulay.

Any breach of Macaulay's policy on privacy of personal information is treated seriously and may be subject to disciplinary action, up to and including dismissal. All staff, volunteers and students are required to report a privacy breach immediately upon becoming aware. Macaulay responds quickly to contain any breach.

Macaulay is committed to resolving all concerns or complaints, including complaints relating to this policy and complaints relating to Macaulay's compliance with Ontario's Personal Health

Information Protection Act, 2004 (PHIPA).

Procedure

Collection of Personal Information

Macaulay only collects personal information that is reasonably needed to conduct the work of the organization or to meet legal requirements.

Use of Information

Macaulay will only use personal information for the following uses:

- To provide direct service
- To meet the requirements of funders
- To meet legal requirements
- For program evaluation and quality improvement

Transfer and Disclosure of Personal Information

The transfer or disclosure of personal information is only done with the approval of the person involved or, in the case of a child, by the legal parent or guardian.

For Preschool Speech and Language services, see additional requirements in the Collection, Use and Disclosure of Personal Health Information Policy.

Consent

Macaulay obtains informed consent before personal information is collected, used, and/or disclosed.

Capacity to Consent

If a staff person is concerned that an individual does not have the capacity to consent to the collection, use or disclosure of personal information, the staff person seeks direction from their supervisor or manager.

Where Consent Does Not Apply

Macaulay may need to disclose personal information in a timely fashion, without the consent of the individual, in situations where there is a legal duty or safety concern such as:

- communicable and reportable diseases (required under the Health Protection and Promotion Act);
- abuse or suspected abuse or neglect as required by the Child, Youth and Family Services-Act. In this case, the obligation is on the individual staff person to report. (See Macaulay's Reporting Abuse or Neglect Policy
- Subpoena/summons/warrant
- In an emergency and limited other situations, such as where there are reasonable grounds to believe

it is necessary in order to eliminate or reduce a significant risk of serious harm to a person or group.

Where a disclosure has been made without consent, the staff person documents the disclosure in the file and informs the individual at the first reasonable opportunity.

Limited Consent

An individual may choose to consent to the disclosure of some, but not all information. If so, Macaulay informs the person(s) to whom the information is being disclosed that information is missing.

Withdrawal of Consent

Where an individual withdraws their consent for collection, use or disclosure of their personal information, in whole or in part, the withdrawal must be in writing and recorded in the client file.

Refusal to Consent

Macaulay respects the right of the individual to refuse to consent to the release of information to the agency, but reserves the right to deny service where such information, in the opinion of the agency, is essential to provide safe, effective service.

Obtaining Consent

Collection and/or disclosure of personal information requires written consent. Written consent is obtained in advance whenever possible. Verbal consent may be accepted if given directly to Macaulay by the individual or their parent/guardian, and given before Macaulay gives/requests the information. Written consent is obtained as soon as possible.

Verbal Consent

Verbal consent is obtained in this way:

1. Obtain the consent directly from the service user or parent/guardian.
2. Ensure the person understands the consent they are giving by discussing what information will be used and for what purpose.
3. Tell the person giving verbal consent that you will follow up by getting the consent in writing.
4. Make a note in the participant's file of the date and circumstances of the verbal consent.

Written Consent

Written consent is obtained in this way:

1. Discuss the contents of the consent form with the person who will sign it to ensure they understand the permission they are giving.
2. When receiving a signed consent from another source, review the form to ensure that it has been fully completed and contains the information to meet Macaulay's requirements for

informed consent.

3. Give or request information that is specific to the purpose stated on the consent form.
4. File a copy of the completed consent form in the individual's file.

Valid Consent Form

Macaulay requires that a written consent form include the following:

1. First and last name of the person whose information is to be shared.
2. Birth date of person whose information is to be shared.
3. Name and address of the agency/professional to whom the information will be given or from whom it will be requested.
4. Description of information to be given/requested and how it will be used.
5. Signature of the individual (for adults) or parent or guardian (for children) who is giving consent.
6. Date the form is signed.
7. Date the consent expires (no longer than one year).
8. Signature of a witness who is present when the form is signed who can identify the person who is giving consent.

Consent for Videotaping or Recording

Staff obtain specific consent from service users in situations where the agency records or photographs service users.

The consent form documents the purpose of this means of collection, the specific use of the material, and who will view/listen to the material. The consent form clearly states that service users may withhold or withdraw consent at any time and that they will not benefit or suffer because of their decision.

When used for training purposes, service user names or other means of identification are not used. Videotaping and other recordings are kept only as long as they are required for the purpose and are then securely destroyed as per Macaulay policies on secure destruction.

Storage and Destruction of Personal Information

All personal information is stored in locked cabinets or is protected by electronic passwords and security systems. Every effort is made to ensure the security of information and to protect it from misuse. Confidential information is shredded using shredders that meet privacy standards.

It is the responsibility of every supervisor to ensure these systems are in place and that staff are in compliance. It is the responsibility of every staff, student, volunteer and provider to follow this procedure.

(See Retention, Storage and Destruction of Information Procedure)

Transmission of Personal Information by Fax

1. Fax machines at Macaulay are placed in a secure location, unavailable to unauthorized persons.
2. All fax transmissions are sent with a cover sheet that includes the name of the person sending the fax, their telephone number, date and number of pages sent, the person who is the intended recipient and the following privacy statement:

CONFIDENTIAL NOTICE: This fax transmission is intended for the addressee named above. It may contain information that is privileged, confidential, or otherwise protected from disclosure. Any review, dissemination or use of this transmission or its contents by persons other than the addressee is strictly prohibited. If you have received this transmission in error, please notify the sender/other identified person immediately by telephone (collect if necessary) so that we may arrange for its return at our expense. Thank you for your assistance and cooperation.

3. Senders confirm that the fax will be received securely (secure or monitored location) before transmitting, and telephone to confirm the fax was received and all pages sent

Transmission of Personal Information by E-Mail:

Emails are not a preferred method for the transmission of personal or confidential information e.g. referrals, case reports. If email is used to transmit personal or confidential information outside the agency, consent is obtained before transmission.

In Preschool Speech and Language Services, email systems are not used for the purposes of collecting, using or disclosing personal health information except where requested by the parent/guardian.

For any e-mail containing personal or confidential information (internal or external), senders:

- do not put confidential or personal information in the subject line.
- visually check the e-mail address(es) before sending.

All e-mail is sent with the following privacy statement:

CONFIDENTIAL NOTICE: This e-mail is intended for the addressee(s) named.

It may contain information that is privileged, confidential, or otherwise protected from disclosure. Any review, dissemination or use of this transmission or its contents by persons other than the addressee is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by return e- mail. Thank you for your assistance and cooperation.

Privacy Breach

Definition

A privacy breach happens when personal information is collected, used, disclosed or disposed of in a

way that does not comply with Personal Health Information and Protection of Privacy Act (PHIPA) where applicable or with the Macaulay's privacy policies and procedures.

The most common privacy breaches are:

- Unauthorized collection of personal information (without consent or legal authority)
- Unauthorized disclosure of personal information through:
 - Loss (e.g. a file is misplaced)
 - Theft (e.g. a laptop is stolen)
 - Mistake (e.g. a document intended for one person is sent to the wrong person)
 - Unauthorized or unsecured disposal of personal information (e.g. not shredded and placed in the regular garbage).

If a Macaulay staff person, volunteer or student becomes aware of a privacy breach, he or she reports the breach to the Privacy Officer (Program Director) who informs the Executive Director.

A Home Child Care provider immediately reports the breach to their HCC consultant or program supervisor. The staff person documents the privacy breach as instructed by the Privacy Officer.

The Privacy Officer takes action as described in the Roles and Responsibilities of the Privacy Officer Policy and Procedure

Privacy Complaints

All privacy-related complaints are directed to Macaulay's Privacy Officer. The Privacy Officer takes action as described in the Roles and Responsibilities of the Privacy Officer Policy and Procedure.

Legal Requirements

If an officer or government representative arrives at a Macaulay site **with a subpoena, warrant or other form of court order**, every effort is made to comply strictly with its terms. In the absence of such legal documents, personal information is not provided, including identifying any specific individual (staff, student, volunteer or service user). Should such a request be made, staff members notify the Executive Director or another member of management immediately so that legal advice can be obtained if appropriate.

Ensuring Compliance

Board of Directors	The Executive Director ensures that all board members sign the required Pledge of Confidentiality upon assuming their seat on the Board of Directors. If a member should refuse to sign, the issue is referred to the Board president to resolve. Refusal to sign may disqualify a member from sitting on the Board of
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Staff/Volunteers/Students	Directors. Each Supervisor ensures that all staff, students and volunteers have signed the Pledge of Confidentiality as part of their orientation. If an individual refuses to sign, the issue is referred to the Executive Director or her designate to resolve. Refusal to sign may be considered grounds for discipline up to and including dismissal.
Home Child Care	HCC Consultants give providers information on the importance of maintaining confidentiality and encourage them to share this information with their members of their household. A provider's failure to maintain confidentiality may be considered grounds for discipline

Cross Reference:

Collection, Use and Disclosure of Personal Health Information Policy, Preschool Speech and Language Services

Investigation Protocol

Reporting Child Abuse and Neglect

Retention, Storage and Destruction of Information Procedure

Roles and Responsibilities of the Privacy Officer Policy and Procedure