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|  Rainy River District Social Services Administration Board | SECTION: Human Resources |
| | POLICY TITLE: Request for Access to Personal Information |
| ORIGINAL DATE: December 16, 2004 | POLICY AREA: Privacy/Access |
| REVISION DATE: December 17, 2015 | POLICY NO: HR-6.3 |
| NEXT REVIEW DATE: December, 2019 | APPROVED BY: Board Res. #100/15 |

Purpose

The Rainy River District Social Services Administration Board (RRDSSAB) collects personal and sensitive information on individuals during the application process and throughout the operation of its various programs and services. The RRDSSAB also acquires personal information on staff, Board members, volunteers, and applicants for employment.

RRDSSAB must comply with the *Municipal Freedom of Information & Protection of Privacy Act (MFIPPA)*, *Personal Health Information Protection Act (PHIPA)* and voluntarily complies with the *Personal Information Protection and Electronic Documents Act (PIPEDA)*, which applies to the standards for personal information with respect to commercial activity.

The RRDSSAB must also comply with legislation and regulations which establish the standards for the collection, use, disclosure, and safeguarding of privacy of personal and private health information and the individual right of access to one's own information, as it applies to clients.

Policy

The RRDSSAB provides a right of access to information under its control and protects the privacy of individuals with respect to personal and private health information about themselves held by the RRDSSAB, in accordance with the *Municipal Freedom of Information & Protection of Privacy Act (MFIPPA)*, *Personal Health Information Protection Act (PHIPA)* and *Privacy Information Protection and Electronic Documents Act (PIPEDA)*.

The RRDSSAB ensures that the collection and storage of personal information is treated in a manner which respects the individual.

Procedures

1. Requests for access to personal, private health information or to correct personal information must be made in writing and forwarded to the Privacy Officer for consideration.
2. Personal and private health information will not be released, except as provided for in relevant legislation.
3. The Privacy Officer:
 - a) reviews the legislation, policies and practices with regard to personal information;
 - b) Implements the necessary changes to guarantee that the collection and retrieval of personal information follows relevant legislation and RRDSSAB policies; and
 - c) communicates information to relevant parties as to how personal information is collected, used, and disclosed.

Release of Information

1. No personal information or private health information will be released to third parties without the written consent of the individual, for example, credit references, tenant or personal references. When responding to inquiries for references, staff limit information provided to the questioner by responding to direct questions only.
2. It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, Tribunals or Small Claims action.
3. Staff will release medical status information to other medical institutions, per legislation and RRDSSAB policies and procedures.
4. Staff will take reasonable care to confirm the identity of the people to whom information is released.
5. Personal information may be released to the following:
 - a) Funders and Auditors: The RRDSSAB, in order to be in compliance with funding program requirements, must release information to funders and auditors. Staff must confirm that the person concerned is seeking access legitimately.
 - b) Researchers: Occasionally, the RRDSSAB may be asked to participate in research. A researcher who seeks disclosure of private health information must submit a detailed *Research Plan* to the Research Ethics Board (REB) for approval. A researcher with an approved Plan must:

- i) comply with the conditions imposed by REB;
- ii) use private health information only for the purpose established in the *Research Plan*;
- iii) not publish information in a form that could identify the individual;
- iv) not attempt to contact the individual whose personal information is subject of research, unless the custodian of the record obtains the written consent of the individual; and
- v) must notify the custodian, in writing, of any breach of either the agreement or PHIPA.

The RRDSSAB's Chief Administrative Officer must approve requests for personal or private health information.

- c) Credit Bureaus: Information on orders or judgements for money owing will be provided to any credit bureau of which the RRDSSAB is a member.
- d) Law Enforcement: While the RRDSSAB has a responsibility to protect the rights of applicants and clients to privacy, this responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about applicants, clients, employees, Board members or volunteers, will be required to provide a written request or "warrant" before information will be released.

Personal information can be released to the police, within the following conditions:

- i) in the context of reporting criminal activity, staff with personal knowledge will report theft, damage or fraud;
 - ii) with respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the police so that charges can be laid. Domestic violence is a criminal offence and staff are required to report it to the police;
 - iii) to report criminal activity;
 - iv) victims of crimes will be encouraged by staff to report the crime directly to the police. If the victim is a child or a person with a disability that renders them incapable of making the decision to report, the legal responsibility lies with the RRDSSAB to report the crime to the Police or Children's Aid Society, if it has relevant information.
 - v) in the case of suspected child abuse, information will be provided to the Children's Aid Society, per the *Child and Family Services Act*.
- e) Private Health & Safety Officials: Personal information will be provided to outside agencies, individuals and institutions, when it can be clearly identified as contributing to the applicant or clients' benefit, for example,

information about an individual's medical condition to the fire department, hospital, or other emergency services representatives.

- f) Next of Kin or Emergency Contacts: It may be appropriate to use personal information to contact a community service agency or a designated relative in exceptional circumstances, such as, when using an emergency contact provided by a client and held on file, or contacting medical support services when a client is unable to function.

Exemptions: Refusal to Disclose

1. There are mandated exemptions under which the RRDSSAB would refuse to disclose a record, as follows:
 - a) information that relates to government;
 - b) third party information; and
 - c) personal information about an individual other than the requestor.

Access to and Correction of Personal Information or Private Health Information

1. The Privacy Officer responds to all requests for access to or correction of personal information.
2. Requests to access personal information must be in writing and provide sufficient details to assist the staff member in locating the appropriate information. The request must also include a five-dollar application fee that is required for all requests made under the *Municipal Freedom of Information and Protection of Privacy Act*.
3. Requests to access private health information must be in writing and provide sufficient details to assist the staff member in locating the appropriate information. A reasonable cost to access the information under the *Personal Health Information Act* may be incurred.
4. Depending upon the nature of the request(s), additional processing costs may apply for photocopying and/or shipping. Fees will not be charged for the time required to locate and prepare records containing personal information.
5. If it is anticipated that the request will generate additional processing costs, the requester is provided with an Invoice estimating the costs prior to the

commencement of work. Once the Invoice has been paid in full, work on the request may commence.

6. An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his/her personal information or private health information and will be given access to that information. The privacy of other's personal information must be protected, when giving an individual access to his/her own personal information.
7. If the Privacy Officer believes that releasing personal information or private health information to an individual would prejudice the mental or physical private health or security of any person, he/she will not release the information.
8. An individual may challenge the accuracy and completeness of the information and have it amended, as appropriate, but opinions of others are excluded. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement will be filed with the original information.

Appeal Decision

1. If an individual is dissatisfied with an access decision he/she may appeal the decision. *Municipal Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* decisions may be appealed to the Information and Privacy Commissioner of Ontario, who is appointed by the Ontario Legislative Assembly.

The contact information for the Commissioner's office is as follows:

Information and Privacy Commissioner of Ontario
2 Bloor Street East
Suite 1400
Toronto, Ontario
M4W 1A8
Phone: (416) 326-3333
Toll Free within Ontario: 1-800-387-0073
Fax: (416) 325-9195

Appeal Fees

The RRDSSAB will determine a fee based on the extent of the request.