

Personal Health Information Protection Act, 2004, S.O. 2004, c.3 – B-G-011 Board of Health Policy

1.0 Policy Statement

- 1.1 The North Bay Parry Sound District Health Unit (the Health Unit) collects personal information under the authority of the Health Protection and Promotion Act. Personal information is collected, used, and disclosed by the Health Unit in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act. Personal information shall be used to ensure necessary health care measures are attained.
- 1.2 The Medical Officer of Health/Executive Officer is the Health Information Custodian for the Health Unit and is responsible to ensure that personal health information is collected, used, stored and shared in accordance with the Personal Health Information Protection Act, 2004 (PHIPA). This responsibility extends to any agents of the Medical Officer of Health/Executive Officer.
- 1.3 Personal health information is information in any form that identifies an individual and that relates to their health and health care including health history, health care programs and services, health care providers, substitute decision makers, health card number, and other personal identification information.
- 1.4 The main use of personal health information collected by the Health Unit is to plan, deliver, and evaluate appropriate public health care and services for individuals and communities. When necessary, personal health information may be shared within the Health Unit to provide care and investigate and manage potential risks to others or to the population at large.

Non-identifying information related to clients' care and services is used for administration, management, strategic planning, decision-making, research, and allocations of resources.
- 1.5 The Health Unit will not use or disclose personal health information for purposes other than those for which it was collected except if the law requires disclosure or authorizes sharing with others. Under the *Health Protection and Promotion Act*, the Health Unit can disclose personal health information to other health units and to the provincial Ministry of Health and Long-Term Care. Personal health information may also be shared with health care providers to plan and deliver health care or investigate and manage potential health risks to others.

The Health Unit cannot and will not give out any personal health information, unless otherwise provided by law as described in the preceding paragraphs, without the consent of the individual / their substitute decision maker. If consent is given to let a family member or legal representative have access to personal health information, these representatives may have access to those parts of the personal record that have been identified in the consent. Individuals have the right to withdraw or change the condition of consent, subject to provisions set out in PHIPA. The Health Unit consent forms are:

- Request for Access to Personal Health Information Held by North Bay Parry Sound District Health Unit under the PHIPA 2004 – [WIF-HU-115-02](#)

- Authorization of Release of Personal Health Information – [WIF-HU-115-01](#)
- 1.6** The Health Unit will take reasonable steps to ensure that personal health information that is collected and used is as accurate, complete, and up-to-date as is possible for the purposes for which the personal health information is used.
- 1.7** Personal health information is kept secure by the Health Unit. Paper records are stored in locked files and/or secured areas. Electronic records and databases require a password for access and are protected by appropriate security software. Records are transferred to other Health Information Custodians with consideration for the protection of personal health information.
- 1.8** Individuals who wish to access or correct their personal health information, or who have questions about how the information is collected, maintained, used or disclosed can contact the staff member from whom he/she received public health services or the Privacy Contact Person.

Requests for information that is not personal health information may be made under the *Municipal Freedom of Information and Protection of Privacy Act* through the Privacy Contact Person.

- 1.9** The Health Unit is committed to resolving all concerns or complaints about privacy practices. Concerns or complaints may be directed to the Privacy Contact Person at the Health Unit.

The Privacy Contact Person at the Health Unit is:

Andrea McLellan, Program Manager, Vaccine Preventable Diseases
North Bay Parry Sound District Health Unit
345 Oak Street West
North Bay, Ontario P1B 2T2
Telephone: 705-474-1400
Fax: 705-474-8252
Email: privacy@healthunit.ca

If an individual is not satisfied with the handling of an inquiry or complaint after they have received the report from the Privacy Contact Person, they may contact the **Information and Privacy Commissioner/Ontario** at:

Information and Privacy Commissioner/Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Telephone: 416-326-3333
Fax: 416-325-9195
Email: info@ipc.on.ca
Website: [Information Privacy Commissioner](#)

- 1.10** The Health Unit will post or make readily available to individuals a notice outlining the privacy and protection practices for personal health information.

2.0 Purpose

The purpose of this policy is to set out guidelines with respect to the appropriate collection, use, storage, and disclosure of personal health information to ensure compliance with the *Personal Health Information Protection Act, 2004*.

3.0 Scope / Responsibility

- 3.1 This policy applies to members of the Board of Health, the Medical Officer of Health/Executive Officer, and persons who act as agents of the Medical Officer of Health/Executive Officer, employees, volunteers, students, and third party contractors.
- 3.2 The Chairperson of the Board of Health ensures that all members of the Board are aware of and comply with this policy.
- 3.3 The Board of Health through the Medical Officer of Health/Executive Officer ensures this policy is implemented.
- 3.4 The Medical Officer of Health/Executive Officer reviews this policy with all new Board of Health members.
- 3.5 Board of Health members, the Medical Officer of Health/Executive Officer, and agents of the Medical Officer of Health/Executive Officer, employees, volunteers, students and third party contractors of the Health Unit are responsible for recognizing and complying with the provisions of this policy.
- 3.6 The Board of Health is responsible to ensure that the Medical Officer of Health/Executive Officer implements a policy for staff, volunteers, and third party contractors of the Health Unit to comply with this legislation.
- 3.7 Supervisors are responsible for advising their employees, volunteers, and third party contractors of this policy.

4.0 Procedure

- 4.1 Board of Health members are informed of this policy by the Medical Officer of Health/Executive Officer during their orientation session and by the Chair of the Board at subsequent meetings as required. Each member of the Board of Health is made aware of how to access the most recent version of the *Personal Health Information and Protection Act, 2004*.
- 4.2 Agents of the Medical Officer of Health/Executive Officer, employees, volunteers, students, and third party contractors are informed of this policy through the intranet, Employee Handbook, a corporate notice that is either posted or made readily available, the Privacy Disclaimer on data collection forms, and as part of their mandatory orientation/training sessions. Periodic reviews will be had with employees to ensure understanding of this policy and the related legislation as it applies to their job function.
- 4.3 Visitors/clients to the Health Unit will be advised of the Health Unit privacy and protection practices of the health unit through a notice that is posted or made readily available and by staff during client intake procedures.
- 4.4 A Board of Health member who is alleged to have violated this policy shall be informed in writing and shall be allowed to present his/her views of such alleged breach at the next Board of Health meeting. The complaining party must be identified. If the complaining party is a member, he/she and the respondent member shall absent themselves from any vote

upon resolution of censure or other action that may be brought by the members of the Board of Health. Members who are found to have violated this policy may be subject to censure.

- 4.5** This policy shall apply to members of any Board of Health committees who are not members of the Board of Health.

5.0 Records Retention

All records relating to this Policy are retained in accordance with the Records Retention and Management work instruction ([WI-HU-108](#)).

6.0 References

Internal References

- a) North Bay Parry Sound District Health Unit, [Board of Health Bylaws](#).
- b) [Quality Assurance Manual](#) (1999).
- c) Records Retention and Management – [WI-HU-108](#)
- d) Board of Health Orientation Manual
- e) Collection, Use, Protection, and Disclosure of Personal Information of Personnel - [WI-HU-031](#)
- f) Security of Confidential, Personal, and Health Information - [WI-HU-091](#)
- g) Process for Addressing a Privacy Breach of Personal Information/Personal Health Information - [WI-HU-092](#)
- h) Collection, Use, and Protection of Client Personal Health Information - [WI-HU-095](#)
- i) Request for Access to, Disclosure, and Safeguarding of Personal Health Information – [WI-HU-115](#)
- j) Authorization for Release of Personal Health Information – [WIF-HU-115-01](#)
- k) Request for Access to Personal Health Information Held by NBPSDHU under the PHIPA 2004 – [WIF-HU-115-02](#)

External References

- a) *Health Protection and Promotion Act*, R.S.O., 1990, c H.7. [Ontario E-Laws Website](#)
- b) *Municipal Act*, 2001, S.O. 2001, c. 25. [Ontario E-Laws Website](#)
- c) Personal Health Information and Protection Act. 2004. S.O. 2004. c.3. [Ontario E-Laws Website](#)

7.0 Summary of Revisions

Scheduled review. Minor revisions to sections 1.1 to 1.7, inclusive, 1.9, 1.10, 3.5, and 4.3.

2018-03-29 – Letterhead updated.

8.0 Board Policy Development Details

Author: **Dr. Jim Chirico, Medical Officer of Health/Executive Officer**

Reviewed by: **Paul Massicotte, Executive Director, Corporate Services and Privacy Officer and Andrea McLellan, Program Manager, Vaccine Preventable Diseases and Privacy Contact Person**

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