



Manual: Operations	Policy #: 1.01
Policy Name: Confidentiality	Section:
Original Date: January 31, 2018	Revised Date:N/A
Reviewed By: Sheri Scott	Reviewed Date: July 27, 2019
Approved By: Peter Sproul	Approved Date: July 27, 2019

## External References

1. Freedom of Information and Protection of Privacy Act (R.S.O. 1990, c. F-31).
2. Services and Supports to promote the Inclusion of Persons with Developmental Disabilities Act, 2008.

### Cross References:

1. Staff Code of Conduct, Human Resources Policy #1.01.
2. Privacy Protection For Employees, Human Resources Policy #1.14.

## Policy

It is the policy of Community Living Kingston and District that all individuals and families have the unconditional right to have their privacy respected. This right includes, but is not restricted to, the right to expect that information gained by Community Living Kingston and District employees or volunteers by virtue of a professional relationship with the individual or family, whether in written or verbal form, is received in the strictest confidence, and will be so treated and maintained. The consent of the individual or his/her guardian must be acquired in order to collect and/or share personal information.

## Rationale

This Policy statement exists for the following reasons:

1. Every person has a fundamental right to privacy and this right should be affirmed by those in a position to be aware of sensitive individual and family information.
2. The unwarranted collection and disclosure of personal information undermines the trust that is implicit in and essential to the provision of responsible and effective support.



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3. The collection and sharing of highly sensitive and personal information is a privilege entrusted to Community Living Kingston and District by those in receipt of service, and should be treated as such.

### Terms of Reference

1. A physical file is the property of Community Living Kingston and District, but the information contained in it is the property of the individual or family concerned. Thus, Community Living Kingston and District may make policy on confidentiality and file management, while the individual or family maintains the right to privacy, to control the collection and release of information, etc.
2. Community Living Kingston and District requires that all personnel, as a condition of employment, sign an Affirmation of Confidentiality and that it be adhered to in all matters respecting persons and their families in receipt of services and supports. Signed Affirmation forms are to be maintained on the employee's Personnel File.
3. Written authorization to release information is required prior to the release of any information, particularly if it is in written form, to an individual or agency outside of Community Living Kingston and District. Each instance in which written information is requested requires separate authorization.
4. Authorization to collect and release information is given by adults (over eighteen), and by the parent or legal guardian in the case of a child. Consent given for any purpose must be informed consent, that is the individual giving consent must understand to the greatest extent possible what information is being released/obtained, to whom, and why.
5. Written authorization to share privileged personal information between Community Living Kingston and District employees is not required and such information should be restricted to employees on a "need-to-know" basis.



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6. Information released to other agencies or persons, particularly if it is in written form, must be carefully screened to ensure that "third-party" information is not included in error; that is, information about another individual that may be contained in the original documents.
7. Written authorization to release information is not required to release to:
  - i) a public hospital where the individual is being treated;
  - ii) an attending physician or dentist;
  - iii) a coroner or medical examiner;
  - iv) a court or officer of the court.

### Process for Obtaining Consent

The following consents are to be used by all programs when requesting or releasing information.

- o *Collaborative Access Process to Services South East Region Children's Services and Adult Developmental Services*
  - Common Consent Form to Share Information
  - Common Consent to Share Information for the purpose of maintaining a file at Community Living Kingston and District for the purpose of on-going service provision.
1. Each consent will request information from one individual or agency only.
2. Consent may be valid for up to one year or less and the time frame must be indicated on the consent form.
3. The consent will indicate whether the sharing of information will be 'to' or 'from' Community Living Kingston and District or both.
4. The 'description of the information to be shared' will provide as much detail as possible.



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### **Program Specific and Other Consents:**

Other than the consents listed below no department will develop program specific consents.

1. The Frontenac Lennox and Addington OR Lanark Leeds Grenville- Pressures and Priority Team Authorization to Obtain/Release Information. This consent is valid on an on-going basis unless otherwise revoked.
2. Medical Treatment Consent and Authorization – renewed annually as required to support individual involvement within specific programs
3. Photography/Publicity Waiver – renewed annually as required to support individual involvement within specific programs
4. Consent to Use a Positive Behaviour Support Plan
5. Consent to use a Positive Behaviour Support Plan (Plain Language)

### **Additional Organizational Confidentiality Requirements**

In addition to confidentiality requirements related to persons served and their families, other information may be deemed to be confidential in nature by the organization from time to time, related to a wide range of issues. This list includes, but is not limited to, the following matters:

- personal information related to the performance history, disciplinary record, or medical history of employees;
- financial information;



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- information related to, or stemming from, internal investigations;
- decisions the organization has made, or is in the process of considering, related to programs, people and/or services that has yet to be shared broadly throughout the organization;
- pending legal matters;
- any other matter deemed to be confidential in nature by the organization.

Breaches of confidentiality will be met with disciplinary action, up to and including the termination of employment, depending on the severity and ramifications of the violation.