



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

Policy: In compliance with the Federal Personal Information Protection and Electronics Documents Act (PIPEDA), VON obtains informed consent from clients for the collection, use and disclosure of their personal information for defined purposes during their VON care and service. This consent may be withdrawn, in writing, at any time by the client.

Rationale: Compliance with Federal Legislation creates a consistent approach to protecting personal health information across the health care system. The legislation allows clients greater control over how their personal health information is collected, used or disclosed. For service providers, the legislation provides a flexible framework to access and use health information as necessary to deliver adequate and timely health care and/or service.

- Procedure:**
1. Federal Legislation (PIPEDA) is utilized when there is no specified Provincial Legislation. Provincial Legislation supercedes PIPEDA.
Alberta: Personal Information Protection Act (PIPA)
British Columbia: Personal Information Protection Act (PIPA)
Quebec: (PPIPS)
Ontario: Personal Health Information Protection Act (PHIPA)
 2. VON Canada will appoint a Privacy Officer as a contact person to assist with compliance and to respond to arising questions and issues.
 3. Each Branch will appoint a Privacy Officer who liaises with VON Canada
 4. Education and training on privacy legislation is provided to all employees and volunteers at orientation.
 5. The “VON Canada Privacy Statement” and Consent to Collect, Use and Disclose Form is incorporated with documentation forms utilized on initial contact/visit.
 6. The client/family is informed of privacy legislation on admission/intake and written consent is obtained.
 7. In the event that the client is incapable of providing consent, the Substitute Decision Maker/Guardian may give consent. Telephone consent may be an option.
 8. If a client does not wish to provide certain information, the service provider will explain the impact on the services.
 9. Service providers relate any client request for “exemptions” to the office for electronic dissemination to any future service providers. The requests are also to be filed in the client record.
 10. The receiving or giving of personal information must be documented.
 11. Exceptions for collecting information without consent include:

- i) The collection is necessary for providing health care and consent cannot be obtained in a timely way (e.g. a medical emergency)
 - ii) The collection is required or permitted by law
 - iii) Publicly available information specified in the regulation (e.g. telephone directories, registries, professional directories)
 - iv) Solely for journalistic or literary purposes
 - v) Collection is required for purpose of health planning or management
12. Clients/families may request to review their record. VON will respond to the individual's written request within 30 days.
 13. If a client requests a correction to their Personal Information, the request is to be put in writing. If the client successfully demonstrates the inaccuracy, VON will amend the information. If there is a disagreement, a statement of the client's perception will be attached to the record.
 14. To disclose information to beyond the identified Circle of Care, an express consent is required.
 15. Policies and procedures are enforced regarding the confidentiality of personal information and the retention and destruction of personal information.

**Guidelines,
Tools:**

Federal

- [VON Canada Privacy Statement: PIPEDA](#)
- [VON Canada Privacy Statement: PIPEDA \(French\)](#)
- [VON Canada Privacy Legislation Information Policy FAQs](#)
- [VON Canada Privacy Legislation Information Policy FAQs \(French\)](#)
- [VON Canada Consent to Collect, Use and Disclose Information](#)
- [VON Canada Consent to Collect, Use and Disclose Information \(French\)](#)
- [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 for 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 \(Documentation\) \(05-04-02\)](#)
 - [Standard 1, Confidential Information: Destruction \(01-08-01\)](#)
 - [Standard 1, Client Health Care Record \(01-05-01\)](#)
 - [Standard 1, Health Records: Retention and Destruction 01-18-01 \(CSSM\)](#)

References: Federal Legislation

1. OCSA Guideline: *Simplifying Privacy: A Toolkit for Community Care*
2. Guide: *Privacy Requirements and Policies for Health Practitioners*. Published by Health Practitioner Regulatory Colleges in Ontario
3. Canadian Privacy Commissions Office 1-800-282-1376
4. Office of Privacy commissioner of Canada (2005), *The Personal Information Protection and Electronic Documents Act Bill C-6*, www.privcom.gc.ca

Alberta & British Columbia

5. Office of the Privacy Commissioner of Canada (2005), *Questions and Answers regarding the application of PIPEDA, Alberta and British Columbia Personal Information Protection Acts (PIPAs)*, www.privcom.gc.ca