

<u>POLICY STATEMENT:</u>	Privacy Policy
<u>DATE ORIGINALLY APPROVED:</u>	December 3, 2019
<u>DATE OF REVISION:</u>	November 7, 2023
<u>DATE TO BE REVIEWED:</u>	November 7, 2027
<u>WHERE TO FIND:</u>	Privacy Manual & Staff Manual
<u>POLICY DESIGNATE:</u>	Research, Evaluation & Privacy

1. Policy Objective

Jewish Family and Child Service of Greater Toronto (the “Agency”) is a Health Information Custodian (“HIC”) under the *Personal Health Information Protection Act, 2004* (“PHIPA”) in respect of personal health information (“PHI”) for many of its family service programs. As a Children’s Aid Society, the Agency is also a “service provider” under Part X of the *Child, Youth and Family Services Act, 2017* (“CYFSA”), in respect of personal information (“PI”). CYFSA and PHIPA are “Privacy Legislation” for the purpose of this Policy.

The objective of this Policy (“Privacy Policy”) is to ensure the Agency maintains Client privacy and safeguards confidentiality in the collection, use and disclosure of Client Information by following applicable Privacy Legislation and industry best practices as set out in the Privacy Principles.

2. Definitions

“Client” means an individual who receives services from the Agency.

“Client Information” means PHI, PI and OPI in the Agency’s custody and control.

“CYFSA” means Part X of the *Child, Youth and Family Services Act, 2017* and its regulations, as pertaining to Personal Information held by the Agency.

“Employees” mean those individuals who are employed by the Agency and are authorized to collect, use or disclose PHI, PI or OPI on behalf of the Agency.

“Health Information Custodian” (“HIC”) means a person or organization set out in PHIPA that has custody or control of personal health information as a result of, or in connection with, performing the person’s or organization’s powers or duties and includes regulated health professionals, registered social workers and social service workers, hospitals, JF&CS and other agencies that operate a program or service for community health or mental health, laboratories, pharmacies, etc.

“Others” mean members of the Board of Directors, members of the Committees of the Board of Directors, volunteers, consultants, interns, students and resource placements, including foster parents and kinship parents of the Agency and “Other” refers to any of them.

“Other Personal Information” (“OPI”) means individual or family service information identifying an individual in oral or recorded form that includes demographic information, contact information, any listed substitute decision-maker, financial, health history, family history, educational, employment, plan of care, record of visits, any identifying information from other service providers, etc., under services that are not subject to PHIPA or Part X of the CYFSA.

“Personal Health Information” (“PHI”) means individual or family service information identifying an individual in oral or recorded form relevant to the individual’s health or health-related service, including date of birth, contact information, health number, health history, family health history, details of physical and mental health, service plan, record of visits, the care and support received during those visits, any listed substitute decision-maker, any identifying information from other health care providers, etc., or as defined under PHIPA.

“Personal Information” (“PI”) means recorded information about an identifiable individual that includes demographic information, contact information, adoption, fostering and kinship information, service plan, record of visits, the care and support received during those visits, health history, family history, educational, employment, any identifying information from other providers of care, any other child welfare records, etc., or as defined under the CYFSA.

“PHIPA” means the *Personal Health Information Protection Act, 2004* and regulations thereunder.

“Privacy” means an individual’s right to be free from intrusion or interference by people and to control how their information is collected, used and disclosed.

“Privacy Legislation” means the CYFSA and PHIPA.

“Privacy Officer” means the Privacy Officer for the Agency or their delegate.

“Privacy Principles” mean the *Canadian Standards Association Ten Privacy Principles*.

3. Scope

This Privacy Policy applies to all Employees and Others who are authorized by the Agency to collect, use or disclose PHI, PI or OPI on its behalf.

4. Privacy Principles

Where no Privacy Legislation applies, the Agency shall comply with the Privacy Principles, which are industry best practices and emerging developments, including case law and decisions of privacy regulators.

4.1. Accountability. The Agency is responsible for Client Information under its custody and control and shall designate (an) individual(s) who are accountable for the Agency’s

compliance with privacy principles. The “*Notice of Information Practices*” is publicly available on the Agency’s website: <https://www.jfandcs.com/privacy>. The Board of Directors is ultimately responsible for the Agency’s privacy compliance.

- 4.2. Identifying Purposes. The Agency shall identify the purposes for which Client Information is collected, at or before collection for in-person or virtual service.
- 4.3. Consent. The knowledge and consent of the client are required for collection, use or disclosure of Client Information, except where disclosure is permitted or mandated by law. See the Agency’s “*Consent Management Procedure*”, and “*Lockbox Procedure*”.
- 4.4. Limiting Collection. The collection of Client Information shall be limited to that which is necessary for any identified purpose in providing in-person or virtual service. Client Information shall be collected by fair and lawful means.
- 4.5. Limiting Use, Disclosure and Retention. Client Information shall not be used or disclosed except for purposes for which it was collected, unless consent is obtained or permitted or mandated by law. Client Information shall be retained only as long as necessary for these purposes. See the Agency’s “*Retention and Disposal Procedure*”.
- 4.6. Accuracy. Client Information shall be as accurate, complete and up-to-date as required for the purposes.
- 4.7. Safeguards. Client Information shall be protected by security and privacy safeguards appropriate to the sensitivity of the information for in-person and virtual service. See the Agency’s “*Safeguards for Client Information Guidelines*”.
- 4.8. Openness. The Agency shall make information readily available to individuals about its policies and practices about Client Information.
- 4.9. Individual Access. Upon request, clients shall be given access to their Client Information (unless access falls within a permitted exclusion). A client may challenge the accuracy and completeness of their PHI and PI and have it amended, if appropriate. See the Agency’s “*Access and Correction Procedure – Release of Client Information*”.
- 4.10. Challenging Compliance. An individual shall be able to challenge the Agency’s compliance with Privacy Legislation or the Agency’s Privacy Policy/Procedures to the person designated by the Agency for privacy compliance. The Agency makes its Privacy Officer available and includes in its public-facing materials the right to make a complaint to the Information and Privacy Commissioner of Ontario, in accordance with Privacy Legislation.

Cross References:

- Policy 214: Code of Conduct
- Policy 218: Conflict of Interest
- Policy 219: Confidentiality
- Policy 220: Electronic Monitoring
- Policy 109: Pandemic Remote Work Policy
- Policy 704: Client Participation in Evaluation and Research Activities (Internal and External to JFCS)