

Code For the Protection of Personal Information Teresa Dellar Palliative Care Residence

Adopted by the Boards of Directors of the
Teresa Dellar Palliative Care Residence and Foundation
September 2023



1. SCOPE

This Code is based upon the CSA Model Code for the Protection of Personal Information (CAN/CSA-Q830-96) and the legislative requirements of Law 25 as adopted by the National Assembly of Quebec. It describes how the Teresa Dellar Palliative Care Residence and Foundation (The Residence) respect the conditions set forth in the Code, as they relate to Personal Information (PI) that the Residence must collect in its day-to-day activities in relation to its responsibilities. These are:

- **Patient Health records**: Personal Information relating to the patients that reside and are treated at the Residence;
- **Patient Contacts**: Personal information relating to those individuals listed as close contacts for patients that reside and are treated at the Residence, and visitors of patients.
- **Donor records**: Personal information relating to those individuals who have donated money and/or goods and services to the Residence.
- **Employee records**: Personal information relating to those individuals hired by the organization.
- **Volunteer records**: Personal information relating to those individuals engaged in supporting the organization on a voluntary basis.

COLLECTION OF PERSONAL INFORMATION:

The Residence collects the abovementioned PI in the normal course of conducting its day-to-day affairs.

Patient Health Records are a requirement in such an institution and are initiated and maintained by the professional staff at the Residence, namely registered nurses, social workers and attending physicians, or any other professional staff involved in the treatment of patients. These records contain basic information about the patient, such as name, address, age, sex, as well as the pertinent health related information such as RAMQ number and other insurance information; SIN; and a variety of diagnoses and treatment information that is maintained by the treating health professionals. The Record may also contain information related to banking such as credit card #'s, if a prescription is to be dispensed by a pharmacist. A full description of the information contained in a health record, as well as the process flow within the Residence is available upon request to the Privacy Officer at confidentialite@tdpcr.ca.

Patient Contacts information is obtained in the normal course of business to allow for timely communication with family members and close contacts as per the patient's wishes. These records include names, relationships with the patient, telephone numbers, addresses and email addresses. This information is maintained within the patient medical file. Patient visitor names are also noted in a binder at reception for safety evacuation purposes.

Donor Records are maintained also as a normal course of business, given the not-for-profit nature of the Residence. The Residence requires donations annually in order to sustain its operations, therefore fundraising is an important, and crucial part of its activities. The donor records are maintained to facilitate the fundraising initiatives and will include basic and personal information relating to the donors, such as name, address, phone numbers, email address, and may also include personal information such as giving history, credit card numbers, certain



banking information, and tax receipt information. A full description of the information pertaining to donors, as well as the process flow within the Residence is available upon request to the Privacy Officer at confidentialite@tdpcr.ca.

Employee Records are maintained for all individuals hired by the organization. These records contain name, SIN, DOB, phone number, address, email address, language of preference, banking information, emergency contact information, and copies of driver's license and RAMQ card. These records also include salary information, medical files related to absences where applicable, and performance review files.

Volunteer Records are maintained for all individuals engaged by the organization on a volunteer basis. These records contain name, address, phone, email, DOB, emergency contacts, proof of professional certification where required, as well as information required for security background checks (previous address of past 5 years, convictions if any and copies of 2 official identification documents).

USES OF PERSONAL INFORMATION:

The Residence uses the PI outlined above only as it is required to meet its day-to-day obligations as a Palliative Care Hospice.

In the case of Patient Records, this means the continuous maintenance and updating of the information so it can be used by the health professionals involved in the ongoing diagnosis and treatment of the patient. It is also required for the preparation of the appropriate government documents at the time of the patient's death e.g., Death Certificate.

In the case of Patient Contacts, this means using the PI for communication purposes regarding services or opportunities as expressly consented to (i.e., bereavement services, continuous quality improvement, fundraising opportunities).

In the case of Donor Records, this means to communicate as requested in the case of in memoriam donations. It also means continuous maintenance and updating of the PI and using such to solicit further donations, until such time as the donor requests to be removed from the donor base.

In the case of Employee Records, this means continuous maintenance and updating of the PI to ensure all employer obligations are met and all statutory requirements are completed (T4's, ROE's).

In the case of Volunteer Records, this means continuous maintenance and updating of the PI as required to ensure timely communication and to maintain an efficient and effective working relationship.

DISCLOSURE OF PERSONAL INFORMATION:

The Residence will not disclose any of the PI it has in its possession, unless required by law, due to exceptional circumstances as defined in the Act Respecting the Protection of PI, or as consented to in order to fulfill its responsibilities.



Patient record information may be disclosed to other health professionals or institutions involved in the treatment of the patient, or to the required government bodies, such as at the time of the patient's death.

Employee record information will be disclosed to third party providers as required. Third parties are used for payroll, group insurance, pension plans, long-term disability, and CNESST. Employee record information is also disclosed to the SPVM for background checks, and the Federal Summer Jobs Grant program as necessary.

ACCESS TO PERSONAL INFORMATION:

The Residence will provide, upon written request by any individual for whom it has collected PI, access to the details of the information, how it is being used and by whom, retention policies for said information as well as the opportunity to make corrections or retractions. This access is provided following identity confirmation.

2. PRINCIPLES

2-1 ACCOUNTABILITY:

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance.

Accountability for the Residence compliance with this Code and its principles rests with its Executive Director, the Privacy Officer and its Board of Directors. It is understood that there are other individuals, notably the staff within the Residence, who are responsible for the ongoing collection, use and disclosure of the PI, and are therefore indirectly accountable for ensuring adherence to the Code.

Any of the PI that may be disclosed to others outside the Residence, such as Patient Record information to another health professional or institution, is done so with the understanding that such information will be protected according to the obligations of the health professional or health institution, by which they are governed.

2-2 IDENTIFYING PURPOSES:

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

The purposes for which the Residence collects the PI with which it is entrusted have been clearly articulated above in the section dealing with the Scope of the Code. There are no other purposes for such collection, as the PI is not shared or sold to any other entity or individual and would not be so shared or sold without the actual informed consent of the individual in question, be it a patient, patient contact, employee, volunteer or donor. Therefore, the purpose for such collection is made known at the appropriate time, and further elaboration or clarification can be requested from the appropriate individual entrusted with the PI, be it a health professional or the designated staff within the Residence.

2-3 CONSENT:



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

The Residence recognizes that obtaining a person's consent for the collection use and disclosure of their PI is not only a legal obligation, it is a basic respect of an individual's right to ensure this type of information is not abused.

Insofar as a **patient's information** and their health records are concerned, there exists both an implied and express consent of the patient, that this information be collected, used and disclosed as the patient understands fully that a health record must be maintained if they are to be provided the best possible care. *Collection*, so that the health record is the most accurate and up to date as possible; *Use*, so that each health professional can make use of the information in order to make correct decisions; and *Disclosure* so that the information can be shared amongst the health professionals (e.g., doctor to nurse to pharmacist to lab assistant) in order to provide optimum care.

However, it is of importance to note that under no circumstances will the PI about the patient be collected, used or disclosed for any other purpose other than those noted above, that is in relation to the health and well-being of the patient. Were this PI to be used or disclosed for any other reason, the informed consent of the patient would need to be acquired.

Patient information that is made anonymous may be shared for research or other legitimate purposes, and does not therefore, require consent. A patient may be approached to participate or provide information for legitimate purposes such as a clinical trial or academic research. In such case, his/her full and informed signed consent is required prior to proceeding, The attending physician and other health professional however do not require the consent of the patient to share information about that patient with another health professional or institution. Finally, all patients and their immediate families are fully informed about their privacy rights upon admission to the Residence, including the explanations provided above.

Insofar as **patient contact** information is concerned, there exists both an implied and express consent that this information be collected, used and disclosed in conjunction with the patient information as necessary, to provide the best possible care for the patient. In addition, there is an express consent to use said PI where services or opportunities can be offered to the patient contact subsequent to a patient's death.

Insofar as **donor information** is concerned, there exists both an implied and express consent that this information be collected and used if the desired results are to be achieved. The donor understands the importance of providing accurate information to the Residence, which includes basic information such as proper name and address and other information regarding coordinates; financial information for income tax receipt purposes, and correct banking related information such as credit card numbers or bank account information.

The Residence guarantees all donors that the information collected about them will be used only for the intended purposes outlined earlier in the Scope section. All information about the donor resides in a secure environment.

The donor PI will never be disclosed to anyone for any other purpose, without the informed consent of the donor. The Residence will not sell its donor lists to any other entity.

Insofar as **employee information** is concerned, there exists both an implied and express consent that this information be collected and used to enable the Residence to fulfill its obligations as an employer, and to ensure the ongoing operations of the Residence.



Insofar as **volunteer information** is concerned, there exists both an implied and express consent that this information be collected and used to enable the Residence to fulfill its obligations with respect to its working arrangement with the volunteer and to ensure the ongoing operations of the Residence.

2-4 LIMITING COLLECTION:

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

The Residence only collects personal information that is required to fulfill the intended purposes described above in Section 1 dealing with Scope and further explained in Section 2-3 regarding Consent.

If there are any new purposes required in carrying out the obligations for ensuring optimum patient care, or that of maintaining an accurate donor registry, then the information will be collected with the understanding that it is consistent with the principles of the Code.

The Residence further ensures that individuals will never be misled as to the reasons and intentions as to why their personal information is being collected.

2-5 LIMITING USE, DISCLOSURE AND RETENTION:

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

The Residence will not *Use* the PI in its possession for purposes other than those identified in the preceding sections including 1- Scope and 2-3 - Consent.

With regards to *Disclosure*, Patient information will only be disclosed as required and described previously in section 1, Scope, and 2-3, Consent. That is, information may be shared between health professional, such as Physicians, nurses and pharmacists, in the normal course of diagnosis and treatment and with the goal of providing optimal care.

In the case of Donor information, the donor records are kept in a secure environment and will not be disclosed to any other entity for any purpose that is inconsistent with the objectives outlined in section 1. Scope. There are times when we must outsource tasks to third party service providers such as specialized mail shops and agencies and it becomes necessary to share donor lists with them. In such cases, they will have in place the appropriate security measures and guarantees necessary to ensure the confidentiality of the donor lists.

Retention of the PI is managed as follows:

Given the nature of Patient Information, specifically as it pertains to the Health Record, this information must be retained indefinitely. Therefore, the information is recorded, maintained and then retained electronically.

The on-line patient information is housed in a secure environment, further explained in section 2-7 dealing with Safeguards. This information is retained indefinitely, in conformity with the regulations governing health information pertaining to patients.



Donor information is retained electronically indefinitely or until such time as the donor requests to be deleted from the donor base provided statutory requirements have expired. All hard copy supporting documentation is retained until statutory filings and audits have been completed, at which time these documents are securely shredded.

Employee information is retained for an indefinite period in a locked and secure environment. Personal email addresses are removed from the internal distribution list upon termination.

Volunteer information is retained for the duration of the engagement. Subsequently, all hard copy files are securely shredded, and electronic data files are retained indefinitely for engagement history and statistical analysis purposes or until such time as the subject volunteer requests to have their data file deleted.

2-6 ACCURACY:

Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.

The Residence uses its best efforts to ensure that the PI it collects and maintains is as accurate as possible. In the case of Patient Information, this is done at the time of collection by the staff and then on a continuous basis by the health professionals who are responsible for treating the patient.

For Donors who have consented to remain in our data base, information is also updated on a regular basis as instructed by the donors.

2-7 SAFEGUARDS:

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

The Residence does its utmost to safeguard the personal information with which it is entrusted, whether it resides physically on our premises in hard copy, or in an on-line environment. These methods of protection include:

- Restricted access to its premises, such as swipe-cards.
- Integrated alarm system.
- Monitored security cameras throughout the building.
- ID tags worn by all employees and volunteers.
- Restricted access to the main computer and network system, including confidential passwords, firewalls and encryption.
- Up to date Cyber security
- Administration offices and cabinets containing any PI are locked.
- Regular testing of computer systems to ensure their security.
- On-going training of staff regarding privacy obligations.
- Signed confidentiality guarantee by all employees, and volunteers.
- Shredding of any PI information by a certified company.

The Residence uses contractual means to ensure that any other entity with which we share the information, such as an information storage facility, is similarly bound. When information is sent to such a facility, it is done so by bonded courier, or in a similarly secure manner.



All the Residence employees are aware of the importance of respecting the terms outlined above and are subject to dismissal should they breach any of the terms.

2-8 OPENNESS:

An organization shall make readily available to individuals' specific information about its policies and practices relating to the management of personal information.

The Residence is totally transparent about its privacy policies relating to the PI it maintains and is pleased to share a copy of its privacy code, should someone request it.

This Code also resides on our website at <https://residencesoinspalliatifs.ca/>, as part of our overall Privacy guarantee and commitment. Reference to our privacy code and our overall commitment to privacy may also be found in promotional and reference material we distribute to patients, health professionals and the population at large.

2-9 INDIVIDUAL ACCESS:

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

Should any individual wish to understand the kinds of information that is maintained about them, or to view any of the information that is maintained by the Residence, about them, they may do so, in writing or by requesting directly, from the Privacy Officer or the Executive Director of the Residence. Contact information is provided on the website.

Should an individual deem any of the personal information about them to be inaccurate or incomplete, the Residence will correct the information accordingly, within a maximum of 60 days and provide notice of the correction to the person in question.

It should be noted that other patient information such as that relating to the patients' medical condition cannot be altered and will not be shared with the patient, unless consented to by the attending physician.

2-10 CHALLENGING COMPLIANCE:

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

The individuals who are accountable for ensuring adherence to the Privacy Code are identified in section 2-1.

Should any individual deem that the Residence is not complying either with the letter or the spirit of the Privacy Code, they may make a complaint to either of those individuals identified in section 2-1, in writing or in person.

The Residence will reply formally to that individual within a maximum of 2 weeks, including advising them of what steps are being taken to address their complaint.



The Residence will then promptly investigate the complaint and take any appropriate measure necessary to remedy the situation, should it be justified, including amending certain policies or procedures.

Once a complaint has been investigated and remedied, the individual in question will be informed of an appropriate outcome.

A registry of complaints and incidents, together with detailed incident reports are maintained by the Privacy Officer.

CONTACT INFORMATION

PRIVACY OFFICER: Lori Morris, Director, Finance & Operations
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