


MOMIJI HEALTH CARE SOCIETY

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PURPOSE

Momiji Health Care Society (MHCS) collects, uses and discloses personal health information (PHI) of clients for the purpose of providing coordinated services. This policy outlines requirements for how and when PHI can be collected, used and disclosed. This policy also sets out the principles MHCS follows in relation to PHI it receives.

DEFINITIONS:

Agent: Includes any person who is authorized by MHCS to collect, use or disclose PHI on MHCS behalf for the purposes of performing services or activities for or on behalf of MHCS. Agents at MHCS include, but are not limited to, all employees including board of directors and contract employees, physicians, volunteers, students, researchers, clients, consultants, program instructors, vendors, contractors, and other workers at MHCS.

Client: A person who receives services from or a tenant at MHCS.

Collect: As taken from the *Personal Health Information Protection Act, 2004, Section 2*.

Collect, in relation to PHI, means to gather, acquire, receive or obtain the information by any means from any source, and “**collection**” has a corresponding meaning;

Consent: The permission from a client or his/her Substitute Decision Maker (SDM) to collect, use or disclose PHI on the Client’s behalf. To be valid under PHIPA, a consent must:

1. Be that of the Client or the Client’s Substitute Decision Maker (SDM);
2. Relate to the information in question;
3. Not be obtained through deception or coercion; and
4. Be knowledgeable

Disclose: As taken from the *Personal Health Information Protection Act, 2004, Section 2*.

Disclose, in relation to PHI in the custody or under the control of a HIC or a person, means to make the information available or to release it to another HIC or to another person, but does not include to use the information, and “**disclosure**” has a corresponding meaning;

Express Consent: As adapted from the Information Privacy Commissioner of Ontario.

Express consent is given either verbally or in writing, to a custodian to collect, use or disclose a clients' PHI . It confirms an agreement in clear terms.

Health Information Custodian (HIC): A person or organization described in one of the following paragraphs who has custody or control of PHI as a result of or in connection with performing the person's or organization's powers or duties or the work described in the paragraph, if any:

1. A health care practitioner or a person who operates a group practice of health care practitioners.
2. A service provider within the meaning of the *Home Care and Community Services Act, 1994* who provides a community service to which that Act applies [...]
3. Any other person prescribed as a HIC if the person has custody or control of PHI as a result of or in connection with performing prescribed powers, duties or work or any prescribed class of such persons.

Implied Consent: As adapted from the Information Privacy Commissioner of Ontario.

Implied consent is understood to be consent that one concludes has been given based on what an individual does or does not do in the circumstances. It occurs when an action occurs by a knowledgeable client or SDM indicating that consent has been given.

Personal Health Information (PHI): As taken from the *Personal Health Information Protection Act, 2004, Section 4(1)*.

PHI means identifying information about an individual in oral or recorded form, if the information,

1. Relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family,
2. Relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,
3. Is a plan of service within the meaning of the *Home Care and Community Services Act, 1994* for the individual,
4. Relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual,
5. Relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,
6. Is the individual's health number, or
7. Identifies an individual's substitute decision maker

Personal Information (PI): Any information that identifies an individual and relates to his/her physical or mental health, including information about family health history, and any information that identified the individual's Substitute Decision Maker.

Use: As taken from the *Personal Health Information Protection Act, 2004, Section 2*.

Use, in relation to PHI in the custody or under the control of a HIC or a person, means to view, handle or otherwise deal with the information, subject to subsection 6 (1), but does not include to disclose the information, and “**use**” as a noun, has a corresponding meaning.

POLICY

MHCS as a health information custodian (HIC) under the Ontario Personal Health Information Protection Act, 2004 (PHIPA) collects, uses, and discloses PHI and is required to protect the privacy, confidentiality and security of all personal health information of clients.

PROCEDURES

Privacy Officer

- Respond to inquiries from staff and the public regarding MHCS privacy protocols, and practices, including PHIPA and PIPEDA (Personal Information Protection and Electronic Documents Act) requirements.
- Assist in the development and delivery of privacy education and training for MHCS agents regarding their responsibilities under privacy laws and policies, protocols and procedures.
- Receive and respond to privacy complaints on behalf of MHCS.
- Inspect privacy incidents and/or suspected and actual privacy breaches.
- When required, seek help with a Legal Office regarding legal interpretations, obligations and investigations of privacy breaches.
- Review and monitor compliance of MHCS's policy with PHIPA/PIPEDA on a regular basis.

All employees

- Comply with this policy and related procedures and practices for the collection, use and disclosure of PHI/PI.
- Review and sign MHCS Statement of Confidentiality form.
- Ensure that a Client's privacy is maintained in accordance with this policy and ensure the confidentiality, integrity and availability of PHI/PI.
- Report all actual or suspected privacy breaches to the MHCS Privacy Office (PO).
- Employees are expected to consult with the PO about privacy obligations, practices, and expectations around the security and management of client/patient PHI/individual's PI, when necessary.