



STANDARD: 6 – LEADERSHIP MANAGEMENT – The client is the focus of care/service delivery.

Policy: Ontario branches of VON are in compliance with the Personal Health Information Protection Act (PHIPA), regarding the collection, use and disclosure of personal health information. VON is a provider of health and social services to the public and meets the PHIPA definition of a “health care custodian”.

Rationale: PHIPA is a provincial privacy legislation that is “substantially similar” to the federal privacy legislation PIPEDA. PIPEDA applies to all private sector organizations including pharmacies, laboratories and health care providers with operating practices that qualify as “commercial activities”. PHIPA is more specific to the health care sector. PIPEDA will not apply in Ontario, as there is a provincial legislation in place.

Procedure:

1. VON Canada will appoint a Privacy Officer as a contact person to: assist with compliance; ensure service providers, who are recognized as “Agents”, are aware of their responsibilities; respond to arising questions; respond to requests for access or correction of records and to complaints.
2. Each Branch will appoint a contact person who is accountable to the Regional Quality Director.
3. A written statement outlining VON’s information practices, “VON Privacy Statement”, will be given to the client on initial contact.
4. Written consent will be obtained from the client.
5. If client is incapable of consenting, the substitute decision maker/guardian may give consent. Telephone consent may be an option.
6. Consent forms are kept in the client record. Tracking of “exceptions” stated by client is recorded electronically and shared with all service providers.
7. In the event that a request arises to release information to an individual/organization outside of the “Circle of Care”, Express consent will be obtained.
8. The receiving or giving of personal information must be documented.
9. Health Care Custodians are responsible to ensure that personal health care information is accurate and up-to-date.
10. Exceptions for disclosing information without consent include:
 - I. When disclosure is necessary to provide health care and consent cannot be obtained in a timely way
 - II. For the purpose of determining or verifying eligibility to receive health care or related goods and services
 - III. Conducting an audit or reviewing an accreditation
 - IV. The disclosure is necessary to eliminate or reduce significant risk

- V. Disclosure for legal proceedings
- VI. Disclosure of personal health information about an individual to another custodial institution in which the individual is being held.
- 11. Disclosure for research is allowed with approval from ethics.
- 12. Disclosure is allowed for monitoring health payments.
- 13. Clients/families may request to review their health record. All requests for the records in the office will be responded to in 30 days.
- 14. If a client requests a correction to their personal health information, a request is to be put in writing to VON. If there is a disagreement between the custodian and client, a statement of disagreement will be attached to the client record.
- 15. If more information than name and contact number is needed for fundraising then an Express consent is needed.
- 16. In the event of a breach in privacy, a complaints procedure is followed.
- 17. Consent can be withdrawn, but withdrawal of consent is not retroactive.

**Guidelines,
Tools:**

Ontario

- [VON Canada Privacy Statement: PHIPA](#)
- [VON Canada Privacy Statement: PHIPA \(French\)](#)
- [Ontario Privacy Legislation: Personal Health Information Protection Act](#)
- [Review of Privacy Legislative Requirements](#)
- [Ontario Privacy Legislation: Personal Health Information Protection Act](#)
- [Review of Privacy Legislative Requirements \(French\)](#)
- [VON Canada Consent to Collect, Use and Disclose Information – Basic](#)
- [VON Canada Consent to Collect, Use and Disclose Information – Basic \(French\)](#)
- [VON Canada Consent to Collect, Use and Disclose Information - Fundraising](#)
- [VON Canada Consent to Collect, Use and Disclose Information - Fundraising \(French\)](#)
- [VON Canada Consent to Collect, Use and Disclose Information – Client Satisfaction Survey](#)
- [VON Canada Consent to Collect, Use and Disclose Information – Client Satisfaction Survey \(French\)](#)
- [VON Canada Express Consent](#)
- [VON Canada Express Consent \(French\)](#)
- [VON Canada Request for Access to Personal Health Record](#)
- [VON Canada Request for Access to Personal Health Record \(French\)](#)
- [VON Canada Correction Form for Personal Health Record](#)
- [VON Canada Correction Form for Personal Health Record \(French\)](#)
- [VON Canada Telephone Consent](#)
- [VON Canada Telephone Consent \(French\)](#)
- [VON Canada Withdrawal of Consent](#)
- [VON Canada Withdrawal of Consent \(French\)](#)
- [VON Canada Federal Privacy Legislation: Personal Information Protection and Electronics Documents Act \(PIPEDA\)](#)
- [VON Canada Federal Privacy Legislation: Personal Information Protection and Electronics Documents Act \(PIPEDA\) \(French\)](#)
- [Decision Tree – Consent](#)
- [Decision Tree – Process for Complaints](#)

VON Canada Human Resources Standards Manual; Standard 1, Employment/
Volunteer Agreement: Confidentiality and Information Security (01-03-02)

VON Canada Client Services Standards Manual; Standard 5, Consent: Informed
Consent to Treatment (Documentation) (05-04-02)

References: Ontario Legislation

Edmond-Harnden (2002). *Ontario releases draft privacy legislation.*

Health Canada (2001). *Privacy Technology Review.*

Information and Privacy Commissioner of Ontario (2004). *Frequently asked questions:
Health information protection act.*

Legislative Assembly of Ontario (2002). *Ontario releases draft privacy legislation.*

Office of the Information and Privacy Commissioner/Ontario (2004), *Physician Privacy
Toolkit*

Office of the Information and Privacy Commissioner/Ontario (2004), *Fact Sheets:
Safeguarding Personal Health Information, Your Health Information: your access and
correction rights*

Radwanski, G. (2001). *Condition Critical: Health privacy review in Canada today.*
Office of the Privacy Commissioner.

Information and Privacy Commissioner: 1-800-387-0073