

POLICY: **Privacy and Confidentiality**

APPROVED: **Board of Directors**

APPROVED: **March 23, 2011**

REVISED: **September 25, 2013**

REVISED: **February 5, 2024**

Purpose

The purpose of this document is to describe the policies that are in place within Access Community Services Inc. ("Access") relating to consent to any collection, use or disclosure of personal information of clients of Access and to describe how those policies comply with privacy and confidentiality provisions of the Personal Health Information Protection Act 2004 and the Privacy Act (herein referred to as "the Acts").

The purposes of the Acts are to:

- (a) establish rules for the collection, use and disclosure of personal information about individuals that protect the confidentiality of that information and the privacy of individuals with respect to that information, while facilitating the effective provision of care;
- (b) provide individuals with a right of access to personal information about themselves, subject to limited and specific exceptions set out in the Acts;
- (c) provide individuals with a right to require the correction or amendment of personal information about themselves, subject to limited and specific exceptions set out in the Acts;
- (d) define the terms and conditions that govern third party access to personal information on an individual;
- (e) provide for independent review and resolution of complaints with respect to personal information; and
- (f) provide effective remedies for contraventions of the Acts.

Policy

Individuals, couples and families who receive support from Access have the right to have their privacy respected. Unwarranted and unauthorized disclosure and insensitivity to peoples' privacy undermines the trust and supportive relationship between Access and the people it supports. The informed consent of every individual, or his or her substitute decision maker, is a requirement prior to the release of information about this person. There must be a clearly justifiable and documented purpose for obtaining, storing and releasing information to a person other than the subject of the information.

As an employee, student, volunteer or consultant working with Access, compliance with this policy is mandatory. It is also important that employees and volunteers extend this confidentiality to agency materials.

Procedures

Review of the Privacy and Confidentiality Policy

The policy on Privacy and Confidentiality is to be reviewed with individuals receiving support from Access and, where appropriate, their substitute decision makers. Reviews shall be completed upon admission to services and annually thereafter.

Affirmation of Confidentiality

When an individual is working with Access as an employee, student, volunteer or consultant, it is a requirement to obtain the signature of that individual on a document that reads as follows:

"As an employee, student, volunteer or consultant working with Access, I agree to comply with this policy of privacy and confidentiality. I will not disclose to any person or agency at any time during or following my association with Access, except as required by law, any information or document that tends to identify an individual without the written consent of the individual or the individual's substitute decision maker or information about the agency and its operations without the authorization of the Executive Director of Access or his or her delegate prior to the release of such information. I understand that violation of this affirmation can be considered cause for disciplinary action up to and including termination of employment for cause and may constitute a breach of the Acts."

Definitions

Capacity to consent

An individual is capable of consenting to the collection, use or disclosure of personal information if the individual is able to:

- (a) understand the information that is relevant to deciding whether to consent to the collection, use or disclosure, as the case may be; and
- (b) appreciate the reasonably foreseeable consequences of giving, not giving, withholding or withdrawing the consent

If an individual is deemed incapable of consenting to release of personal information, then he/she will require a legally qualified substitute decision maker as defined in the Personal Health Information Protection Act 2004, Part III who will have the capacity to consent to the release of personal information.

Substitute Decision Maker

A substitute decision-maker of an individual within the meaning of the Acts, shall be deemed to be a substitute decision-maker of the individual in respect of the collection, use or disclosure of personal information about the individual.