

Classification: Association Operations	Privacy and Confidentiality		
Policy #: A150			Effective Date: April 2025
Revised Date:	Review Date:	Next Review: April 2027	

Purpose

Community Living Guelph Wellington's employees, students, and volunteers (including board members and committee members) may, at one time or another, have access to personal, privileged and/or confidential information related to other employees, people supported, or to the organization. The purpose of this policy is to preserve the privacy of employees, students, volunteers, people supported, and Community Living Guelph Wellington by outlining obligations and procedures for dealing with personal, privileged and/or confidential information.

Policy

Community Living Guelph Wellington (CLGW) is committed to protecting the personal information entrusted to us by the people supported, their families/advocates, employees, students, and volunteers, and the business matters of the organization. Personal information is managed in accordance with the Personal Health Information Protection Act (PHIPA), O. Regulation 299/10 Part II, 10 and Canada's Personal Information and Protection and Electronic Documents Act (PIPEDA).

CLGW collects from people supported only the personal information required for the purposes of providing services and supports. Information regarding people supported is privileged and will be shared on a need-to-know basis within the organization. In certain circumstances, CLGW may be required to provide personal information to an external party acting as an agent of CLGW. Applicable consent will be obtained prior to the disclosure of personal information.

CLGW can collect, use and disclose personal employee, student, and volunteer information without consent, only for the purposes of establishing, managing or ending the employment or volunteer relationship. We will provide current employees, students, and volunteers with prior notice about what information we collect, use or disclose and our purpose for doing so. We will not disclose personal information in response to reference requests from other organizations about employees, students, or volunteers (past and present) without consent from the employee, student, or volunteer.

CLGW acknowledges that individuals have an expectation, based in common law, that all personal information shared with the organization will be received by it in the strictest confidence and will be so treated and maintained. All employees, students, and volunteers will maintain complete confidentiality of this information during their involvement with CLGW and thereafter. Information will not be used, disclosed or released unless such disclosure is required by law, by an order of the court, the person supported, or a person acting on their behalf who has given prior written consent. Employees, students, and volunteers who disclose personal information contrary to this policy may be subject to disciplinary measures, up to and including termination of employment/volunteer position for cause, dependent on the severity of the breach.

Definition

Consent – To give approval or be in agreement with an action or opinion. Consent is obtained at the time of acceptance of service or in the hiring/volunteer agreement to collect, store, use and exchange or disclose personal information for the purposes stated herein. This consent may be express or implied.

Personal information - Any identifying information about an individual. This includes but is not limited to: name, date of birth, age, address, telephone number, race, national or ethnic origin, citizenship, marital status, family status, gender, gender identity, gender expression, sexual orientation, religion, education, medical history, criminal record, employment history, receipt of public assistance, disability, record of offences, financial status, and any numerical identification such as Social Insurance Number. Personal information also includes information that may relate to an individual's work performance and any allegations, investigations or findings of wrongdoing, misconduct or discipline. Personal information does not include job title, business contact information or job description.

Personal health information - Identifying information about an individual that relates to the physical, developmental or mental health of the individual, the provision of health care to the individual, the individual's health card number, the identity of providers of health care to the individual, or the identity of substitute decision makers on behalf of the individual.

Third party – An individual or organization that helps facilitate a transaction but is not one of the primary parties involved (the person supported and CLGW/a representative of CLGW would be the primary parties).

Policy Review

This policy and accompanying procedure will be reviewed on an annual basis.

Associated Documents

- A180 Compliance with Legislation
- A250 Social Media
- Obligation of Confidentiality form (HR13 for staff and volunteers, BD02 for board members)
- Third Party Reference Requests form (HR34)
- Consent to Disclose and/or Obtain Information form (CR26)

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Procedure

1. Employees, students, and volunteers (including board and committee members) are required to review the Privacy and Confidentiality policy (A150) and sign an Obligation of Confidentiality form (HR13 for employees, students, and volunteers, BD02 for board and committee members) at the commencement of their date of hire or involvement with the organization. A copy will be retained on file. The processing and maintenance of confidentiality documents for employees and students is the responsibility of the human resources department. Documents for volunteers are the responsibility of the engagement coordinator, and board/committee documentation is the responsibility of the executive coordinator.
2. All persons signing an Obligation of Confidentiality form shall observe and comply with this policy and the laws of Ontario and Canada, and shall adhere to the Ontario Human Rights Code and the Canadian Charter of Rights.
3. An employee, student, or volunteer who is in doubt as to whether certain information is confidential will review the situation with their supervisor. A board or committee member who is in doubt as to whether certain information is confidential will consult with the executive director and/or the board chair. This practice of caution and discretion in handling confidential information extends to both external and internal disclosure.
4. When there is a breach of confidentiality, disciplinary action may result. This action may include a verbal and/or written reprimand, loss of appointment (students, volunteers, board and committee members), suspension with or without pay (employees), or termination of employment (employees).
5. If this policy is amended, all employees, students, and volunteers, will be required to re-sign the Obligation of Confidentiality form.
6. Appropriate security measures will be taken when destroying personal information of people supported, employees, students, and volunteers, such as shredding documents and deleting electronically stored information.
7. Written records will be protected against loss by fire, theft, defacement, tampering, copying or access by unauthorized persons.
8. Posting pictures of people supported on social media or any other website without consent is a violation of privacy and the individual's rights and will be subject to discipline. See A250 Social Media policy.

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Responsibilities

Employees, students, and volunteers are responsible for:

- Keeping their personal employee/volunteer files current (e.g., ensure file reflects correct name, address, phone number, dependant information)
- Being familiar with and following policies and procedures regarding personal information protection
- Obtaining the proper consents and authorizations prior to disclosure of personal, privileged and/or confidential information
- Immediately reporting any breaches of confidentiality to their supervisor
- Keeping passwords and access to personal, privileged and/or confidential data private
- Relinquishing any personal, privileged, confidential or person supported information in their possession before or immediately upon termination of employment/volunteer position

Human resources team/engagement coordinator/executive coordinator are accountable to ensure the following is adhered to for employees and students/volunteers/board and committee members:

- Ensuring policies and procedures regarding collection, use, and disclosure of personal information are consistently adhered to
- Responding to requests for disclosure, after the proper release is obtained
- Cooperating with the privacy officer (service director) to investigate complaints or breaches of policy
- Ensuring that, prior to the termination of their employment/volunteer role, employees, students, and volunteers return any personal, privileged, confidential or person supported information in their possession
- Ensuring that disclosure of employee, student, volunteer/board and committee member personal information or personal health information to a third party is done with the approval of the resource manager/executive director, in order to minimize risk of non-compliance with applicable legislative or regulatory regimes

Employee Records

1. CLGW can collect, use and disclose personal employee, student, and volunteer information without consent, only for the purposes of establishing, managing or ending the employment or volunteer relationship. CLGW will provide prior notice to current employees, students, and volunteers about the information being collected, used or disclosed and CLGW's purpose for doing so.
2. Personal information in response to reference requests from other organizations about employees, students or volunteers (past and present) will not be disclosed without consent from the employee/student/volunteer.
3. An employee's supervisor, manager, and/or service director, human resources and payroll personnel, and the executive director shall have access to employee records containing personal information.
4. Human resources and payroll personnel will have access to an employee's personal leave of absence and work restriction information. This information is stored in a location separate from the employee's HR file.
5. Personal information and personal health information will not be disclosed outside of the organization without the knowledge and/or approval of the employee. Notwithstanding the foregoing, CLGW will cooperate with law enforcement agencies and will comply with any court order or law requiring disclosure of personal information without the employee's consent.
6. Employees may request access to review their own file by making arrangements with the human resources department. Employees shall provide at least twenty-four (24) hours' notice to the human resources

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department. Employees may obtain a copy of any document in their file which they have signed previously. No material contained in an employee file may be removed from the file. A representative from the HR department or the employee's service manager will be present during the viewing of the file.

7. An employee may provide a written notice of correction related to any data contained in their employee file. The notice of correction shall be provided to the HR department.
8. Employee requests for disclosure of their own personal information to third parties must be accompanied by a completed, signed and dated Third Party Reference Request form (HR34). This form should also be used in dealings with insurance companies with respect to employee benefits and to provide confirmation of earnings to financial institutions for lending purposes.
9. Concerns or complaints related to employee privacy issues must be made in writing to the privacy officer (service director), setting out the details of the concern or complaint. The privacy officer (service director) will investigate the matter immediately and make a decision related to the resolution of the concern(s) or complaint(s).
10. CLGW will retain all employee records for seven (7) years following the date of termination of employment.

Records of People Supported

1. This policy will be reviewed with each person supported, and any person acting on their behalf in a language and manner that is appropriate for that person. Before their personal information is collected, used or disclosed, each person supported will be aware of their right to give consent.
2. CLGW will obtain authorization from people supported to collect and keep on file their personal information.
3. Personal information will be kept confidential and will not be disclosed for purposes other than those for which it was collected, unless authorization is given by the person supported or as required by law.
4. CLGW collects from people supported only the personal information that is required for the purposes of providing services and supports.
5. Information regarding people supported is privileged and is only to be accessed by those employees who provide support for the person, and/or the appropriate Community Living Guelph Wellington management personnel on a need-to-know basis.
6. Employees must ensure that no personal, privileged and/or confidential personal information is disclosed without the consent of the person supported using form CR26, Consent to Disclose and/or Obtain Information, and then only if security procedures are satisfied.
7. A person supported may withdraw consent to the use and disclosure of personal information at any time, unless the personal information is required in order for CLGW to fulfill legal obligations. The individual's decision will be respected but CLGW may not be able to provide certain services and supports if the necessary personal information is not available.

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8. Third party consent can only release, with permission, documents created by CLGW. Documentation created by another organization/person cannot be released by CLGW. The person requesting the information must contact the third party for the release of their documents (e.g., assessments completed by outside agencies).
9. File contents belong to people supported and we respect their right to contribute to and access this information at any time. Other authorized persons who can access the person supported's file may include the person supported's substitute decision maker (in the event the person supported is incapable of making their own decisions) or an estate trustee if the person supported is deceased.
10. Community Living Guelph Wellington will retain all records of people supported after the last entry in a record for seven (7) years.
11. Concerns or complaints related to privacy issues of the people supported must be made in writing to the privacy officer (service director) setting out the details of the concern or complaint. The privacy officer (service director) will investigate the matter and make a decision related to the resolution of the concern(s) or complaint(s).