

 <p>Thames Valley Family Health Team</p> <p><i>A Powerful Network for Primary Care</i></p>	<p>Policy Title: Privacy Policy</p>	
	<p>Approved By: Board of Directors</p> <p>Date: March 31, 2016</p>	<p>Original Effective Date: October 28, 2015</p> <p>Reviewed Date(s):</p> <p>Revised Date(s): March 31, 2016</p>

The Thames Valley Family Health Team’s (TVFHT) mission is to provide exceptional health care to people living in our community. As a multi-disciplinary team we are dedicated to providing quality patient care and improving the health of our community. As part of our values, we are committed to respecting each person’s right to privacy and protecting the security and confidentiality of the health information we hold about you. In Ontario, there is legislation that protects your personal health information (a definition of personal health information is found within the legislation at <https://www.ontario.ca/laws/statute/04p03#BK1>).

The doctors we partner with belong to one of several Family Health Organizations/Networks or are affiliated with an Ontario Hospital that are each Health Information Custodians under the Personal Health Information Protection Act, 2004 (PHIPA) in relation to personal health information held under their custody or control. (A definition of Health Information Custodian is found within the legislation: <https://www.ontario.ca/laws/statute/04p03#BK1>.) This would include personal health information collected and stored in any form of media, where that media is owned by the Physician/Family Health Organization/Network or Hospital (e.g., Electronic Medical Records, Film, Digital Systems and Paper Charts). For the purpose of privacy obligations related to your personal health information held in the custody or control of the Family Health Organizations/Networks and Hospitals, the Thames Valley Family Health Team and our staff are agents of these Family Health Organizations/Networks or Hospitals. (A definition of “agent” is found within the legislation: <https://www.ontario.ca/laws/statute/04p03#BK1>)

This policy outlines our accountabilities related to Personal Health Information both professionally and legally as well as how we demonstrate our commitment to our patients related to their personal health information. This policy applies to Thames Valley Family Health Team¹ and our staff members. This policy does not apply to personal health information stored in electronic medical records (EMR) held in the custody of Physicians/Family Health Organizations/Networks or Hospitals partnering with the Thames Valley Family Health Team. As Health Information Custodians (PHIPA, 2004) each Physician/Family Health Organization/Network and Hospital that partner with Thames Valley Family Health Team is also governed by Ontario’s privacy legislation. This policy is intended to complement and support the privacy policies established by the partner Physicians/Family Health Organizations/Networks and Hospitals.

¹ Throughout this policy we use “Thames Valley Family Health Team” (TVFHT) to refer to everyone employed at Thames Valley Family Health Team as well as other individuals working with or on behalf of TVFHT such as students/learners, Board of Director members, researchers and volunteers and excludes physicians, Family Health Organizations/Networks and Hospitals who partner with TVFHT.

Principle 1 – Accountability for Personal Health Information

Thames Valley Family Health Team is responsible for all personal health information we have in our custody or under our control. We have designated our Executive and Medical Directors as co-Privacy Officers for the Thames Valley Family Health Team. These Privacy Officers are accountable for ensuring our compliance with this Privacy Policy and with privacy legislation (PHIPA, 2004).

Thames Valley Family Health Team Privacy Officers work collaboratively with their counterparts at the Family Health Organizations/Networks and Hospitals partnering with Thames Valley Family Health Team in matters related to privacy in order to ensure compliance with privacy legislation (PHIPA, 2004).

Thames Valley Family Health Team demonstrates our commitment to privacy by implementing privacy related policies, procedures and guidelines to protect the personal health information we have in our custody or under our control and by educating our staff and others who collect, use or disclose personal health information on our behalf, about our privacy responsibilities.

Thames Valley Family Health Team staff and those who act on our behalf must abide by PHIPA, this policy and any applicable standards of professional conduct.

Principle 2 – Identifying Purposes for Collecting Personal Health Information

Thames Valley Family Health Team collects personal health information for purposes related to direct patient care, administration and management of our programs and services, patient billing, administration and management of the health care system, research, teaching, statistical reporting, meeting legal obligations and as otherwise permitted or required by law.

When personal health information that has been collected by Thames Valley Family Health Team is to be used for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is permitted or required by law, patient consent will be required before the information can be used for that purpose.

Principle 3 – Consent for the Collection, Use and Disclosure of Personal Health Information

Thames Valley Family Health Team requires consent in order to collect, use or disclose personal health information. However, there are some situations where Thames Valley Family Health Team may collect, use or disclose personal health information without consent as permitted or required by law. For example, Thames Valley Family Health Team does not require consent for using or disclosing information for billing, risk management or quality improvement purposes or to fulfill mandatory reporting obligations.

Thames Valley Family Health Team assumes that a patient's request for treatment implies consent for the collection, use and disclosure of his/her personal health information for specific purposes such as the delivery of health care, unless the patient expressly instructs otherwise. Thames Valley Family Health Team takes steps, through the use of posters, brochures and having information accessible on the Thames Valley Family Health Team website to ensure that patients are knowledgeable about the purposes that we collect, use and disclose personal health information and who we normally share personal health information with. For all other purposes, Thames Valley Family Health Team will seek consent from the patient.

If Thames Valley Family Health Team seeks consent from a patient, the patient may choose to give consent, may choose to give consent with restrictions or not to give consent at all. If consent is given, a patient may withdraw that consent at any time, although the withdrawal of consent cannot be retrospective. The withdrawal of consent may also be subject to legal contractual restrictions and reasonable notice.

Principle 4 – Limiting Collection of Personal Health Information

Thames Valley Family Health Team limits the amount and type of personal health information we collect to that which is necessary to fulfill the purposes identified. Information is collected directly from the patient, unless the law permits or requires collection from third parties. For example, from time to time we may need to collect information from patient's family members or other health care providers.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Health Information

Personal health information will not be used or disclosed by Thames Valley Family Health Team for purposes other than those for which it is collected, except with the consent of the patient or as permitted or required by law. Personal Health Information held in the custody or control of Thames Valley Family Health Team will be retained for only as long as necessary for the fulfillment of the purpose(s). Personal health information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous safely and securely in accordance with legislation.

Principle 6 – Accuracy of Personal Health Information

Thames Valley Family Health Team will take all reasonable steps to ensure that information we hold 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 a patient.

Principle 7 – Safeguards for Personal Health Information

Thames Valley Family Health Team will put in place safeguards for the personal health information we hold, which include:

- Physical safeguards such as locked filing cabinets and rooms,
- Organizational safeguards such as permitting access to personal health information by staff on a "need to know" basis only; and
- Technological safeguards such as passwords, encryption and audits.

Thames Valley Family Health Team requires anyone who collects, uses or discloses personal health information on our behalf to be aware of the importance of maintaining the confidentiality of personal health information. This is done through the signing of confidentiality agreements, privacy training and contractual obligations.

Thames Valley Family Health Team takes steps to ensure the personal health information we hold is protected against theft, loss and unauthorized access, copying, modification, use or disclosure regardless of the format in which the personal health information is held.

Care is used in the storage, transfer, disposal or destruction of personal health information to prevent unauthorized parties from gaining access to the information.

Principle 8 – Openness about Personal Health Information

Information about Thames Valley Family Health Team's policies and practices relating to the management and handling of personal health information is available to the public, including:

- Contact information for our Privacy Officers, to whom inquiries or complaints can be made;
- The procedure for obtaining access to personal health information we hold and making requests for its correction,
- A description of the types of personal health information we hold including a general account of our uses and disclosures, and
- A procedure of how a patient may make a complaint to Thames Valley Family Health Team or to the Information and Privacy Commissioner of Ontario.

Thames Valley Family Health Team will meet this responsibility through the use of posters and brochures that will be available in prominent areas in all of our clinics, having information about our privacy program accessible on our website and through our staff working in all of our clinics.

Thames Valley Family Health Team is responsible to notify a patient if his/her personal health information has been lost, stolen, accessed without authority or disposed of in an un-secure manner and to be open and honest about the occurrence. Thames Valley Family Health Team will meet this responsibility through the use of a Breach of Privacy policy.

Principle 9 – Patient Access to Personal Health Information

Patients may request access to and if applicable, correction of their records of personal health information in accordance with Thames Valley Family Health Team's policies for access to and correction of records.

Thames Valley Family Health Team will respond to a patient's request for access within reasonable timelines and cost to the patient, as governed by law. Thames Valley Family Health Team will take reasonable steps to ensure that a patient's questions about his/her health information are answered in a manner that ensures the health information is understandable to the patient. *Please Note:* In certain situations defined by the law, Thames Valley Family Health Team may not be able to provide access to all personal health information we hold about a patient. Exceptions to the right of access requirement will be in accordance with the law. Examples may include information that could reasonably be expected to result in a risk of serious harm or information that is subject to legal privilege.

Patients who identify inaccurate or incomplete information in their personal health record may request that we amend their information. Thames Valley Family Health Team will respond to requests to amend or correct patient health information in compliance with the law (PHIPA, 2004). In cases where Thames Valley Family Health Team declines the request to make the amendment or correction, the patient may be allowed to append a statement of disagreement to their record.

Principle 10 – Challenging Compliance with Thames Valley Health Team Privacy Policies and Practices

Any person may ask questions or challenge our compliance with this policy or with PHIPA by contacting one of the Privacy Officers at Thames Valley Family Health Team (the Executive Director or the Medical Director).

Keri Selkirk, Executive Director & Privacy Officer - TVFHT
12-1385 North Routledge Park
London Ontario N6H 5N5
519-473-0530, ext. 113
519-286-0577 (fax)
Keri.selkirk@thamesvalleyfht.ca

or

Dr. Laura Neumann, Medical Director & Privacy Officer – TVFHT
12-1385 North Routledge Park
London Ontario N6H 5N5
519-473-0530, ext. 118
519-286-0577 (fax)
Laura.neumann@thamesvalleyfht.ca

Thames Valley Family Health Team will receive and respond to questions and complaints about our policies and practices relating to the handling of personal health information. We will inform patients who send us questions or lodge complaints of our complaints procedures.

Thames Valley Family Health Team will investigate all complaints. Thames Valley Family Health Team will take appropriate measures to respond to complaints in a timely fashion as outlined in privacy law.

The Information and Privacy Commissioner of Ontario oversees our compliance with privacy rules and PHIPA. Any individual can make an inquiry or complaint directly to the Information and Privacy Commissioner of Ontario by writing or calling:

Information and Privacy Commissioner of Ontario
2 Bloor Street East
Suite 1400
Toronto Ontario M4W 1A8
Phone: 1 (800) 387-0073
www.ipc.on.ca

Definitions

Health Information Custodian, as defined by PHIPA, 2004 and as it relates to this Privacy Policy, means a person or organization that has custody or control of personal health information as a result of, or in connection with performing the person's or organization's powers or duties. The full definition is available in the definitions in PHIPA at:

<https://www.ontario.ca/laws/statute/04p03>.

Personal Health Information means identifying information about a patient, either living or deceased, in any format that includes information:

- Concerning the physical or mental health of the patient or the patient's family health history,
- Concerning any health service provided to the patient,
- Concerning donation by the patient of any body part or bodily substance of the patient,
- Obtained from testing or examination of a body part or bodily substance of a patient,
- Collected in the course of providing health care or services to a patient,
- Collected incidentally during the provision of health services to a patient, or
- Is the individual's health number, or identifies an individual's substitute decision maker.

Agent means an individual authorized to collect, use or disclose personal health information on behalf of a health information custodian.