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| Subject: | PRIVACY POLICY | | |
| Section: | Corporate Policy | Policy Number: | 3-a-70 |

In the spirit of the Religious Hospitallers of St. Joseph, we reveal God's love and mercy through compassionate care focussed on the body, mind and soul of all those whose lives we touch.

Principle 1 – Accountability

St. Joseph's Continuing Care Centre (SJCCC) is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

- 1.1. The Executive Director of SJCCC has ultimate accountability for protecting the personal information of clients and residents/patients. The Executive Director may be supported in this activity by delegating the day-to-day responsibility for adhering to SJCCC's privacy policies and procedures.
- 1.2. * **THE PRIVACY OFFICER AT SJCCC – 613-933-6040, EXT. 21179. ***
- 1.3. SJCCC is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The SJCCC will use contractual or other means to provide a comparable level of protection while the information is being processed by the third party.
- 1.4. SJCCC shall implement policies and practices to give effect to this policy, including:
 - 1) implementing procedures to protect personal information;
 - 2) establishing procedures to receive and respond to complaints and inquiries;
 - 3) training staff and communicating to staff information about SJCCC.

Principle 2 - Identifying Purposes

The purposes for which personal information is collected shall be identified by SJCCC at or before the time the information is collected. The primary purposes are the delivery of care and services, quality management, research, billing, and meeting legal and regulatory requirements.

- 2.1. Identifying the purposes for which personal information is collected at or before the time of collection allows SJCCC to determine the information it needs to collect to fulfill these purposes.
- 2.2. The identified purposes are specified at or before the time of collection to the individual from whom the personal information is collected. Depending on the way in which the information is collected, this can be done orally or in writing. An admission or application for services form, for example, may give notice of the purposes.
- 2.3. When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose.

- 2.4. Persons collecting personal information should be able to explain to individuals the purposes for which the information is being collected.

Principle 3 - Consent

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. Acquiring consent may be impossible or inappropriate when the individual is cognitively impaired, seriously ill or psychotic and the substitute decision maker is not available. Organizations are advised to follow the rules provided in the Health Care Consent Act and Substitute Decisions Act.

- 3.1. Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, SJCCC will seek 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 SJCCC wants to use information for a purpose not previously identified).
- 3.2. The principle requires "knowledge and consent". SJCCC shall 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.
- 3.3. SJCCC, as a condition of the supply of a product or service, requires an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly-specified and legitimate purposes.
- 3.4. The form of the consent sought by SJCCC may vary, depending on the circumstances and the type of information. In determining the form of consent to use, SJCCC shall take into account the sensitivity of the information.
- 3.5. In obtaining consent, the reasonable expectations of the individual are also relevant. For example, an individual seeking service/admission should reasonably expect that SJCCC, in addition to using the individual's name and address for administration purposes, would also contact the individual to advise on the availability of the room in the facility. On the other hand, an individual would not reasonably expect that personal information given to a healthcare professional would be given to a company selling healthcare products, unless consent were obtained.
- 3.6. The way in which SJCCC seeks consent may vary, depending on the circumstances and the type of information collected. SJCCC will generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative. Organizations are advised to follow the rules for an authorized representative provided in the Substitute Decisions Act.

- 3.7. An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. SJCCC will inform the individual of the implications of such withdrawal.

Principle 4 - Limiting Collection

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

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

Principle 5 - Limiting Use, Disclosure, and Retention

Personal information shall 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 shall be retained only as long as necessary for the fulfillment of those purposes.

- 5.1. If SJCCC uses personal information for a new purpose, it will document this purpose.
- 5.2. SJCCC will develop guidelines and implement procedures with respect to the retention of personal information. These guidelines will include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. Organizations and long-term care facilities are subject to legislative requirements with respect to retention periods.
- 5.3. Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous. SJCCC will develop guidelines and implement procedures to govern the destruction of personal information.

Principle 6 - Accuracy

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

- 6.1. The extent to which personal information shall be accurate, complete, and up-to-date will depend on the use of the information, taking into account the interests of the individual. Information shall 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.
- 6.2. SJCCC will not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.
- 6.3. 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.

Principle 7 - Safeguards

Security safeguards appropriate to the sensitivity of the information will protect personal information.

- 7.1. The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification. SJCCC will protect personal information regardless of the format in which it is held.
- 7.2. The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, format of the information, and the method of storage. More sensitive information should be safeguarded by a higher level of protection.
- 7.3. SJCCC will make their employees aware of the importance of maintaining the confidentiality of personal information.
- 7.4. Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.
- 7.5. Personal information shall 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.

Principle 8 - Openness

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

- 8.1. SJCCC will be open about its policies and practices with respect to the management of personal information. Individuals should readily be able to acquire information about an organization's policies and practices. This information shall be made available in a form that is generally understandable.
- 8.2. SJCCC may make information on its policies and practices available in a variety of ways. For example, SJCCC may choose to make brochures available in its place of business, mail information to its clients, provide online access, or establish a toll-free telephone number.

Principle 9 - Individual Access

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

Note: In certain situations, SJCCC may not be able to provide access to all the personal information it holds about

an individual. Exceptions to the access requirement should be limited and specific. The reasons for denying access should 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.

- 9.1. Upon request, SJCCC will inform an individual whether or not the organization holds personal information about the individual. SJCCC will indicate the source of this information. SJCCC will allow the individual access to this information. However, SJCCC may choose to make sensitive medical information available through a medical practitioner. In addition, SJCCC 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.

- 9.2. An individual may be required to provide sufficient information to permit SJCCC to provide an account of the existence, use, and disclosure of personal information. The information provided shall only be used for this purpose.
- 9.3. In providing an account of third parties to which it has disclosed personal information about an individual, SJCCC 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, SJCCC will provide a list of organizations to which it may have disclosed information about the individuals.
- 9.4. When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, SJCCC will amend the information as required. Depending on the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.
- 9.5. When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge should be recorded by SJCCC. When appropriate, the existence of the unresolved challenge will be transmitted to third parties having access to the information in question.

Principle 10 - Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals for the organization's compliance.

Note: The individual will be able to address a challenge concerning compliance with the above principles to the Executive Director.

- 10.1. SJCCC will put procedures in place to receive and respond to complaints or inquiries about their policies and practices relating to the handling of personal information. The complaint process should be easily accessible and simple to use.
- 10.2. SJCCC will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint mechanisms. A range of these mechanisms may exist.
- 10.3. SJCCC will investigate all complaints. If a complaint is found to be justified through the internal or external complaint review process, the organization shall take appropriate measures, including, if necessary, amending its policies and practices.

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| References: | 1. St. Joseph's Continuing Care Centre <i>Mission, Vision and Values</i> 2. <i>Personal Health and Information Protection Act, 2004</i> |
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