

Manual	CORPORATE POLICY AND PROCEDURE		POLICY
Section	Information Management		
Title	BLUEWATER HEALTH PRIVACY OF PERSONAL HEALTH INFORMATION (Previously titled Bluewater Health Privacy, Confidentiality and Security)		
Issuing Body/ Prepared By	Information Management Team		
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Policy: Bluewater Health is committed to protecting the confidentiality, privacy and security of the personal information of our patients.

Bluewater Health Privacy Principles:

I. Accountability for Personal Information

Bluewater Health is responsible for personal information under its control and has designated the Chief Information Officer as the individual responsible for Bluewater Health’s compliance with the following:

- Ensuring the policy is compliant with existing legislation, (e.g., Personal Health Information Protection Act, 2004, Public Hospitals Act, Mental Health Act).
 - Accountability for Bluewater Health’s compliance with the policy rests with the Chief Executive Officer, although other individuals within Bluewater Health are responsible for the day-to-day collection and processing of personal information. In addition, other individuals within Bluewater Health are designated to act on behalf of the Chief Executive Officer, such as the Chief Information Officer.
- The name of the Chief Information Officer designated by Bluewater Health to oversee its compliance with these principles is a matter of public record.
- Ensuring that the confidentiality, privacy and security of personal information in Bluewater Health’s possession or custody, including information that has been transferred to a third party for processing is protected.
- Bluewater Health uses contractual or other means to provide a comparable level of protection while the information is being processed by a third party.
- Implementation of policies and practices to give effect to this policy, including:

- a. Implementing procedures to protect personal information.
- b. Establishing procedures to receive and respond to complaints and inquiries.
- c. Training staff and communicating to staff information about Bluewater Health's policies and practices.
- d. Developing information to explain Bluewater Health's policies and procedures.

II. Identifying Purposes for the Collection of Personal Information

At or before the time personal information is collected, Bluewater Health will identify the purposes for which personal information is collected. The primary purposes are:

- the delivery of patient care,
 - supporting the administration of health care services
 - research, teaching, statistics,
 - meeting legal and regulatory requirements.
- Identifying the purposes for which personal information is collected or at the time of collection allows Bluewater Health to determine the information it needs to collect to fulfill these purposes.
 - The identified purposes are specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this may be done orally or in writing. A patient who presents for treatment is also giving implicit consent for the use of his or her personal information for authorized purposes.
 - When personal information that has been collected is to be used for a purpose not previously identified, the new purpose will be identified prior to use. Unless law requires the new purpose, the consent of the individual is required before information can be used for that purpose.
 - Persons collecting personal information will be able to explain to individuals the purposes for which the information is being collected.

III. Consent for the Collection, Use, and Disclosure of Personal Information

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

Note: In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, if Bluewater Health does not have a direct relationship with the individual, it may not be able to seek consent.

- Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, Bluewater Health seeks consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when Bluewater Health wants to use information for a purpose not previously identified).
- The principle requires “knowledge and consent”. Bluewater Health will make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.
- Bluewater Health will not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified and legitimate purposes.
- The form of the consent sought by Bluewater Health may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, Bluewater Health will take into account the sensitivity of medical and health information.
- In obtaining consent, the reasonable expectations of the individual are also relevant. Bluewater Health can assume that an individual’s request for treatment constitutes consent for specific purposes. On the other hand, an individual would not reasonably expect that personal information given to Bluewater Health would be given to a company selling health-care products.
- The way in which Bluewater Health seeks consent may vary, depending on the circumstances and the type of information collected. Bluewater Health will generally seek express consent when the information is likely to be considered sensitive (e.g. genetic testing). Implied consent would generally be appropriate when the information is less sensitive. An authorized representative (such as a legal guardian or a person having power of attorney) can also give consent.
- An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Bluewater Health will inform the individual of the implications of such withdrawal.

IV. Limiting Collection of Personal Information

The collection of personal information will be limited to that which is necessary for the purposes identified by Bluewater Health. Information will be collected by fair and lawful means.

- Bluewater Health will not collect personal information indiscriminately. Both the amount and the type of information collected will be limited to that which is necessary to fulfill the purposes identified.

- The requirement that personal information be collected by fair and lawful means is intended to prevent Bluewater Health from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

V. Limiting Use, Disclosure, and Retention of Personal Information

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes.

- If using personal information for a new purpose, Bluewater Health will document this purpose.
- Bluewater Health has developed guidelines and implemented procedures with respect to the retention of personal information. These guidelines include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual will be retained long enough to allow the individual access to the information after the decision has been made. Bluewater Health is subject to legislative requirements with respect to retention periods.
- Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous. Bluewater Health has developed guidelines and implemented procedures to govern the destruction of personal information.

VI. Ensuring Accuracy of Personal Information

Personal information will be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

- The extent to which personal information will be accurate, complete, and up to date will depend upon the use of the information, taking into account the interests of the individual. Information will be sufficiently accurate, complete, and up to date to minimize the possibility that inappropriate information may be used to make a decision about the individual.
- Bluewater Health will not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.
- Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up to date, unless limits to the requirement for accuracy are clearly set out.

VII. Ensuring Safeguards for Personal Information

Security safeguards at Bluewater Health appropriate to the sensitivity of the information protects personal information.

- The security safeguards protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Bluewater Health will protect personal information regardless of the format in which it is held.
- The nature of the safeguards varies depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. A higher level of protection will safeguard more sensitive information, such as medical and health records.
- The methods of protection will include:
 - a. Physical measures, for example, locked filing cabinets and restricted access to offices;
 - b. Organizational measures, for example, limiting access on a “need to know” basis, and
 - c. Technological measures, for example, the use of passwords, encryption, and audits.
- Bluewater Health makes its employees aware of the importance of maintaining confidentiality of personal information. As a condition of employment, all new Bluewater Health employees/agents (e.g., employee, clinician, physician, allied health, volunteer, researcher, student, consultant, vendor, or contractor) must sign the Bluewater Health Confidentiality Agreement.
- Care is used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

VIII. Openness About Personal Information Policies and Practices

Bluewater Health will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

- Bluewater Health is open about its policies and practices with respect to the management of personal information. Individuals are able to acquire information about its policies and practices without unreasonable effort. This information is made available in a form that is generally understandable.
- The information made available will include:
 - a. The name or title, and the address, of the Chief Information Officer, who is accountable for Bluewater Health’s privacy policies and practices, and to whom complaints or inquiries can be forwarded;
 - b. The means of gaining access to personal information held by Bluewater Health;

- c. A description of the type of personal information held by Bluewater Health, including a general account of its use;
 - d. A copy of any brochures or other information that explains Bluewater Health's policies, standards, or codes, and
 - e. What personal information is made available to related organizations.
- Bluewater Health makes information on its policies and practices available in a variety of ways, e.g., brochures, posted signs, provision of online access, dedicated telephone number and e-mail account for privacy issues.

IX. Individual Access to Own Personal Information

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Note: In certain situations, Bluewater Health may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation privilege.

- Upon request, Bluewater Health will inform an individual whether or not it holds personal information about the individual. Bluewater Health will seek to indicate the source of this information and will allow the individual access to this information. However, it may choose to make sensitive medical information available through a medical practitioner. In addition, Bluewater Health will provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.
- An individual will be required to provide sufficient information to permit Bluewater Health to provide an account of the existence, use, and disclosure of personal information. The information provided will only be used for this purpose.
- In providing an account of third parties to which it has disclosed personal information about an individual, Bluewater Health will attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, Bluewater Health will provide a list of the organizations to which it may have disclosed information about the individual.
- Bluewater Health will respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information will be provided or made available in a form that is generally understandable. For example, if Bluewater Health uses abbreviations or codes to record information, an explanation will be provided.

- When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, Bluewater Health will amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information will be transmitted to third parties having access to the information in question.
- When a challenge is not resolved to the satisfaction of the individual, Bluewater Health will record the substance of the unresolved challenge. When appropriate, the existence of the unresolved challenge will be transmitted to third parties having access to the information in question.

X. Challenging Compliance with Bluewater Health's Privacy Policies and Practices

An individual is able to address a challenge concerning compliance with this policy to the Chief Executive Officer.

- Bluewater Health has put procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The complaint procedures are easily accessible and simple to use.
- Bluewater Health informs individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures.
- Bluewater Health investigates all complaints. If a complaint is found to be justified, Bluewater Health will take appropriate measures, including, if necessary, amending its policies and practices.