

 Thames Valley Family Health Team	Policy Title: Privacy Policy	Policy Number:
	Approval Body: Board of Directors	Page 1 of 5 Policy Effective Date: October 28, 2015 Policy Reviewed Date: March 23, 2023

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 Personal Health Information (PHI) (a definition of PHI 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 PHI 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 PHI 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 PHI held in the custody or control of the family health organizations/networks and hospitals, the TVFHT 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 PHI both professionally and legally as well as how we demonstrate our commitment to our patients related to their PHI. This policy applies to TVFHT and our staff members. This policy does not apply to PHI stored in electronic medical records (EMR) held in the custody of physicians/family health organizations/networks or hospitals partnering with the TVFHT. As health information custodians (PHIPA, 2004) each physician/family health organization/network and hospital that partner with TVFHT 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.

Principle 1 – Accountability for PHI

TVFHT is responsible for all the PHI we have in our custody or under our control. We have designated our Executive Director as the Privacy Officer for the TVFHT. The Privacy Officer is accountable for ensuring our compliance with this privacy policy and with privacy legislation (PHIPA, 2004).

TVFHT Privacy Officer works collaboratively with their counterparts at the family health organizations/networks and hospitals partnering with TVFHT in matters related to privacy in order to ensure compliance with privacy legislation (PHIPA, 2004).

TVFHT demonstrates our commitment to privacy by implementing privacy related policies, procedures, and guidelines to protect the PHI we have in our custody or under our control and by educating our staff and others who collect, use or disclose PHI on our behalf, about our privacy responsibilities.

TVFHT 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 PHI

TVFHT collects PHI 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 PHI that has been collected by TVFHT 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 PHI

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

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

If TVFHT 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 PHI

TVFHT limits the amount and type of PHI 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 PHI

PHI will not be used or disclosed by TVFHT for purposes other than those for which it is collected, except with the consent of the patient or as permitted or required by law. PHI held in the custody or control of TVFHT will be retained for only as long as necessary for the fulfillment of the purpose(s). PHI 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 PHI

TVFHT 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 PHI

TVFHT will put in place safeguards for the PHI we hold, which include:

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

TVFHT requires anyone who collects, uses or discloses PHI on our behalf to be aware of the importance of maintaining the confidentiality of PHI. This is done through the signing of confidentiality agreements, privacy training and contractual obligations.

TVFHT takes steps to ensure the PHI we hold is protected against theft, loss and unauthorized access, copying, modification, use or disclosure regardless of the format in which the PHI is held.

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

Principle 8 – Openness about PHI

Information about TVFHT’s policies and practices relating to the management and handling of PHI is available to the public, including:

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

TVFHT 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.

TVFHT is responsible to notify a patient if his/her PHI has been lost, stolen, accessed without authority or disposed of in an un-secure manner and to be open and honest about the occurrence. TVFHT will meet this responsibility through the use of a breach of privacy policy.

Principle 9 – Patient Access to PHI

Patients may request access to and if applicable, correction of their records of PHI in accordance with TVFHT’s policies for access to and correction of records.

TVFHT will respond to a patient's request for access within reasonable timelines and cost to the patient, as governed by law. TVFHT will take reasonable steps to ensure that a patient's questions about their 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, TVFHT may not be able to provide access to all PHI 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. TVFHT will respond to requests to amend or correct patient health information in compliance with the law (PHIPA, 2004). In cases where TVFHT 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 the Privacy Officer at TVFHT.

Mike McMahon, Executive Director & Privacy Officer - TVFHT
6-1385 North Routledge Park
London Ontario N6H 5N5
519-473-0530, ext. 121
519-286-0577 (fax)
Privacy@Thamesvalleyfht.ca

TVFHT will receive and respond to questions and complaints about our policies and practices relating to the handling of PHI. We will inform patients who send us questions or lodge complaints of our complaints procedures.

TVFHT will investigate all complaints. TVFHT 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 PHI 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>.

PHI 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.

Thames Valley Family Health Team (TVFHT) throughout this policy refers to everyone employed at TVFHT 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.

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