

Policy #: CR20.1
Title: Privacy and Confidentiality
Effective: Sept. 3, 2003
Revisions April 28/2003, Feb. 27/2007

Definitions:

Privacy is the right of an individual to control his or her own personal information. Under Canadian law, a person has the right to determine how, when, and to what extent they will share their personal information.

Confidentiality is the obligation that Maple Ridge/Pitt Meadows Community Services personnel have to protect information entrusted to them. Personnel observe the rules of confidentiality out of respect for, and in order to protect and preserve the privacy of our clients, staff members, volunteers, donors, and others whose personal information we have access to.

Policy:

Maple Ridge/Pitt Meadows Community Services respects and upholds an individual's right to privacy and to protection of his or her personal information. Community Services is committed to collecting, using, disclosing and retaining personal information in a manner that complies with applicable privacy legislation. This means that personnel take an active, protective role with regard to the confidentiality of all personal or identifying information.

Community Services sets out the procedures that will be observed with respect to the collection, use, disclosure, retention and security of information about any identifiable individual who is a past, current or prospective: child, client, member, employee, volunteer, or donor of Community Services.

All employees and volunteers will sign a "Declaration of Confidentiality" at the beginning of their service with Community Services. Anyone who breaches the provisions of this policy is subject to legal action as appropriate and disciplinary action up to and including termination.

Principles and Procedures

1. Accountability

Community Services is responsible for all personal information under its control. The organization's Privacy Officer is accountable for Community Service's compliance with the principles described in this policy. The Privacy Officer can be contacted at Community Services (604.467.6911, Ext. 206).

Community Services is responsible for both personal information in its physical custody, and also personal information that is transferred by Community Services to a third party. Therefore, Community Services has in place procedures to:

- protect personal information
- receive and respond to complaints and inquiries
- orient employees and volunteers in the policies and procedures regarding the collection, use, disclosure and retention of personal information under Community Service's protection
- ensure all members, clients, employees and volunteers have access to Community Service's Privacy Policy and Procedures

2. Purposes for Collection, Use, and Disclosure

Personal information will be collected on a "need to know" basis for the operation of Community Services.

Community Service may collect personal information concerning children, clients, members, employees, volunteers and/or donors for the following purposes:

- to comply with legal and regulatory requirements,
- to operate Community Services, including to deliver and to record services provided to clients,
- to administer and maintain accounts relating to operations and/or donations.

No portion of a client record or personnel record shall be transmitted or made available and no reports shall be made on any person unless:

- a) The person has given written permission for the information to be disclosed.
- b) It is necessary for the proper administration of the agency, including quality improvement activities, i.e., during audits or reviews of client records.
- c) It is necessary for providing services to the client, i.e., for supervision of a service provider or during a team meeting with other Community Services personnel.
- d) There is nothing in the information which will identify the person.
- e) The information is requested by a funding body, or federal or provincial reporting agency with the approval of the Executive Director.
- f) It is subpoenaed by a court.
- g) Agency personnel believe a person served is a danger to him/herself, others, or the community.
- h) Agency personnel have reason to believe that a child has been or is likely to be abused or neglected.

3. Consent

Consent of the individual is required for the collection, use and/or disclosure of personal information by Community Services, except where that is impossible or inappropriate. This means that before any personal information is gathered, clients are invited to review and sign a "Consent for Service" form. Clients are advised regarding the limits of confidentiality (for example the duty to report certain types of information) before personal information is gathered.

Implied consent may arise through action or inaction on the part of the individual. For example, in certain circumstances a client may consent for service by taking part in the service after they have been advised of their rights.

4. Limiting Collection

Community Services will limit the amount and type of personal information collected to information that is necessary for the purposes of Community Services.

5. Limiting Use, Disclosure and Retention

Community Services will not use or disclose personal information for purposes other than those for which it was collected, except with the written consent of the individual or as required or permitted by law. Personal information will be retained only as long as necessary for the fulfillment of legal or business purposes. Personal information will be stored in a locked cabinet at Community Services and will be accessed on a “need to know” basis.

6. Accuracy

Community Services will make a reasonable effort to ensure that personal information collected by Community Services or on its behalf is as accurate and complete as is necessary for the purposes for which it is to be used. Community Services will generally rely on individuals to provide updated information, such as changes to addresses and other contact information.

7. Safeguards

Community Services will make reasonable security arrangement to protect personal information. Safeguard arrangements are employed to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, modification, or disposal. The methods of protection employed by Community Services will include:

- physical measures, including locked filing cabinets and restricted access to offices;
- organizational measures such as limiting access to a “need to know” basis;
- technological measures, such as use of passwords to access electronic files.

8. Openness

Community Services will ensure that individuals are able to acquire information about agency policies and procedures on privacy protection. We do this through a simplified "Confidentiality Policy" handout given to all clients at Intake, and also by posting this Privacy Policy on the agency website.

9. Accessing Personal Information

Community Services has procedures in place to govern access to client and personnel records.

10. Complaints

An individual may complain, in writing, to the Privacy Officer with regard to Community Service’s compliance with privacy protection. When a written complaint is made, Community Services will:

- promptly acknowledge receipt of the complaint in writing;
- contact the individual to clarify the complaint, if necessary;
- investigate all complaints received;
- notify the individual of the outcome of investigations promptly, informing them clearly of any relevant steps taken;
- correct any inaccurate personal information or modify policies and procedures based on the outcome of complaints; and,
- make reasonable efforts to process complaints within 30 days or apply to the Privacy Commissioner for an extension.