

Alzheimer Society

H U R O N P E R T H

Privacy Statement

Alzheimer Society Huron Perth (ASHP) has a longstanding policy of protecting the privacy of its clients. The ASHP Privacy Policy has been revised to align itself with Bill 31 Ontario's privacy legislation also known as the Personal Health Information Protection Act (PHIPA). As of November 1, 2004, PHIPA controls the way personal health information may be collected, used and disclosed.

This privacy statement generally outlines how ASHP will manage its clients' personal health information to safeguard their privacy.

Client Privacy Rights:

- To understand the purposes for the collection, use and disclosure of personal health information,
- To refuse or give consent to the collection, use or disclosure of personal health information, except in circumstances specified in PHIPA
- To withdraw consent by providing notice to ASHP
- To request access to one's own personal health information
- To request corrections to be made to one's own personal health information and record; and,
- To make a complaint to ASHP or the Information Privacy Commission (IPC) about any breach of PHIPA in the manner in which personal health information has been collected, used, disclosed or handled.

ASHP Responsibilities:

ASHP is responsible for collecting, using and disclosing client's personal health information appropriately and for collecting, using or disclosing only what is reasonably necessary to provide health care.

What is Consent?

With some exceptions, consent is required for the collection, usage or disclosure of a client's personal health information. Consent may be expressed or implied. Consent means the Society or member of the Circle of Care is permitted to collect, use, retain and/or disclose Personal Information or Personal Health Information for the purpose for which the approval was originally granted by the client or the client's substitute decision maker.

Implied consent means that, based on the circumstances, ASHP can reasonably conclude that consent would be given. ASHP does not need to obtain written or verbal

ALZHEIMER SOCIETY HURON PERTH

HURON SITE

317 Huron Rd, Box 639, Clinton ON N0M 1L0
519-482-1482 | 1-800-561-5012
www.alzheimer.ca/huroncounty

PERTH SITE

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consent every time personal health information is collected, used or disclosed. Unless we are informed otherwise, we will assume that we have the client's implied consent to:

- Collect and use personal health information for the purpose of client care, administration, teaching, research, statistics and complying with legal requirements.
- Disclose information to health care providers within the client's "Circle of Care" who need access to the information to provide care to the client. The client's "Circle of Care" includes those health care professionals, pharmacies, laboratories, ambulance service, nursing homes, Local Health Integration Network; Home and Community Care and home service providers who provide the client with healthcare services,
- Use a client's name and address in order to contact a client for fundraising purposes. A client is entitled to ask not to be contacted for fundraising.

ASHP may communicate about your care with your other health care providers, including collecting, using, and disclosing your personal health information through electronic medical information systems (sometimes called electronic health records, electronic medical records, etc.). If you would like more information about the electronic medical information systems, please speak with our Privacy Officer.

Expressed consent means providing to ASHP a verbal approval, a letter or other written document such as an email. Express consent is required to gather, use or disclose a client's personal health information in circumstances other than those listed above.

Who makes decisions for a client?

Clients normally decide for themselves whether to give, refuse or withdraw consent to gather, use, or disclose their personal health information. There are exceptions to this rule as follows:

- If the client is under sixteen years of age, the client's parent or guardian may also have the right to make these decisions. This does not apply if the client is making his or her own treatment decisions or if the client has specifically told ASHP that the parents or guardians are not to make decisions on his or her behalf.
- ASHP regulated health professionals may decide that a client is not capable of making his or her own decisions regarding personal health information at that time. If this happens, the decisions will be made by a person known as a "substitute decision-maker". There are rules in PHIPA to decide who the substitute decision-maker will be. It will usually be a member of the client's family. If a client has been found incapable of making his or her own decisions regarding personal health information, the client may appeal to the Consent and Capacity Board. If requested, ASHP will assist the client to make this application.

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- If the client has died, you can get consent from the client's estate trustee or someone in charge of administering the client estate.

Withdrawal of Consent

Consent may be withdrawn at any time for the collection, use, or disclosure of a client's personal health information by providing notice to ASHP. ASHP will stop disclosing the information as soon as ASHP receives notice. In order to withdraw consent, the client's support worker should be spoken to.

The Act provides ASHP with the discretion to gather, use and disclose personal health information without consent in some circumstances. Consent may not be withdrawn for these purposes. For example, disclosure without consent is permitted if ASHP believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk or serious bodily harm to a person or group of persons.

Breach of Security

ASHP will make every reasonable effort to protect its clients' personal health information. If a breach of security has occurred, for example a client file has been stolen or lost, ASHP will notify the client.

Accessing Your Personal Health Information

In most cases, ASHP clients have access to their file. If a client would like to see or have a copy of his/her file, a request should be made in writing to the Privacy Officer; however, ASHP can grant access to a record in response to a verbal request. ASHP will normally respond to an access request within 30 days. In special circumstances, it may take up to 60 days to process a request. The client may ask for a shorter response time.

Right of Correction

If a client believes that a part of his/her personal health information is not as accurate or complete, the client can make a written request to ASHP to correct the record. ASHP will normally respond to an access request within 30 days. In special circumstances, it may take up to 60 days to process a request. Once a correction has been made, the client can request ASHP to the extent reasonably possible, to inform anyone to whom the information has been disclosed in the past year. If ASHP refuses the correction request, the client may prepare a "statement of disagreement" and require ASHP to attach it to the record. The individual may also require ASHP to make all reasonable efforts to disclose the "statement of disagreement" to anyone who would have been notified had a correction been made.

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If You Have a Complaint

ASHP clients are not required to make a complaint to ASHP. They can make a complaint directly to the IPC. However, ASHP encourages clients to address the problem with the ASHP Privacy Officer(s) first by:

- Discussing the breach or concern of a possible breach with the ASHP Privacy Officer(s), and/or
- Making a formal complaint in writing to the ASHP Privacy Officer(s) within 3 months of the incident.

ASHP's Privacy Officer is Danielle Van Wyk (519.482.1482) and is responsible for the privacy practices of ASHP including:

- Addressing clients' privacy questions and concerns
- Providing access for clients to their personal information
- Providing a "right of correction" and "complaint" process

Please address all letters of complaint or correction to:

ASHP Privacy Officer
c/o Mrs. Cathy Ritsema
PO Box 639, 317 Huron Road
Clinton, ON N0M 1L0

It should be noted clients who make a complaint will not lose access to services, be harassed or otherwise disadvantaged.

Making a Complaint to the IPC

Reasons to make a complaint to the IPC include:

- A client who is not satisfied with a decision of ASHP with regards to accessing his/her file
- A client who is not satisfied with a decision of ASHP with regards to the correction of his/her file
- Any person who has reasonable grounds to believe that another person has breached or that is about to breach the Personal Health Information Protection Act—(PHIPA).

A client, or the substitute decision-maker, who is making a complaint to the IPC must do so in writing within six months from the date of refusal. If a person other than the ASHP client is making a complaint to the IPC, he/she must do so in writing within one year after he/she became aware of the issue.

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Once a complaint has been received and reviewed, the IPC may issue orders for ASHP to:

- Disclose personal health information;
- Correct an individual's personal health information;
- Dispose records of personal health information; and
- Change or stop a particular information practice by ASHP

Before issuing such orders, the IPC may take preliminary steps including:

- Inquiring as to what other means were used by the complainant to resolve the complaint
- Authorizing a mediator to review the complaint to try to effect a settlement between the complainant and ASHP

Ways to contact the Information and Privacy Commissioner - Ontario include:

Mail: Information and Privacy Commissioner -Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario, M4W 1A8

Telephone: 416-326-3333, 1-800-387-0073 or 416-325-7539 (TDD/TTY)

Fax: 416-325-9195

A client or other person who is not satisfied with an order issued by the Information and Privacy Commissioner - Ontario has the right to take the matter to the Divisional Court.

Ask Questions

ASHP encourages its clients to ask questions if they do not understand their privacy rights or want more information. Talk to your program worker or a Privacy Officer. For more information on the Information and Privacy Commissioner – Ontario, visit its' website at www.ipc.on.ca

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