

IDENTIFYING PURPOSES FOR THE COLLECTION OF PERSONAL INFORMATION

WHGH shall identify the purposes for which personal health information is collected. This has been done by our Statement of Information Practices and is available to all patients. Permitted purposes are the delivery of direct patient care, the administration of the health care system, research, teaching, statistics, fundraising, and meeting legal and regulatory requirements as described in PHIPA.

Identifying the purposes for which personal health information is collected at or before the time of collection allows WHGH 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 health information is collected. Depending on the way in which the information is collected, this can be done verbally or in writing. A patient who presents for treatment is also giving implied consent for the use of his or her personal health information for authorized purposes.

Notices identifying the purposes for the collection of personal health information are readily available to patients. When personal health 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 health 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 HEALTH INFORMATION

The knowledge and consent of the individual are required for the collection, use or disclosure of personal health information, except in certain circumstances.

Note: In certain circumstances personal health information can be collected, used, or disclosed without the knowledge and consent of the individual. Seeking consent from the patient may be impossible or inappropriate, for example when the individual is seriously ill, or mentally incapacitated. In these circumstances, consent of the individual's substitute decision maker will be sought, where feasible.

Consent is required for the collection of personal health information and the subsequent use or disclosure of this information. Typically, WHGH 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 WHGH wants to use information for a purpose not previously identified). WHGH 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. WHGH will not, as a condition of providing care, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the specified and legitimate purposes. In obtaining consent, the reasonable expectations of the individual are also relevant. WHGH can assume that an individual's request for treatment constitutes implied consent for specific purposes. The way in which WHGH seeks consent may vary, depending on the circumstances and the type of information collected.

Individuals can give consent in many ways. For example:

- a. A 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 specified uses and/or disclosures.
- b. Consent may be given verbally or in writing at the time that individuals use a health service.
- c. Consent may be given verbally when information is collected over the telephone.

In cases where express consent is required and it is provided verbally, this exchange is documented in the patient's record of personal health information.

An individual may withdraw consent at any time, subject to legal restrictions and reasonable notice. Withdrawal of the consent will not have a retroactive effect. WHGH will inform the individual of the implications of such withdrawal.

LIMITING COLLECTION OF PERSONAL HEALTH INFORMATION

The collection of personal health information will be limited to that which is necessary for the purposes identified by WHGH. Information will be collected by fair and lawful means.

WHGH will not collect personal health 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 health information be collected by fair and lawful means is intended to prevent WHGH 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.

Limiting Use, Disclosure, and Retention of Personal Health Information

Personal health 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 health information will be retained only as long as necessary for the fulfillment of those purposes. If using personal health information for a new purpose, WHGH will document this purpose. Personal health information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous in accordance with applicable legislation.

ENSURING ACCURACY OF PERSONAL INFORMATION

WHGH will take reasonable steps to ensure that information is as accurate, complete, and up-to-date as is necessary to minimize the possibility that inappropriate information may be used to make a decision about the individual.

Limitations on the accuracy and completeness of personal health information disclosed will be clearly set out to the recipient where possible.

When an individual successfully demonstrates the inaccuracy or incompleteness of personal health information, WHGH will amend the information as required. Depending upon the nature of the information challenged, amendment may involve 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, WHGH will record the substance of the unresolved challenge in the form of a letter from the patient, stored in the patients' health record. When appropriate, the existence of the unresolved challenged may be transmitted to the third parties having access to the information in question.

ENSURING SAFEGUARDS FOR PERSONAL INFORMATION

Security safeguards are used to protect personal health information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. WHGH protects personal health information regardless of the format in which it is held.

The nature of the safeguards will vary depending on the amount, distribution, format of the information and the methods of storage.

The methods of protection will include:

- a. Physical measures, for example, locked filing cabinets and restricted access to offices;
- b. Organizational measures, for example, policies, training, limiting access on a "need-to-know" basis, Confidentiality Agreement, data-sharing agreements;
- c. Technological measures, for example, the use of passwords, secure networks, use of firewalls, encryption, and audits.

WHGH will make its employees aware of the importance of maintaining the confidentiality of personal health information. All new WHGH employees/agents (e.g. employee, clinician, physician, allied health, volunteer, student, vendor, contract or researcher) sign the WHGH Confidentiality Agreement. This safeguard may also be facilitated through contractual provisions.

WHGH has policies and procedures in place pertaining to the disposal or destruction of personal health information, to prevent unauthorized parties from gaining access to information.

Openness About Personal Health Information Policies and Practices.

WHGH makes readily available to individuals specific information about its policies and practices relating to the management of personal health information. A written public statement is made available to the public.

This notice:

- a. provides a general description of WHGH information practices.
- b. describes how to contact the WHGH Privacy Officer (the designated privacy contact).
- c. describes how an individual may obtain access to or request correction of a record of personal health information.

describes how an individual may make a complaint to WHGH or to the Information and Privacy Commissioner of Ontario.

Individual Access to Own Personal Information

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal health information and will be given access to that information. A written request may be required by

WHGH to adequately identify you. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Note: In certain situations, WHGH may not be able to provide access to all the personal health information it holds about an individual. Exceptions to the access requirement will be in accordance with the law. The reasons for denying access will be provided to the individual. Examples may include information that could reasonably be expected to result in a risk of serious harm or the information is subject to legal privilege.

- Upon request, WHGH will inform an individual whether or not it holds personal health information about that individual. WHGH 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.
- WHGH will respond to an individual's request within the period specified in the Personal Health Information Protection Act. WHGH may charge the individual a fee for service in accordance with the fee schedule.

CHALLENGING COMPLIANCE WITH WHGH'S PRIVACY POLICIES AND PRACTICES

An individual will be able to address a challenge concerning compliance with this policy. WHGH has procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal health information.

WHGH will inform individuals who make inquiries or lodge complaints, of the existence of relevant complaint procedures.

If individuals have questions or concerns about WHGH privacy practices, they may contact the WHGH Privacy Officer.

Written complaints are to be directed to: Privacy Officer, 75 Parkview Road, Hagersville, ON N0A 1H0 or by email to privacy@whgh.ca

If individuals require more information about their privacy rights, or are unable to resolve a problem with WHGH, they may contact the Ontario Information and Privacy Commissioner:

Ontario Information and Privacy Commissioner
2 Bloor Street East, Suite 1400
Toronto, ON
M4W 1A8
-Or Call: 1-800-387-0072
- Or email: info@ipc.on.ca

DEFINITIONS

WHGH – West Haldimand General Hospital

Agent – In relation to a health information custodian, means a person that, with the authorization of the custodian, acts for or on behalf of the custodian in respect of personal health information for the purposes of the custodian, and not the agent's own purposes, whether or not the agent has the authority to bind the custodian, whether or not the agent is employed by the custodian and whether or not the agent is being remunerated. (PHIPA 2004, Definitions 2)

- Examples of agents of WHGH include, but are not limited to: employees, volunteers, students, physicians, residents, fellows, consultants, researchers, vendors.

HIC – Health Information Custodian – Listed persons or organizations under the Personal Health Information Protection Act such as hospitals, who have custody or control of personal health information

as a result of the work they do. As a public hospital, WHGH is considered to be a Health Information Custodian. (PHIP, 2004,s3).

PHI – Person Health Information – Information about an individual whether living or deceased, and whether in oral or recorded form, if the information

- Relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family,
- Relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,
- Is a plan of service within the meaning of the Long-Term Care Act, 1994 for the individual,
- Relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual,
- Relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,
- Is the individual's health number, or
- Identifies an individual's substitute decision-maker. 2004,c.3, Sched.A,s.4(1);2007,c.10,Sched.H,s.2
- **Identifying Information** – means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify and individual. 2004,c.3, Sched.A,s.4(2).
- **Record** – means a record of information in any form or in any medium, whether in written, printed, photographic or electronic form or otherwise, but does not include a computer program or other mechanism that can produce a record.

REFERENCES

Ontario Personal Health Information Protection Act, 2004
Public Hospitals Act, Reg. 965