



Privacy of Personal and Health Information Policy & Procedures

Policy No.	Leadership 207
Approval Committee	Management
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Accountable to: President & CEO

Key Policy Issues:

To state NHI’s position in upholding the ten privacy principles for maintaining, and protecting personal, and health information, as outlined by the Personal Information Protection and Electronic Documents Act (PIPEDA).

The ten Privacy Principles are:

- Accountability
- Identifying Purpose
- Consent
- Limiting Collection
- Limiting Use, Disclosure and Retention
- Accuracy
- Safeguards
- Openness
- Individual Access
- Challenging Compliance



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1. **PURPOSE**

To inform Nursing & Homemakers Inc. (aka NHI) employees, clients, students and volunteers about the principles according to which NHI protects its employees' and clients' right to privacy. NHI adheres to the principles of the Personal Information Protection and Electronic Documents Act (PIPEDA) to ensure that all information is properly collected, used only for the purposes for which it is collected and disposed of in a safe and timely manner when no longer needed.

NHI is also a strong supporter of improved privacy standards for the health care industry and of effective government regulation in the area of privacy of personal information.

PIPEDA recognizes two fundamental facts. The first: individuals have a right to privacy concerning their personal information. The second: organizations have a need to collect, use, and disclose personal information for appropriate purposes. The aim of PIPEDA is to achieve a fair balance between these two valid requirements.

2. **PRINCIPLES**

Principle 1: Accountability

NHI is responsible for protecting its employees' and clients' health and personal information under its control, which includes information that NHI discloses to affiliates, agents and contractors for contract management, administration and other reasonable business purposes.

NHI has appointed a Privacy Officer to oversee compliance with its privacy policies. NHI's management staff is responsible for managing the day-to-day collection and processing of personal and health information required by NHI to conduct its business. NHI uses appropriate contractual agreements or similar means to provide a comparable level of protection with third parties who process NHI's employees' and clients' health and personal information.

NHI has implemented procedures and practices to affect this Principle, including:

- procedures governing the collection, storage, use, disclosure, protection and accuracy of personal and health information;
- procedures for receiving and responding to inquiries and complaints; and
- training and communication to staff about NHI's privacy policies and procedures.

Principle 2: Identifying Purpose (Use of Health & Personal Information)

NHI will identify to clients and employees the reasons for the collection, use and disclosure of their health and personal information. This will be done

orally, electronically or in writing at or before the time the information is collected. NHI will identify to clients and employees any new purposes for using or disclosing their health and personal information before such use or collection.

Principle 3: Consent

In most cases, NHI will obtain consent from clients and employees prior to collecting using or disclosing their health and personal information. The form of consent, including whether it's express or implied, oral or written, varies depending on the circumstances and the type of information, including its sensitivity and employees' and clients' reasonable expectations.

The following qualifies as consent:

- Receipt of this and other NHI privacy policies (unless NHI is expressly advised by the employee or client that he/she does not agree with the terms of NHI's privacy policies and therefore wishes to opt out of all portions of them).
- employees' or clients' express written or oral consent obtained through an application process; or
- Electronic enrolment forms, survey forms, faxes, electronic mail and telephone conversations with NHI employees or agents.

In exceptional circumstances, where it is permitted or required by law, NHI may collect, use or disclose employee or client personal or health information without consent. NHI reserves the right to disclose such information without consent in the following circumstances:

- a third party that provides administrative services to NHI (these third parties are bound by a contractual commitment to respect NHI's client and employee confidentiality);
- to protect public interest (for example, fraud or money laundering);
- to the courts in the interest of protecting NHI's business;
- to government agencies (such as the Canada Customs and Revenue Agency, Information and Privacy Commissioners, Human Rights Commissions, etc.) which have the authority to review NHI's files and interview NHI's staff;
- where NHI is required or authorized to do so by law, for example if a court issues a subpoena; and
- for income tax reporting purposes.

NHI's clients and employees may withdraw their consent for any other identified purposes at any time subject to legal and/or contractual restrictions with reasonable notice. However, withdrawing consent may affect NHI's ability to work with the client or employee. NHI's Privacy Officer should be contacted to discuss the implications of withdrawing consent.

Unless NHI hears otherwise from clients and employees, consent has been granted at the time this and other privacy policies have been distributed to them.

Principle 4: Limiting Collection (Collecting Information)

NHI collects information by means that are required by law. NHI limits the collection of health and personal information from clients and employees, which is necessary to fulfill the identified purposes.

Health and personal information is collected:

- primarily from the client or employee, through applications or other forms completed through telephone, email or in-person interviews; and
- from government entities.

Principle 5: Limiting Use, Disclosure and Retention

NHI does not use or disclose health and personal information for purposes other than those for which it is collected, except with consent or as required or permitted by law. NHI retains information only as long as necessary for the fulfillment of identified purposes or to comply with the law.

- NHI will not sell client or employee personal or health information.
- NHI will disclose information only with consent.
- Access to client or employee personal or health information is given only to those who need the information in order to fulfill its identified purposes.

NHI retains personal and health information for:

- only as long as necessary or relevant for the identified purposes; or
- as required by law.

Principle 6: Accuracy

NHI keeps personal and health information as accurate, complete and up-to-date as it is necessary for the identified purposes so this can minimize the possibility of using incorrect information about clients or employees. NHI regularly updates personal and health information which is necessary to fulfill the identified purposes.

Whenever possible, NHI corrects information given to an outside organization.

Since NHI uses personal and health information to provide services to clients, it is important that the information be accurate and up-to-date. Clients and employees who become aware of any changes to their personal or health information should contact NHI's Privacy Officer to update the information

Principle 7: Safeguards

NHI takes all reasonable measures to ensure client and employee health and personal information is kept safe from loss, unauthorized access, notification and disclosure. The measures NHI takes to protect and ensure the security of personal and health information include:

- premises security;
- restriction of employee access to files and data centers, and locked file cabinets;
- restriction of access to personal and health information only to those who require such information to perform services;
- mandatory conformity to NHI's privacy policies and a written promise to observe the highest standards of confidentiality as a condition of employment;
- deployment of technological safeguards like security software, encryption and firewalls to prevent hacking and unauthorized computer access;
- internal password and security policies; and
- regular audits of procedures and measures to ensure they're properly administered and that they remain affective and appropriate.

NHI protects personal and health information disclosed to:

- NHI's affiliates, by ensuring that such affiliates have privacy policies regarding the use and disclosure of personal and health information; and
- NHI's agents and contractors, by contractual agreement stipulating the confidentiality of personal and health information and the purposes for which they may use and/or disclose this information.

NHI ensures its employees are aware of the importance of maintaining the security and confidentiality of client and employee personal and health information. NHI disposes of and destroys this information with care, in order to prevent unauthorized parties accessing the information.

Principle 8: Openness Regarding Privacy Policies and Practice

NHI makes its privacy policies and practice available to clients and employees thorough written materials and its website.

Principle 9: Individual Access to Personal and Health Information

Employees and clients may have access to any personal and health information that NHI collects about them, what it is used for, and to whom it is disclosed, except where the law requires or does not permit access. NHI will do its best to respond to requests within a reasonable timeframe and with an explanation if requests are not to be met. Clients and employees may have incorrect personal and health information amended by NHI.

Under certain circumstances or as permitted/required by law, NHI may not provide employees or clients to aspects of their personal or health information as maintained by NHI. These circumstances include:

- the information is protected by solicitor-client privilege;
- disclosing the information would threaten the life or security of another individual;
- the information was collected for purposes related to the detection of fraud;
- the information was generated during the course of a formal dispute resolution process; or
- the information would likely reveal personal or health information about another individual.

Principle 10: Challenging Compliance

Employees and clients who wish to challenge NHI's compliance with its privacy policies may address their issues to NHI's Privacy Officer at the following address:

NHI Nursing & Homemakers Inc.
2347 Kennedy Road, Suite 204
Toronto, Ontario M1T 3T8

3. REFERENCE DOCUMENTS

Personal Information Protection and Electronic Documents Act (PIPEDA)

Retried from: <https://laws-lois.justice.gc.ca/eng/acts/p-8.6/page-7.html#h-417659>