



KINCARDINE FAMILY HEALTH TEAM PRIVACY POLICY

Introduction

As a Health Information Custodian, Kincardine Family Health Team (“KFHT”) is committed to serving our patients with the highest standard of care. Part and parcel of this is making sure that your privacy is respected. We are responsible for making sure your private information is protected, and that we follow the Personal Health Information Protection Act, 2004 (“PHIPA”). Below are a set of ten Principles that we follow to better serve you. If you have questions, please contact our Privacy Officer, Pam Rantz, at privacy@kincardinefht.ca

1. Accountability for Confidential Information

The accountability principle says that an organization is in charge of protecting the health information it has. It also means there are specific people responsible for making sure the organization follows privacy rules.

KFHT is accountable for your personal information which we control. This privacy policy governs all personal information which you give to us. Pam Rantz is KFHT Privacy Officer. KFHT will ensure to:

- a. Have procedures, safeguards, and policies in place to protect your personal health information.
- b. Train our staff, independent contractors, and affiliates on how to follow our policies and procedures. We will also educate them about their duties with regard to confidentiality.
- c. Engage with your complaints and inquires in a timely and appropriate manner, in accordance with PHIPA.
- d. Making this Privacy Policy available to the public.
- e. Reviewing this Privacy Policy on a regular basis, or as otherwise needed.

To deliver better healthcare services, KFHT works with agents. An agent is defined by legislation to include any person who is authorized by a health information custodian to perform services or activities in respect of personal health information on the custodian's behalf and for the purposes of that custodian. Agents of KFHT include KFHT's employed staff, independent contractors, and the Kincardine Family Health Organization.

2. Identifying Purposes for the Collection of Confidential Information

The Principle of stating purposes means that when a healthcare group collects your health info, they have to say why. The person collecting the info (like a healthcare worker) has to tell you why they're gathering, using, or sharing your health details.

We will identify the purposes for which confidential information is collected at or before the time of collection. Purposes include, but are not limited to:

- a. providing health care services or helping to provide health care services;
- b. exchanging communication with other health care providers;
- c. performing a variety of different activities to improve quality of service, or the quality of any program or care;
- d. administering, planning, and managing our own managerial operations;
- e. processing, verifying or reimbursing monetary claims for the payment of health care goods or services;
- f. contacting an individual authorized (such as a family member or next of kin) to act on behalf of you;
- g. educating our staff and agents to better provide health care;
- h. educating on risk management activities;
- i. improving educational opportunities, and the reputation of KFHT and its programs; and
- j. as otherwise authorized, permitted, or required by laws of Ontario and Canada.

Information is collected orally or in writing. Upon coming to KFHT, for example, a notice or brochure setting out the purposes may be posted or handed out to the individual.

New purposes for collection will be provided to the individual, and consent will be obtained before the information is used for another purpose.

All those collecting information will be able to explain the purpose for collection.

3. Knowledge and Consent

The consent principle means that a person's permission is needed for collecting, using, or sharing their health information, unless it's not suitable. Consent is when a patient agrees for a healthcare worker to gather, use, or disclose their health details. This agreement should be well-informed, clear, and meaningful. It should also be related to why the healthcare worker needs the information and must be given without trickery or pressure. People can also set up a consent directive, which is a clear instruction about how their health information should be used or shared with their healthcare worker.

As a rule, the individual, or their substitute decision-maker, must consent to the collection, use or disclosure of personal health information. We may disclose and use your personal health information without your consent, but only under strict conditions.

KFHT assumes that an individual is able to consent to the collection, use and disclosure of personal health information, unless it is unreasonable in the circumstances.

Where a data subject is not able to consent to disclosure, collection, or use of personal health information, another substitute authorised decision-maker, may grant consent for the data subject.

Consent may take many forms. It can be implied, or express. PHIPA mandates express consent in some specific circumstances. This includes most circumstances where KFHT discloses personal health information:

- a) to a person who is not considered a health information custodian; or
- b) where the disclosure is not for the purposes of providing health care or assisting in providing health care, and it is not to another health information custodian.

There may be instances where KFHT does receive personal health information from the individual, another health information custodian, or individual's substitute decision-maker. When such receipt is for the purposes of providing health care, KFHT will assume that we have the implied consent of the individual to collect, use and disclose the information as needed for that purpose. However, this will not apply if the individual has withheld or withdrawn expressly said consent.

KFHT may assume the implied consent to communicate with others, for example in the case of an emergency. However, this will not apply if the individual has withheld or expressly withdrawn said consent.

KFHT may seek consent for the use or disclosure of personal health information at the time of collection. Circumstances may arise where we request consent to use or disclose your information after we have received it.

All consents for release of information or court orders will be filed on the appropriate patient's record.

In obtaining consent, your reasonable expectations are important. We strive to only obtain your consent in manners that are transparent. We do not obtain consent through deception.

The manner in which we obtain consent may depend on the circumstances and the type of information to be collected. If your consent is obtained orally, we will make a notation of this in your record of personal health information.

You may withdraw consent at any time, whether the consent is express or, by giving us. If you have withdrawn consent orally, we are required to make a notation in your record of personal health information.

4. Limiting Collection of Confidential Information

The principle of restricting collection indicates that gathering personal health information should only include what's necessary for the purposes the organization has specified. The collection of personal health information should be done using fair and lawful methods.

We will limit the scope of the information collected to that which is needed for the purposes identified, as required by law. The amount, and nature of what is collected will be limited as appropriately needed.

5. Limiting Use, Disclosure, and Retention of Information

The principle of controlling use, disclosure, and retention states that personal health information should only be used or shared for the reasons it was collected, unless the person agrees or the law requires it.

The information we control will be retained for only as long as needed as required by the law. We maintain your information for 10 years, or as otherwise required by applicable law. We maintain records 10 years from the date a child turns 18. It will be securely destroyed in accordance with our policies and the applicable legislation.

We may disclose your personal health information to another health care provider if the disclosure is reasonably necessary for the provision of health care and it is not reasonably possible to obtain consent in a timely manner. We may disclose your personal health information without consent if required for the direct treatment or care of a patient, or if there is a court order requiring the release of information.

We may disclose the personal health information about an individual who is deceased, or is reasonably suspected to be deceased, where allowed by law. For example, we may disclose personal health information to identify an individual, for the purpose of informing any person whom it is reasonable to inform in the circumstances of the fact that the individual is deceased or reasonably suspected to be deceased, and the circumstances of death, where appropriate. Lastly, we may disclose personal health information to the spouse, partner, sibling or child of the individual if the recipients of the information reasonably require the information to make decisions about their own health care or their children's health care.

We may disclose your anonymized personal health information to government organisations, non-governmental organisation, and academic institutions to better improved community health, scientific and academic research, and community wellbeing.

6. Accuracy of Confidential Information

The accuracy principle requires that personal health information should be precise, thorough, and current enough for its intended purposes. Ensuring accuracy falls on the Health Information Custodian (HIC) collecting the information. Any corrections or updates to Personal health information should only be made by the HIC who has possession and/or control of the information.

KFHT will take all reasonable measures to maintain accurate, complete, and up-to-date information. Patients have the right to amend, and challenge inaccurate information. Should you believe something need to be amended, please reach out and let us know.

KFHT may not make an amendment should we believe the request is made in bad faith, or if we have reasonable grounds to believe the amendment would not be true.

7. Security of Confidential Information

The safeguards principle states that security measures, suitable for the sensitivity of the information, must be in place to protect personal health information.

Your information will be stored appropriately, and proportionally to the nature of its sensitivity. Protection may include physical locks, codes, identification badges, key passes, or other restrictive measures. It may also include organizational measures, and technological measures, such as passwords, encryption, and anonymization. Contracted agents are bound to privacy and confidentiality as a condition of the contract. We share information on a need-to-know basis only. In the event of a breach, the Privacy Officer shall be immediately notified. We comply with all PHIPA notification requirements.

8. Openness about Confidential Information Policies and Practices

The openness principle requires that an organization should easily provide individuals with specific information about its policies and practices regarding the handling of personal health information.

Our privacy policies and practices are available online, and in person at our office. Included in our policy is the contact information for our Privacy Officer, how you can access your personal health information held by us, and a description of what information we are holding, and how we may share said information. As needed, we can provide this privacy policy to you in another more accessible format, such as large print.

9. Individual Access to Own Personal Information

The individual access principle means that, upon request, a person should be informed about the presence, use, and disclosure of their Personal health information and should be granted access to that information. Individuals have the right to question the accuracy and completeness of the information and have it corrected as needed.

According to PHIPA, individuals have the right to access records of their Personal health information held by a Health Information Custodian, like a doctor or a hospital. When a written request for access is made, the health information custodian must either approve the request and provide access or deny access based on certain exemptions outlined in PHIPA. Individuals also have the right to request corrections for any inaccurate or incomplete information.

Upon being requested in writing, KFHT will furnish an individual with their medical information where reasonable and practicable. There is a charge of 25 dollars for every request, plus additional fees depending on what is requested. For more information, please contact privacy@kincardinefht.ca. We reserve the right to deny bad faith, frivolous or vexatious requests. You must provide sufficient information so that we can properly

identify the information requested. We may deny a request for access for legal reasons; should this be the case; you will be informed in writing.

10. Compliance with our Privacy Policy

The principle of challenging compliance ensures that an individual has the right to raise concerns about compliance with privacy principles. These concerns can be addressed to the designated individual or individuals responsible for ensuring the organization's compliance.

In the event you have any questions, please contact our Privacy Officer at privacy@kincardinefht.ca. If you feel that our policies or practices are not in compliance, alert us and if necessary, we shall make changes. If you are still unsatisfied, you can reach out to the Information & Privacy Commissioner of Ontario. The Commissioner's address is 2 Bloor Street East, Suite 1400, Toronto, ON, M4W1A8, or can be reached at (416)-325-3333, or 1-800-387-0073.

11. Changes to this Privacy Policy

In order to enhance our patient care, and respect the law, it might be necessary to modify this Privacy Policy from time to time. We therefore reserve the right to modify this Privacy Policy in accordance with the applicable data protection laws.

12. Governing Law

KFHT practices are governed by the laws of Canada and Ontario, which may differ from privacy laws in your province, state or home country. By submitting your personal health information to us, you consent to the transfer of your personal information to any country and its use and disclosure in accordance with Canadian federal and Ontario provincial law and with this Privacy Policy.

13. Contact

In the event you have any questions, please contact our Privacy Officer or delegate at privacy@kincardinefht.ca. Furthermore, you can write to by mail at Attention: Privacy Officer, Kincardine Family Health Team, 1201 Queen Street, Lower Level, Kincardine, ON, N2Z 3C1.