

Lutheran Community Care Centre

PRIVACY POLICY

1. LEGAL FRAMEWORK

On January 1, 2004 Canada's *Personal Information Protection and Electronic Documents Act* ("PIPEDA") applied to every organization that collect, uses or discloses personal information in the course of commercial activity. Most of the service activity of the Lutheran Community Care Centre (LCCC) would not be deemed commercial activity however the fund development activity of the agency can be commercial activity that would need to comply with PIPEDA as well as Canada's Anti-Spam Legislation. Importantly, the LCCC's Privacy Policy is fashioned after the 10 Principles set out in the National Standard of Canada entitled *Model Code for the Protection of Personal Information* and that form part of PIPEDA.

The Lutheran Community Care Centre is regularly a recipient of personal health information from a health information custodian and rarely may be deemed an agent for a health information custodian. Currently LCCC is not a health information custodian nor does it employ health information custodians. In specific circumstances Ontario's *Personal Health Information Protection Act* ("PHIPA") would apply to privacy matters and therefore PHIPA also influences the LCCC's Privacy Policy.

Several programs of the LCCC are funded and operated under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 (SIPDDA)*. Under this Act the Minister of Community and Social Services has certain rights of access to personal information. These rights are cited in section 35 of the Act.

2. OBJECTIVES

The objective of this policy is to:

- a. safe guard the confidential nature of the service relationship between the LCCC and individuals and families
- b. promote responsible and transparent personal information management practices.

3. SCOPE AND APPLICATION

The scope and application of our Privacy Policy is as follows:

- a. The 10 Principles that form the basis of our Privacy Policy are interrelated, and we will strive to adhere to them as a whole.

- b. Our Privacy Policy applies to personal information about individuals and families that use or request to use our service, members, volunteers, employees, independent contractors, directors, officers, event and workshop participants, donors, and other constituents of the Lutheran Community Care Centre of Thunder Bay (collectively, “LCCC Stakeholders”) that we collect, use or disclose in the course of commercial or non-commercial activities.
- c. Our Privacy Policy applies to the management of personal information in any form, whether written, oral or electronic.
- d. Our Privacy Policy does not impose any limits on our collection, use or disclosure of any of the following information:
 - i. an individual's name, address and telephone number that appears in a telephone directory that is available to the public, where the individual can refuse to have their personal information appear in such a directory;
 - ii. an individual’s name, title, business address or telephone number that appears in a professional or business directory, listing or notice, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the directory, listing or notice;
 - iii. an individual’s personal information that appears in a registry collected under a statutory authority and to which a right of public access is authorized by law, where the collection, use and disclosure of the personal information related directly to the purpose for which the information appears in the registry;
 - iv. an individual’s personal information that appears in a record or document of a judicial or quasi-judicial body, that is available to the public, where the collection, use and disclosure of the personal information relate directly to the purpose for which the information appears in the record or document; or
 - v. an individual’s personal information that appears in a publication, including a magazine, book or newspaper, in printed or electronic form, that is available to the public, where the individual has provided the information.

- vi. Notwithstanding i – v above, were the information to be exhibited in such a manner or context that it could be linked to information that is considered personal and private or inferences of a personal or private nature could be made, such information will not be disclosed.
- e. The application of our Privacy Policy is subject to the requirements and provisions of PIPEDA, PHIPA and SIPDDA, the regulations enacted thereunder and any other applicable legislation, regulation, court order or other lawful authority.

4. Principle 1 – Accountability

We are responsible for personal information in our possession or under our control.

- a. Responsibility for compliance with the provisions of our Privacy Policy rests with our Privacy Officer, who can be reached by using the contact information at the end of this Privacy Policy. Other individuals within our organization may be delegated to act on behalf of our Privacy Officer or to take responsibility for the day-to-day collection and processing of personal information.
- b. We will implement standards and procedures to:
 - i. protect personal information and to oversee our compliance with our Privacy Policy;
 - ii. make available information that explains our privacy policy;
 - iii. train our employees, contractors, directors, committee members, students on placement and volunteers about our privacy policy; and
 - iv. receive and respond to inquiries or complaints relating to privacy.

5. Principle 2 - Identifying Purposes for Collection of Personal Information

We will identify the purposes for which personal information is collected at or before the time the information is collected.

- a. We collect personal information only for the following purposes:
 - i. to determine eligibility for LCCC services;
 - ii. to place, advocate for, or refer you to other community services;
 - iii. to coordinate the provision of service with other community services;
 - iv. to assess or review your abilities and your support needs;

- v. to establish and maintain helpful and responsible relationships with individuals and families that use our services;
 - vi. to maintain a record of volunteers, donors, and other supporters of the LCCC;
 - vii. to evaluate LCCC services and improve the quality of care;
 - viii. to maintain a database to evaluate service delivery and forecast future demands at a service sector level (e.g. adult developmental services)
 - ix. to carry out our organizational activities, all with a view to advancing the goals of our Mission Statement;
 - x. to manage and develop our services and business operations;
 - xi. to meet legal and regulatory requirements;
 - xii. to record the history of our agency, and
 - xiii. to communicate with and keep informed LCCC Stakeholders about our services, activities, and opportunities to support the organization.
- b. LCCC personnel collecting information will be able to explain to individuals the purposes for which the information is being collected.
- c. When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is permitted or required by law, consent will be required before the personal information will be used or disclosed for the new purpose.

6. Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

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

- a. In obtaining consent, we will use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information is being collected and will be used or disclosed. Purposes will be stated in a manner that can be reasonably understood by that individual.
- b. In obtaining consent, the individual will be informed that they have the choice of withholding consent.
- c. Generally, we will seek consent to use and disclose personal information at the same time as we collect the information. However, we may seek

consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.

- d. In determining the appropriate form of consent, we will take into account the sensitivity of the personal information and the reasonable expectations of the individual to whom the personal information relates.
- e. Consent may be given in several ways, including:
 - i. Orally, as when information is collected over the telephone, followed by documentation of the verbal consent
 - ii. Through the completion and signing of an application form
 - iii. In a written form specifying to whom information may be disclosed to and for what purpose
 - iv. Consent provided by an authorized representative such as a legal guardian or a person having power of attorney
 - v. Implied consent through participation at an event when it pertains to less sensitive personal information (i.e. photograph)
- f. An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The withdrawal of consent, however, shall not have a retroactive effect. Individuals may contact us for more information regarding the implications of withdrawing consent.
- g. In certain circumstances, personal information can be collected, used or disclosed without the knowledge and consent of the individual. They include legal requirements to disclose and situations where consent is not reasonable. For example:
 - i. Where it is clearly in the interest of the individual and consent cannot be obtained in a timely way, such as when the individual requires emergency medical attention.
 - ii. Where the LCCC has reasonable grounds to suspect that a person younger than 16 years of age is, or may be, suffering, or may have suffered, abuse in the form of either physical harm, emotional harm, sexual molestation, sexual exploitation or neglect. In such cases the LCCC will call the Children's Aid Society.
 - iii. Where the LCCC is informed of sexual abuse of an individual by a health care provider.

- iv. Where the LCCC has reasonable grounds to believe that an individual is at risk of harming self or others. The LCCC will consider if there is a 1) clear risk to a person or group of people and 2) a risk of serious bodily harm or death and 3) a sense of urgency due to the nature of the threat.
- v. Where an individual is under the influence of alcohol and is driving and refuses to utilize alternate transportation arrangements. In such cases the police will be called.
- vi. Where disclosure is to a lawyer representing us, to comply with a subpoena, warrant or other court order, or is otherwise required or authorized by law.
- vii. When a LCCC staff is meeting with their supervisor for the purpose of ensuring quality services.
- viii. When a team approach is utilized to deliver services or LCCC assigns another staff to provide service during a staff person's absence.

7. Principle 4 - Limiting Collection of Personal Information

We will limit the collection of personal information to that which is necessary for the purposes that we have identified. We will collect personal information by fair and lawful means.

- a. Generally, we will collect personal information from the individual to whom it relates. With your consent, personal information may be gathered from you personally, on the telephone, through the mail or over the Internet.
- b. We may also collect personal information from other sources including employers or personal references, human service agencies, creditors, or other third parties that represent that they have the right to disclose the information.
- c. The personal information typically collected and maintained by us includes an individual's:
 - i. Name
 - ii. mailing address
 - iii. e-mail address
 - iv. telephone number

- v. date of birth
 - vi. next of kin
 - vii. emergency contact person
 - viii. social history
 - ix. education
 - x. health information
 - xi. assessments
 - xii. place of employment/occupation
 - xiii. photographs
 - xiv. interests and abilities
 - xv. financial support given to LCCC
 - xvi. involvement with the LCCC
 - xvii. source of income
- d. Not all of the information listed above is collected on each individual. The information collected depends upon the service, activity or purpose disclosed at the time of collection.
- e. The LCCC will only collect a person's health number if it is voluntarily given for purposes related to the provision of provincially-funded health resources for the person to whom the number is assigned.

8. Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

We will only use, disclose or retain personal information for lawful purposes. We will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law or for the purpose of carrying out a statutory duty. We will not use or disclose more of the personal information than is reasonably necessary to meet the purpose of the use or disclosure. We will retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected.

- a. We may disclose an individual's personal information to:
- i. our employees, contractors, directors, committee members, students on placement and volunteers;
 - ii. our external auditors or legal counsel;
 - iii. a person who is an authorized agent of that individual. For example, we may provide information about an individual's donations to that individual's legal, accounting or financial advisors;
 - iv. a third party who requires such information in order to assist us in the general administration and/or operation of our business and/or the supply of products and/or services to that individual;

- v. a government ministry or board that provides funding for a service of the LCCC and in the service contract or in the legislation enabling the funding is entitled to access personal information for specified purposes;
 - vi. a third party with whom we may at any time in the future be negotiating for the purpose of that third party taking over some or all of our activities;
 - vii. a public authority or agent of a public authority if, in our reasonable judgment, it appears that there is imminent danger to life or property which could be avoided or minimized by the disclosure of the information;
 - viii. a third party where that individual has consented to such disclosure; and
 - ix. a third party where such disclosure is required or permitted by law.
- b. Only our employees, contractors, directors, committee members, students on placement, volunteers, external auditors and legal counsel with a business need to know, or whose duties or services reasonably so require, are granted access to personal information about an LCCC Stakeholder.
- c. As a non-Health Information Custodian, the LCCC cannot use or disclose personal health information received from a Health Information Custodian for any purpose other than the purpose for which the Health Information Custodian was authorized to disclose the information or for the purpose of carrying out a statutory or legal duty or with the valid consent of the individual to whom the information relates.
- d. The LCCC will only use or disclose a person's health number for purposes related to the provision of provincially-funded health resources for the person to whom the number is assigned.
- e. We will keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law or contractual agreement. Personal information related to service activity shall be retained for seven (7) years after closure of the client file when relating to an adult and for seven (7) years after an individual reaches the age of eighteen (18) when relating to a child whose file has been closed. Depending on the circumstances, where personal information has been used to make a decision about an individual, we will retain, for a period of time that is reasonably sufficient to allow for access by that individual, either the actual information or the rationale for making the decision.

- f. We will maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law or contractual agreement to be retained. Such information will be destroyed, erased or made anonymous.

9. Principle 6 - 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.

- a. Personal information used by us will be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to provide services or make other decisions about an individual.
- b. We will update personal information about an individual as necessary to fulfill the identified purposes or upon notification by that individual.

10. Principle 7 - Security Safeguards

We will protect personal information through the use of security safeguards appropriate to the sensitivity of the information.

- a. We will use appropriate security measures to protect personal information against such risks as loss or theft or unauthorized access, disclosure, copying, use, modification or destruction, regardless of the format in which it is held.
- b. Security measures shall include, but are not limited to, personal information retained in locked cabinets and/or locked rooms, use of passwords and encryption for electronically-stored information and restricted access to offices.
- c. Employees, contractors, directors, committee members, students on placement and volunteers shall be made aware of the importance of maintaining the confidentiality of personal information and shall be required to sign a statement of confidentiality.
- d. We will protect personal information disclosed to third parties by contractual or other means stipulating the purposes for which it is to be used and the necessity to provide a comparable level of protection.
- e. When the Lutheran Community Care Centre is deemed to be an agent of a Health Information Custodian as defined in the Ontario *Personal Health Information Protection Act*, we will notify the custodian at the first

reasonable opportunity if personal health information in our possession because of that relationship is stolen, lost or accessed by unauthorized persons.

11. Principle 8 - Openness Concerning Policies and Procedures

We will make readily available to our Stakeholders specific information about our policy and procedures relating to our management of personal information.

- a. Information on our privacy policy and procedures will be posted on our web site and contained in a privacy brochure that will be available to all LCCC stakeholders.
- b. The information made available shall include:
 - i. The methods of contacting the privacy officer of the LCCC who is responsible for the organization's privacy policy and procedures and for receiving complaints and inquiries
 - ii. The means of gaining access to or requesting a correction to personal information held by the LCCC
 - iii. A description of the type of personal information held by the LCCC including a general account of its use
 - iv. What personal information is made available to related organizations and how confidentiality is maintained
 - v. How to contact the Privacy Commissioner of Canada, Ontario's Information and Privacy Commissioner and the Ontario College of Social Workers and Social Service Workers.

12. Principle 9 – Individual Access to 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 request to have it amended as appropriate.

- a. Upon written request to the privacy officer, an individual will be given the opportunity to review the personal information held in the records of the LCCC. The information will be provided in an understandable form within thirty (30) days of the request and at minimal or no cost to the individual. A staff person will be available to provide an explanation of the records.

- b. Upon request, we will provide an account of the use and disclosure of personal information and, where reasonably possible, will state the source of the information. In providing an account of disclosure, we will provide a list of organizations to which we may have disclosed personal information about the individual when it is not possible to provide an actual list.
- c. In the event that an individual's file contains personal health information from a health information custodian and LCCC is authorized to disclose the information to the individual, the LCCC may refer the individual to that custodian for access and explanation of the information.
- d. In certain situations, we may not be able to provide access to all of the personal information we hold about an individual. In such a case, we will provide the reasons for denying access upon request. For example:
 - i. if doing so would likely reveal personal information about another person or could reasonably be expected to threaten the life or security of another person;
 - ii. if doing so could reasonably be expected to threaten the life or security of the individual;
 - iii. if doing so would reveal any of our confidential information;
 - iv. if the information is protected by solicitor-client privilege;
 - v. if another Act of Ontario or Canada or a court order prohibits disclosure;
 - vi. if the information was generated in the course of a formal dispute resolution process; or
 - vii. if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction.
- e. In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit us to account for the existence, use and disclosure of personal information and to authorize access to a particular file. Any such information will be used only for this purpose.
- f. We will promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness will be noted in an addendum to the individual's file. Where appropriate, we will transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.

- g. If we believe on reasonable grounds that a request for access to or a correction of personal information is frivolous or vexatious or is made in bad faith, we may refuse to grant the access or correction.

13. Principle 10 - Challenging Compliance

An individual will be able to address a challenge concerning compliance with the above principles to our Privacy Officer.

- a. We will maintain procedures for addressing and responding to all inquiries or complaints from any LCCC Stakeholder about our handling of personal information.
- b. We will inform LCCC Stakeholders about the existence of these procedures as well as the availability of external complaint procedures such as the Ontario College of Social Workers and Social Service Workers, the Ontario Information and Privacy Commissioner, and the Privacy Commissioner of Canada.
- c. We will investigate all complaints concerning compliance with our Privacy Policy. If a complaint is found to be justified, we will take appropriate measures to resolve the complaint including, if necessary, amending our policy and procedures. An individual will be informed of the outcome of the investigation regarding his or her complaint.

ADDITIONAL INFORMATION

For more information regarding our Privacy Policy, please contact our Privacy Officer by:

- 1. telephone: (807) 345-6062 Toll Free 1-855-376-6673
- 2. mail: Lutheran Community Care Centre
245B Bay Street
Thunder Bay ON P7B 6P2
- 3. e-mail: privacy@lccctbay.org
- 4. fax: (807) 343-7954

To contact the Privacy Commissioner of Canada call 1 800 282 1376 or visit the web site www.privcom.qc.ca

To contact Ontario's Information and Privacy Commissioner call 1 800 387 0073 or visit the web site www.ipc.on.ca

To contact the Ontario College of Social Workers and Social Service Workers call 1 877 828 9380 or visit the web site www.ocswssw.org