

Kirkland and District Hospital			
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Privacy Policy			

Purpose

Purpose not yet defined.

Policy

The Kirkland and District Hospital recognizes the importance of privacy and the sensitivity of your Personal Health Information (“**PHI**”). We are committed to protecting any information that belongs to you that we hold. This Privacy Policy outlines how we manage your information and safeguard your privacy.

Definitions

Any references to “your information” means your PHI as defined by (“PHIPA”) Personal Health Information Protection Act, 2004 (Ontario). See Appendix 1 for specific definitions.

PHIPA Is the Law

Starting November 1, 2004, any health information custodian (“**HIC**”) in the Ontario health care system that collects, uses or discloses PHI must comply with the *Personal Health Information Protection Act, 2004*.

The Kirkland and District Hospital is a HIC and is responsible for the PHI we collect, use, maintain and disclose, as set out in this Policy.

What Information Do We Collect From You?

Generally, we will ask you to give us information about your health and your family’s health that we need to care for you.

We will collect information from you for the following purposes, which are our “**main activities**”: caring for you, administration of the Hospital and the health care system, teaching, limited research, statistics and complying with legal and regulatory requirements.

We will either directly tell you why we are collecting your information or we will post a notice or give you information that describes why we are collecting your information.

We will only collect information from you indirectly (e.g., from other health care providers or from your family and friends) if necessary to provide you with care, when you cannot provide the information yourself or cannot consent to providing the information yourself.

How Do We Use Your Information?

Your information is given to your caregivers in the Kirkland and District Hospital to be used to care for you. Our directors, employees, professional staff (doctors, dentists, midwives, and nurse practitioners), volunteers and students are trained and understand that your information is private and can only be used or accessed to care for you or carry out our main activities.

People who have a contract to provide services to the Kirkland and District Hospital (such as fixing equipment, maintaining computers) may have access to your information, and we take steps through our contracts to make sure this information is kept private.

Unless we have your consent to use your information for research purposes, your information will only be used for research if the strict process (ensuring both privacy and ethical conduct) in PHIPA is followed by both the Hospital and the researcher.

If we use your information for any purpose other than our main activities, we will ask your permission.

When Will We Disclose Your Information?

Unless you tell us not to, we will disclose your information to other health care providers in the “Circle of Care” who need to know this information to provide you with care or help to provide you with care. The “Circle of Care” includes health care professionals, pharmacies, laboratories, ambulance, nursing homes, CCACs and home service providers who provide you with health care services.

Unless you tell us not to, we will tell anyone who calls the Hospital or visits the Hospital asking about you that:

- You are in the Hospital (Room #); and
- Your basic health condition (critical, fair, poor, etc.). (Nursing Units)

Unless you tell us not to, if you give us information about your religious affiliation, we will give your name and room number to our Hospital's representative of your religious affiliation.

Unless you tell us not to, we will give your name and address to our Foundation, which may contact you for fundraising purposes. You can ask not to be contacted for fundraising at any time.

Sometimes the law requires us to disclose information about you, for example - to OHIP for payment purposes. We will only disclose your information when the law requires or permits us to do so.

Getting Your Consent

Your consent to our collection, use or disclosure of your information may be implied or expressed. In certain circumstances we will always ask for your expressed consent.

- Where we are disclosing your information to someone who is not a HIC (e.g., to your insurer or employer); and
- Where we are disclosing your information to someone who is a HIC but for purposes other than providing you with health care.

Where we obtain your implied consent, you will have been provided with a notice (either posted in a place where you are likely to see it or directly given to you) and a chance to withhold your consent.

You may withdraw or limit your consent at any time, unless doing so prevents us from recording the information we require from you at law or under professional standards. You can give an express instruction that specific information not be used or disclosed.

We may sometimes collect, use or disclose your personal information without your consent in limited instances that are expressly permitted by PHIPA. For example, some statutes require disclosure of your information, such as the *Coroners Act* and the *Vital Statistics Act*.

Retaining Your Information and Disposing of Your Information

We retain your information in the Kirkland and District Hospital or in premises controlled by the Hospital in a secure manner and keep it for as long as necessary to fulfill the purposes for which it was collected, or as required by law.

The Kirkland and District Hospital has a policy in place to address the retention and destruction of records in the Hospital. This policy sets out minimum and maximum retention periods and complies with applicable laws governing retention of information.

Where you have requested access to a record with your information, we will retain that record until your access request is exhausted.

Accuracy of Your Information

We take reasonable steps to ensure your information is as accurate, complete and up-to-date as necessary on collection. We will not routinely update information in our control unless routine updates are necessary to fulfill the purposes for which the information was collected. We take reasonable steps to ensure that any information that is used by the Kirkland and District Hospital on an ongoing basis, including any information that is routinely disclosed to others under this Policy, is accurate, complete and up-to-date. Where we know that information is not accurate, complete or up-to-date, this fact will be indicated at the time of use or disclosure.

Security of Your Information

Your information in the custody or control of the Kirkland and District Hospital is protected by security safeguards. These security safeguards are in keeping with industry standards and are designed to protect your information against loss or theft as well as unauthorized access, disclosure, copying, use or modification.

Among the steps we take to protect your information are:

- premise security, including locked filing cabinets where cabinets are located in publicly accessible areas;
- restricted access to information stored electronically;
- using technological safeguards like security software and firewalls to prevent hacking or unauthorized computer access; and
- internal password and security policies.

Hospital agents are aware of the importance of keeping your information confidential. As a condition of employment or obtaining/maintaining privileges, all Hospital agents are required to sign a Confidentiality Agreement, which is reviewed and renewed annually during the agent's performance review.

We will notify you at the first reasonable opportunity if your information is lost, stolen, or subject to unauthorized access, disclosure, copying, use or modification.

How to Access Your Information

You can request access to any records in the Hospital's custody or control that contain your information by writing to our Privacy Contact. The guidelines for processing these requests are available on request. You will receive at least a preliminary response from the Privacy Contact within 30 days, and a full response within 60 days.

Your right to access your information is not a given. We may deny access when:

- denial of access is required or authorized by law (e.g., there is a court order prohibiting access); or
- where the request is frivolous or vexatious or in bad faith.

If the Privacy Contact refuses you access to your records, there will be a reason given, and you will also be notified of your right to complain to the IPC (“Information and Privacy Commissioner of Ontario”).

You are also entitled to challenge the accuracy or completeness of any of your information in our custody or control. Requests to challenge and/or change your information should be directed to the Privacy Contact. You will receive at least a preliminary response from the Privacy Contact within 30 days, and a full response within 60 days.

We may charge you a reasonable fee (based on cost recovery) for copies of your information. We will advise you of any fee before we make copies.

Challenging Us

You are entitled to challenge our compliance with the principles set out in this Policy. Please direct any challenge in writing to our Privacy Contact.

Anyone who submits a written complaint, challenge or inquiry will be given a written copy of our procedures governing such complaints, challenges and inquiries.

We will investigate all complaints received. If a complaint is found to have merit, we will take appropriate measures to address the complaint, including, if necessary, taking disciplinary action against Hospital agents and/or amending our policies and practices relating to management of your information.

Compliance with this Policy

All Hospital agents (employees, directors, volunteers, students and professional staff members) are required to know and comply with this Policy. Annual confirmation of compliance is required. Any breach of this Policy may result in significant disciplinary action, including:

- for employees and volunteers: suspension, demotion, and termination; and
- for professional staff members: restriction or revocation of privileges, in whole or in part.

Agents may only use your information as permitted by the Hospital and within the same legal limitations imposed on the Hospital. All agents must notify the Hospital at the first reasonable opportunity if your information is lost, stolen or accessed without authorization.

Our Privacy Contact

The Chief Executive Officer (“CEO”) of the Hospital is ultimately responsible for ensuring accountability and compliance with this Policy. The CEO appoints a member of our staff to act as the Hospital’s Privacy Contact; the Privacy Contact reports directly to the CEO. The Privacy Contact may delegate to others the day-to-day supervision of the collection, use and disclosure of information.

To reach the Privacy Contact:

Address:

Kirkland and District Hospital

Bag Service 3000

Kirkland Lake, ON P2N 3P4

Phone Number (705) 568-2217

Fax Number (705) 568-2103

E-mail address Privacy@kdhospital.com

Appendix 1 – Definitions

Agent

Anyone authorized by the Hospital to collect, use or disclose PHI on behalf of the Hospital and not for the agent’s own purposes; (for example, employees; persons contracted to provide services who have access to PHI (records management, copying or shredding records); health professionals with privileges; volunteers; directors; students

Circle of Care

Those HICs indicated under the definition of HIC with an asterisk (*HIC), for the purpose of providing health care or assisting in providing health care within the continuum of care.

HIC (Health Information Custodian) includes:

- *the Hospital
- *health care practitioners
- chiropractors; registered drugless practitioner; social worker; person whose primary function is to provide health care (acupuncturist, psychotherapy)
- NOT aboriginal healers; aboriginal midwives; faith healer
 - *service providers to CCAC
 - *CCAC

- *public, private, or mental hospitals
- *psychiatric facilities under *Mental Health Act*
- *independent health facilities
- *homes for aged, nursing homes
- *pharmacies
- *laboratories
- *ambulance
- *community health or mental health centres whose primary purpose is providing health care
- evaluators under *Health Care Consent Act* or assessors under *Substitute Decisions Act* (capacity)
- medical officer of health and board of health under *Health Protection and Promotion Act*
- Minister and Ministry
- others as provided under the regulations

IPC – Information and Privacy Commissioner of Ontario

PHI (Personal Health Information)

Information, oral or recorded, about an individual that does or could identify that individual and that:

- relates to physical or mental health
- includes family history as it is reflected in record of PHI
- identifies the health care provider
- relates to payments or eligibility for health care
- relates to donation of body part or bodily substance
- includes the health number (replaces *Health Cards and Numbers Control Act*)
- identifies SDM (Substitute Decision-Maker)
- includes any non-health information that is in record that is identifying

PHIPA – *Personal Health Information Protection Act, 2004* (Ontario)

Privacy Contact – Hospital employee identified at end of this Policy

SDM – Substitute Decision-Maker

Principle 1 – Accountability for Personal Information

KDH is responsible for personal information under its custody or control and has designated an individual, the Privacy Contact, who is accountable for the KDH's compliance with the following principles.

Principle 2 – Identifying Purposes for the Collection of Personal Information

KDH, at or before the time personal information is collected, will identify the purposes for which personal information is collected. The primary purposes are the delivery of direct patient care, the administration of the health care system, to conduct research and statistics, to comply with legal and regulatory requirements.

Principle 3 – Consent for the Collection, Use and Disclosure of Personal Information

The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except where inappropriate.

Principle 4 – Limiting Collection of Personal Information

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

Principle 5 – Limiting Use, Disclosure and Retention of Personal Information

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

Principle 6 – Ensuring Accuracy of Personal Information

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

Principle 7 – Ensuring Safeguards for Personal Information

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

Principle 8 – Openness about Personal Information Policies and Practices

KDH will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

Principle 9 – Individual Access to their own Personal Information

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

Principle 10 – Challenging Compliance with KDH's Privacy Policies and Practices

An individual will be able to address a challenge concerning compliance with the above principles to the Privacy Contact.

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[View the full KDH Privacy Policy](#)

Contact Kirkland and District Hospital

OR visit website at www.Kdhospital.com (Privacy)