

1. Confidentiality of Client Information

Effective Date: April 6, 2019

A. Policy

1. ABC Charitable Services is committed to safeguarding the confidentiality of protected health information (PHI) to ensure that the contents of any client records created, received, or maintained by ABC Charitable Services are only used or disclosed in accordance with the agency's policies, and federal and provincial regulations.
2. Everyone at ABC Charitable Services with access to PHI is responsible for safeguarding its confidentiality, and for complying with all health information privacy policies and procedures. This includes:
 - a. PHI in paper, electronic, video, verbal, oral, or any other form
 - b. ABC Charitable Services staff (professional, service and administrative), students, volunteers and any other persons under the direct control of the agency.
 - c. Health information privacy policies and procedures approved by ABC Charitable Services and the Ministry of Health and Long-Term Care.
3. ABC Charitable Services places significant trust in all who have access to sensitive information and with that trust comes a high level of responsibility. Uses and disclosures of client health information for any purposes other than those described and authorized in the policies and procedures in this manual constitute confidentiality violations and are considered extremely serious. Such violations may result in immediate disciplinary action up to and including dismissal by ABC Charitable Services.

B. Definitions

1. Protected Health Information (PHI) includes individually identifiable health information that is:
 - a. Transmitted by electronic media or maintained in any medium defined by the federal and provincial privacy regulations as electronic media; or
 - b. Transmitted or maintained in any other form or medium.
2. Protected Health Information (PHI) excludes individually identifiable health information found in employment records held by a covered entity in its role as an employer.
3. Individually Identifiable Health Information is any health information about a client that:

1. Confidentiality of Client Information

Effective Date: April 6, 2019

- a. Relates to the client's past, present, or future physical or mental health, the provision of health care, or the payment for health care, and
 - b. Identifies the client or could reasonably be expected to identify the client.
4. Confidentiality is the practice of controlling the use and disclosure of personal information so that only authorized persons or persons specifically authorized by the client have access to such information.

C. Privacy Requirements

1. Access to PHI in any format must be limited to those persons who have a valid business or need for the information, or otherwise have a right to know the information.
2. Security Requirements: All protected health information created, received, or maintained by the agency must be secured from unauthorized access at all times, to protect the information from damage, loss, alteration, and tampering. (See Privacy Safeguards)
3. Any person who is invited or otherwise authorized to enter ABC Charitable Services client care areas in any location but who is not formally associated with the agency, shall be accompanied and/or supervised by an ACS representative at all times. The representative is responsible for the actions of the visitor.
 - a. This includes, but is not limited to, trade representatives, maintenance technicians, visiting students and health care professionals, applicants for agency positions, and other similar persons or groups. This does not include family members or friends visiting or accompanying clients.
 - b. Any of these persons who will have access or potential access to PHI during the visit shall sign the confidentiality agreement prior to beginning activities at the agency.
 - c. If visiting students and health care professionals will be in contact with clients during their visit (i.e., observing, "shadowing", etc.), the supervising ACS representative must offer each client, or the client's legal representative, an opportunity to agree to the presence of the visitor. Such opportunity may be offered, and agreement or objection may be received, verbally and documented in the client's medical record.
4. Uses and disclosures of PHI must be limited to work-related purposes only.
5. Charitable Activities and Protected Health Information: Employees of ABC Charitable Services are encouraged to engage in charitable activities that benefit

1. Confidentiality of Client Information

Effective Date: April 6, 2019

their communities. These guidelines have been developed to assist staff members in making decisions about charitable activities that involve clients or clients of ABC Charitable Services:

- a. Protected health information or knowledge of personal affairs gained as a result of employment assignments may not be disclosed or used independently by ABC Charitable Services staff for charitable activities.
- b. Staff are free to make donations or participate in activities through professional charitable organizations within the guidelines of those organizations and the Agency's Conflict of Interest guidelines.
- c. Activities to promote quality health care or services within a program (translation services, literacy aids, other public assistance) may be provided when and as requested by program personnel.

D. Procedure

1. Clients must provide a written consent before any information can be released to, or obtained from, another individual, agency or institution.
2. Each authorization for the release of information must bear the name of one specific individual, agency or institution, the client'(s) signature(s), the date and the signature of the witness. If the information needed pertains to a couple or a family, each individual over 16 years of age must sign the consent form.
3. If the client is under 16 years of age, authorization for release of information must be signed by a parent or guardian. An authorization for release of record information is valid for 6 months from the date it is signed.

The original consent form is retained in the client's file. A copy of the consent form is retained in the client's file at the organization that is requesting the release of client information.

4. No confidentiality can be promised where the worker has suspicion or proof of abuse.
5. A worker may be legally required to provide confidential information, including files and recordings by court order. This fact must be made clear to all clients.
6. If the worker has reason to believe that a client may be a danger to herself / himself or others, or may be in violation of the law, s/he must consult the Executive Director or his/her designate to determine an appropriate course of action.

1. Confidentiality of Client Information

Effective Date: April 6, 2019

7. All client files either hard copy or computerized may be removed from the organization's premises ONLY with express permission of the Executive Director.
8. Computer systems including disks will be secured after hours. Confidential records held in the computer will be safeguarded by the use of passwords.
9. Electronic client records will be backed up and retained in a secure off-site location.

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CONFIDENTIALITY STATEMENT

- I acknowledge that this statement applies, but is not limited to, ABC Charitable Services employees, volunteers, students and third parties under the direct control of ABC Charitable Services, whether temporary or permanent, paid or not paid, as well as visiting and associate faculty, staff, and students.
- I acknowledge that ABC Charitable Services has stated its commitment to protecting the confidentiality of health information, whether it is maintained or distributed in paper, electronic, video, verbal, or any other medium or format. I understand that it is the requirement of the agency that persons with access to such health information will maintain its confidentiality.
- I understand that access to health information created, received or maintained by ABC Charitable Services is limited to those who have a valid business or health care need for the information or otherwise have a right to know the information. In addition, I understand that anyone who is authorized to access electronic health information held by the agency will be issued a unique user id and password, and that any person who uses or discloses another individual's user id or accesses past or present health information without authorization is subject to disciplinary action, up to, and including dismissal.
- I understand that approved access, uses and disclosures of, and requests for, protected health information created, received or maintained by ABC Charitable Services are limited to those described in the following policies and procedures. I further understand that, with the exception of purposes related to treatment, access to, uses and disclosures of, and requests for, an individual's health information must, to the extent practicable, be limited to the minimum necessary to accomplish the intended purpose of the approved use, disclosure or request.
- I understand that any known or suspected violation of this policy must be reported to my immediate supervisor or to the Privacy Officer, either of whom will be responsible for advising senior management and the Executive Director. The violation information will be reviewed and investigated by the Privacy Officer.

I have read the above statement and I understand that violation of this policy may result in disciplinary action, up to, and including, dismissal, by the agency.

Print Name

1. Confidentiality of Client Information

Signature

Date