



## **Privacy Policy**

### **PREAMBLE:**

Bennett Centre Long Term Care at Bennett Village is committed to protecting the privacy, confidentiality and security of all personal information to which it is entrusted in order to carry out its mission in providing care and service to the residents we assist. The Privacy Policy incorporates the provisions of Health Information Protection Act including, The Personal Health Information Protection Act (PHIPA) and The Quality of Care Information Protection Act and The Personal Information Protection and Electronic Documents Act (PIPEDA).

### **PURPOSE:**

The purpose of this policy is to outline Bennett Centre's requirements for the collection, use, disclosure and retention of personal information, consistent with the standards for privacy protection found in Schedule 1 of PIPEDA and in Ontario's PHIPA, 2004.

### **POLICY:**

The principles of the CSA Model Code for the Protection of Personal Information are supported by eight major data protection strategies. All Bennett Health Care Centre employees with access to personal information are responsible for supporting these strategies. (See Procedure)  
The Executive Director is assigned as the Privacy Officer and as such is accountable for privacy practices on an ongoing basis and is responsible to ensure continuous improvement of the privacy program.

### **PROCEDURE:**

#### **Accountability for Personal Information**

Bennett Centre is responsible for personal information under its control and has designated an individual who is accountable for Bennett Health Care Centre's compliance with the following:

- Accountability for Bennett Centre's compliance with the policy rests with the Privacy Officer, although other individuals within Bennett Centre are responsible for the day-to-day collection and processing of personal information.
- The name of the Privacy Officer designated by Bennett Centre to oversee its compliance with these principles is a matter of public record.
- Bennett Centre is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. Bennett Centre will use



contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

- Bennett Centre will implement policies and practices to give effect to this policy, including:
  - 1) Implementing procedures to protect personal information.
  - 2) Establishing procedures to receive and respond to complaints and inquiries.
  - 3) Training staff and communicating to staff information about Bennett Centre's policies and practices.
  - 4) Developing information to explain Bennett Centre's policies and procedures.
- This policy applies to all employees, contractors, subcontractors, Board Members, Volunteers, or anyone else who is granted access to personal, privileged, confidential information and/or sensitive information on residents.
- Bennett Centre must comply with the Federal Privacy Information Protection and Electronic Documents Act (PIPEDA), which applies to the standards for personal information with respect to commercial activity.
- Bennett Centre must comply with the Health Information Protection Act. The Health Information Protection Act consists of two parts: the Personal Health Information Protection Act, and the Quality of Care Information Protection Act.
- The collection and storage of personal information should be treated in a manner that is respectful of the individual.
- Employees are obligated to ensure that personal information, to which they may have access remains confidential, is only used for the purposes for which it was collected, is not disclosed without authorization or used for personal gain.
- Employees are required to follow all procedures regarding collection, use, and disclosure of personal information as set out in this policy.

### **Privacy Officer**

- The Executive Director will be the Privacy Officer. He/she will be responsible for the organization's compliance with all privacy legislation.
- The Privacy Officer's duties are to:
  - 1) Internal compliance with applicable policies or legislation;
  - 2) Developing internal policies for the collection, use and disclosure of personal information and personal health information of employees and clients;
  - 3) Monitoring and responding to third party requests for personal information or personal health information;



- 4) Ensuring appropriate consents are obtained for the collection, use and disclosure of personal information and personal health information;
- 5) Where collection, use or disclosure is permitted without prior consent, notifying individuals of the collection, use and disclosure of personal information and/or personal health information after such occurrence.

### **Identifying Purposes for the Collection of Personal Information**

- At or before the time personal information is collected, Bennett Centre will identify the purposes for which personal information is collected. The primary purposes are the delivery of direct patient care, the administration of the health care system, statistics and meeting legal and regulatory requirements.
- Identifying the purposes for which personal information is collected at or before the time of collection allows Bennett Centre to determine the information it needs to collect to fulfill these purposes.
- The identified purposes are specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An admission form, for example, may give notice of the purposes. A patient who presents for treatment is also giving implicit consent for the use of his or her personal information for authorized purposes.
- When personal 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 law requires the new purpose, the consent of the individual is required before information can be used for that purpose.
- Persons collecting personal information will be able to explain to individuals the purposes for which the information is being collected.

### **Consent for the Collection, Use, and Disclosure of Personal Information**

The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except where inappropriate.

**Note:** In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, if Bennett Centre does not have a direct relationship with the individual, it may not be able to seek consent.



- Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, Bennett Centre will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when Bennett Centre wants to use information for a purpose not previously identified).
- The principle requires "knowledge and consent". Bennett Centre will make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.
- Bennett Centre will not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified and legitimate purposes.
- The form of the consent sought by Bennett Centre may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, Bennett Centre will take into account the sensitivity of medical and health information.
- In obtaining consent, the reasonable expectations of the individual are also relevant. Bennett Centre can assume that an individual's request for treatment constitutes consent for specific purposes. On the other hand, an individual would not reasonably expect that personal information given to Bennett Centre would be given to a company selling health-care products.
- The way in which Bennett Centre seeks consent may vary, depending on the circumstances and the type of information collected. Bennett Centre will generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. An authorized representative (such as a legal guardian or a person having power of attorney) can also give consent.
- Individuals can give consent in many ways. For example:
  - a) An admission form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses;
  - b) A check-off box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties;
  - c) Consent may be given orally when information is collected over the telephone, or
  - d) Consent may be given at the time that individuals use a health service.



- An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Bennett Centre will inform the individual of the implications of such withdrawal.

### **Limiting Collection of Personal Information**

- The collection of personal information will be limited to that which is necessary for the purposes identified by Bennett Centre. Information will be collected by fair and lawful means.
- Bennett Centre will not collect personal information indiscriminately. Both the amount and the type of information collected will be limited to that which is necessary to fulfill the purposes identified.
- The requirement that personal information be collected by fair and lawful means is intended to prevent Bennett Centre from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

### **Definition of Personal Information**

For the application of this policy, personal information means:

- The personal address, telephone number or email address of the individual
- Any identifying number assigned to an individual which can lead to their identification (e.g. Social Insurance Number)
- Information about an individual's income and assets
- Bank account and credit card information
- Information about accommodation fees payment history
- Information relating to the race, national or ethnic origin, citizenship status, colour, religion, age, sex, sexual orientation, marital or family status of the individual
- Information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual
- Credit and rental history reports
- Financial information for the purposes of establishing Rate Reduction
- An individual's blood type or fingerprints
- Information about an individual's personal or political opinions
- Correspondence sent to Bennett Centre that is of a private or confidential nature, and any replies from Bennett Health Care Centre that would reveal contents of the original correspondence



- The individual's name if it appears with other confidential information (e.g. rental arrears reports)
- Employee information including résumés, salary and benefits, disciplinary action, bank account information, tenant complaints about the individual, and problems between staff.

### **Personal Health Information**

- Includes identifying information about an individual in oral or recorded form that:
  - a) relates to his or her physical or mental health
  - b) relates to providing health care, including identifying a provider of health care
  - c) is a plan of service within the meaning of the Long-Term Care Homes Act
  - d) relates to the donation of a body part or bodily substance
  - e) relates to payments or eligibility for health care in respect of the individual
  - f) is a health number
  - g) identifies a substitute decision-maker of that individual
  - h) is in a record held by a health care organization where the record contains any of the above information
- Personal information does NOT include the name, position and business phone number of employees or Board of Directors.
- Personal information does NOT include statistical data, which is summarized in such a way as to not identify any individuals.
- Business contact information and certain publicly available information such as name, address and telephone number (as published in telephone directories) are not considered personal information.
- "Third parties" are individuals or organizations other than the subject of the records or representatives of Bennett Centre. Note that in certain circumstances, the company may be entitled to provide personal information to an external party acting as an agent of Bennett Centre.

### **Limiting Use, Disclosure, and Retention of Personal Information**

- Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes.
- If using personal information for a new purpose, Bennett Centre will document this purpose.
- Bennett Centre will develop guidelines and implement procedures with respect to the retention of personal information. These guidelines will include minimum and maximum retention



periods. Personal information that has been used to make a decision about an individual will be retained long enough to allow the individual access to the information after the decision has been made. Bennett Centre is subject to legislative requirements with respect to retention periods.

- Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous. Bennett Centre will develop guidelines and implement procedures to govern the destruction of personal information.
- No personal information will be released to third parties without the written consent of the individual (for example: credit references, tenant or personal references). When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry.
- It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, or for an Ontario Rental Housing Tribunal or Small Claims action.
- Staff will take reasonable care to confirm the identity of the people to whom information is released.
- Personal information will be released to the following:
  - 1) Funders and Auditor: Bennett Centre, in order to be in compliance with funding program requirements, must release information to funders and auditors. People doing these jobs have their own professional code of ethics and are required to maintain confidentiality. Staff should confirm that the person concerned is seeking access legitimately.
  - 2) Researchers: Occasionally, Bennett Centre may be asked to assist a researcher who may be from an academic institution or who may be independent. Authorization for such people to have access to files will depend on their credentials and the nature of their research. The Executive must approve all such requests for personal information. All such research requests must have had a review by an Ethics Board to ensure the ethical use of personal information.
  - 3) Credit Bureaus: Information on orders or judgments for money owing will be provided to any credit bureau of which Bennett Centre is a member.
  - 4) Law Enforcement: While Bennett Centre has a responsibility to protect the rights of residents and tenants to privacy, this responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about residents, tenants, employees, board members or volunteers, will be required to provide a written request or “warrant” before information will be released.
    - Personal information may be released to the police:



- I. In the context of reporting criminal activity, staff with personal knowledge should report theft, damage or fraud.
  - II. With respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the police so that charges can be laid. Domestic violence is a criminal offence and should be reported to the police.
  - III. To report suspected criminal activity. If there is good reason to believe that there is a drug problem or other illegal activity in the building, this should be reported to the police.
  - IV. Victims of crimes are responsible for reporting the crime directly to the police. However, if the victim is a child or a person with a disability that renders them incapable of making the decision to report, the legal responsibility lies with Bennett Centre to report the crime to the Police or Children's Aid Society, if it has relevant information.
- 5) Health and Safety Officials: Personal information will be provided to outside agencies, individuals and institutions when it can be clearly identified as contributing to the resident or tenant's benefit, for example, information about an individual's medical condition to the fire department.
- 6) Next of Kin or Emergency Contacts: It may be appropriate to use personal information to contact a community service agency or a designated relative in exceptional circumstances, such as, when using an emergency contact provided by a tenant and held on file, or contacting medical support services when a tenant is unable to function and maintain his/her tenancy.

### **Ensuring Accuracy of Personal Information**

- Personal information will be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- The extent to which personal information will be accurate, complete, and up to date will depend upon the use of the information, taking into account the interests of the individual. Information will be sufficiently accurate, complete, and up to date to minimize the possibility that inappropriate information may be used to make a decision about the individual.
- Bennett Centre will not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.
- Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up to date, unless limits to the requirement for accuracy are clearly set out.





## Ensuring Safeguards for Personal Information

- Security safeguards appropriate to the sensitivity of the information will protect personal information.
- The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Bennett Centre will protect personal information regardless of the format in which it is held.
- The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. A higher level of protection will safeguard more sensitive information, such as medical and health records.
- The methods of protection will include:
  - 1) Physical measures, for example, locked filing cabinets and restricted access to offices;
  - 2) Limiting remote access to resident records based on need;
  - 3) No physical personal records will be taken off site without prior permission
  - 4) Organizational measures, for example, limiting access on a "need-to-know" basis, and
  - 5) Technological measures, for example, the use of passwords, encryption, and audits.
- Bennett Centre will make its employees and volunteers aware of the importance of maintaining the confidentiality of personal information. As a condition of employment, all new Bennett Centre employees/agents (e.g., employee, clinician, physician, allied health, volunteer, researcher, student, consultant, vendor, or contractor) must sign the Bennett Centre Confidentiality Agreement.
- All staff and volunteers have a responsibility to ensure that unauthorized individuals do not have unsupervised access to areas where files are kept and used.
- Personal information will be disposed for financial records of 7 years after the end of the fiscal year.
- Paper-based personal information must be shredded prior to disposal. Electronic media must be purged prior to disposal.
- Staff and Volunteers will not seek out personal information about tenants, residents or applicants unless it is relevant to their work.
- All documents used for collection of personal information shall state:
  - 1) The purpose or purposes of the collection;
  - 2) The reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility for assistance;



- 3) The name, title, business address and business telephone number of the Privacy Officer who can answer questions and respond to complaints about the collection, use or disclosure of the information; and will include;
- 4) A consent form to be signed by the resident or tenant authorizing the collection, use, verification and disclosure of the information being collected.

### **Openness about Personal Information Policies and Practices**

- Bennett Centre will make readily available to individuals specific information about its policies and practices relating to the management of personal information.
- Bennett Centre will be open about its policies and practices with respect to the management of personal information. Individuals will be able to acquire information about its policies and practices without unreasonable effort. This information will be made available in a form that is generally understandable.
- The information made available will include:
  - 1) The name or title, and the address, of the Privacy Officer, who is accountable for Bennett Centre's privacy policies and practices, and to whom complaints or inquiries can be forwarded;
  - 2) The means of gaining access to personal information held by Bennett Centre;
  - 3) A description of the type of personal information held by Bennett Centre, including a general account of its use;
  - 4) A copy of any brochures or other information that explains Bennett Centre's policies, standards, or codes, and
  - 5) What personal information is made available to related organizations.
- Bennett Centre may make information on its policies and practices available in a variety of ways. For example, Bennett Centre may choose to make brochures available in its place of business, mail information to its clients, post signs, provide online access, or establish a toll-free telephone number.

### **Individual Access to Own Personal Information**

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

**Note:** In certain situations, Bennett Centre may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions



may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation privilege.

- Upon request, Bennett Centre will inform an individual whether or not it holds personal information about the individual. Bennett Centre will seek to indicate the source of this information and will allow the individual access to this information. However, it may choose to make sensitive medical information available through a medical practitioner. In addition, Bennett Centre will provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.
- An individual will be required to provide sufficient information to permit Bennett Centre to provide an account of the existence, use, and disclosure of personal information. The information provided will only be used for this purpose.
- In providing an account of third parties to which it has disclosed personal information about an individual, Bennett Centre will attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, Bennett Centre will provide a list of the organizations to which it may have disclosed information about the individual.
- Bennett Centre will respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information will be provided or made available in a form that is generally understandable. For example, if Bennett Centre uses abbreviations or codes to record information, an explanation will be provided.
- When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, Bennett Centre will amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information will be transmitted to third parties having access to the information in question.
- When a challenge is not resolved to the satisfaction of the individual, Bennett Centre will record the substance of the unresolved challenge. When appropriate, the existence of the unresolved challenge will be transmitted to third parties having access to the information in question.

### **Challenging Compliance with Bennett Centre's Privacy Policies and Practices**

- An individual will be able to address a challenge concerning compliance with this policy to the Privacy Officer.



- Bennett Centre will put procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The complaint procedures will be easily accessible and simple to use.
- Bennett Centre will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures. A range of these procedures may exist.
- Bennett Centre will investigate all complaints. If a complaint is found to be justified, Bennett Centre will take appropriate measures, including, if necessary, amending its policies and practices.