



**ADMINISTRATIVE MANUAL**  
*Policy & Procedure*

<b>Title:</b>	Privacy Protection of Information	<b>Number:</b>	AD 60-08
<b>Section:</b>	Quality and Risk Management	<b>Date Created:</b>	August 13, 2010
<b>Sponsor:</b>	CEO	<b>Last Date Approved:</b>	December 17, 2019
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<b>Distribution:</b>	All Staff & Volunteers	<b>Approval:</b>	Leadership Team

## STANDARD

### **DHW Long Term Care Facility Program Requirements, Final February 2019**

5.1 Residents are respected and their dignity and right to privacy are preserved.

(1) A privacy and confidentiality policy and procedures, that reflect the Long Term Care Principles and align with legislation, are developed and implemented.

### **WEV Guiding Principles**

**Respect, kindness and compassion** for all. We treat others as they wish to be treated.

**Eden Domain of Well-Being: SECURITY** - Residents, staff, and volunteers have the right to protection of their personal information.

## RATIONALE

This policy exists to ensure that the personal information of residents, families, volunteers and staff is protected and that all our practices and procedures are consistent with accepted privacy practices and all legal requirements.

## POLICY

Windsor Elms Village is committed to respecting and safeguarding the privacy of our stakeholders and will ensure the protection of personal information of our Residents, Families, Employees and Volunteers. Confidentiality and privacy of information is paramount to the way we do business.

Windsor Elms Village will ensure ongoing monitoring of this policy.

## PROCEDURE

Windsor Elms **Village** complies with best privacy practice by following the ten principles indicated in the Canadian Standards Association (CSA Model Code for the Protection of Personal Information) thereby enabling efficiency and effectiveness in providing better care delivery for our residents and their families.

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Therefore our Privacy Principles are:

**1. Accountability**

Windsor Elms Village has designated a Privacy Officer (Director of Care) who is responsible for our privacy policies for resident information and employee and volunteer information. The role of the Privacy Officer is to:

- Ensure the organization's compliance with the principles set out in this policy.
- Ensure our staff have received sufficient education in how to handle the personal information of residents, families, and co-workers.
- Ensure complaints and concerns regarding privacy are addressed accordingly.
- Provide any information about this policy and use of information. The Privacy Officer can be reached at 902 472 3652 or by email at [lisa.beckwith@winelms.ca](mailto:lisa.beckwith@winelms.ca).

**2. Identifying Purposes**

Windsor Elms Village is committed to identifying the purpose for collecting personal information prior to, or at the time it is being collected, to ensure that personal information will not be used without individual consent, unless a consent exception applies.

*See Appendix 1 Consent for Assessment, Service Provision And To Obtain and Share Information (Form)*

*See Appendix 2 Consent from Employee/Volunteer to Release Personal Information (Form)*

Windsor Elms Village uses and collects information in keeping with obligation as a health service provider and will share it only with those who need to know in order to deliver the best care to our residents. The following are examples of where information would be used:

- Delivery of care and services
- Quality management
- Billing
- Meeting legal and regulatory requirements

**3. Consent**

Windsor Elms Village collects and uses personal information about individuals with their knowledge and consent, and will indicate what the information will be used for. Individuals have the right to withdraw consent at any time. Withdrawal of consent may impact upon the ability to provide services, for which the information was intended. The individual will be advised if withdrawal will negatively impact the ability to provide those services.

Reasonable efforts shall be made to ensure the knowledge and consent of residents and employees are obtained for the collection, use or disclosure of personal information, except where legal exceptions apply. Consent can also be given by an authorized representative such as a legal guardian or a person having power of attorney, or Substitute Decision Maker (refer to Personal Directives Act).

There are instances when Windsor Elms Village may use information without the consent of the resident, family, volunteer or staff. These include:

- A medical emergency that threatens the life, health or security of an individual
- Information gathered in relation to a breach of law

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- Information required to comply with a subpoena or warrant issued or an order made by a court or person or body with jurisdiction to compel the production of information (warrant to search, College of Registered Nurses of Nova Scotia)
  - A Government request for information (Canada Customs and Revenue Agency, Human Resource Development Canada)

*See Appendix 1: Consent for Assessment, Service Provision And To Obtain and Share Information (Form)*

*See Appendix 2: Consent from Employee/Volunteer to Release Personal Information (Form)*

**4. Limiting Collection**

Windsor Elms Village limits the information we collect to that which is necessary to provide you with care and services.

**5. Limiting Use, Disclosure and Retention**

Windsor Elms Village uses personal information only for the purposes identified at the time of collection. Access is restricted to ensure against unauthorized access or disclosure of personal information. Personal information is only retained and stored as necessary for the fulfillment of the intended purposes, or as long as required by legislation. Windsor Elms Village have defined retention periods, storage and specific methods of disposal once that information is no longer required.

**6. Accuracy**

Windsor Elms Village will make reasonable efforts to ensure personal information provided is as accurate, complete and up to date as is necessary for the purposes for which it will be used. It is the responsibility of resident, family, employees and volunteers to ensure that personal information supplied to us is accurate and up to date, i.e. emergency contact names and numbers.

**7. Safeguards**

Windsor Elms Village uses appropriate physical, organizational and technological measures to ensure the security of the personal information.

**8. Openness**

This policy is freely available for review. A copy can be obtained from our Privacy Officer.

**9. Access**

Upon request, an individual shall be informed of the existence, use and disclosure of personal information. An individual may challenge the accuracy and completeness of the information and have it amended as appropriate. In certain situations, Windsor Elms Village may not be able to provide access to all the personal information held about an individual. Exceptions may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security or commercial proprietary reasons and information that is subject to solicitor-client or litigation privilege.

Windsor Elms Village allows only authorized individuals to access and use specific information when required to perform their duties. All Windsor Elms Village employees are required to report all attempts of unauthorized access to records to the Privacy Officer.

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### ***Email***

When an email is received by Windsor Elms Village, we receive a name and email address along with any other information that is provided in the body of the email. This information may be shared with other people in Windsor Elms Village, and possibly outside sources when they are required to receive this information in order to respond effectively to your query.

### ***Limitation of Liability***

If we are provided with information online, complete confidentiality and security is not yet possible over the Internet. Internet use and communication is subject to interception, loss and alteration. On whichever site you provide personal information, it is possible for a third party to view that information. You acknowledge that Windsor Elms Village will not be responsible for any damages you may suffer as a result of transmission of confidential or sensitive information over the internet, and as such, all communications will be at your own risk.

## **10. Confidentiality**

Windsor Elms Village employees, volunteers, and students are committed to ensuring the confidentiality of personal information and receive education on the importance of maintaining confidentiality as part of their orientation. All Windsor Elms Village employees, volunteers, and students are required to sign a Confidentiality Agreement. A record of their signed Agreement will be maintained in their personnel file. *Reference: Policy AD 10-14 Confidentiality Policy.*

## **DEFINITIONS**

**Confidentiality** is the non-disclosure of certain information except to an authorized person with the appropriate consent.

**Consent** means voluntary and informed agreement by a resident who understands the information and its implications.

**Personal Information** means information about an identifiable individual, but does not include the name, title and business address or business telephone number of an employee or an organization.

*Examples of Personal Information* include the following: factual or subjective information, recorded or not, about an identifiable individual. This may include age, ID numbers, SIN number, income, ethnic origin or blood type, opinions evaluations, comments, social status, or disciplinary actions, credit records, loan records, medical records and the existence of a dispute between a resident and the Home.

**Personal Health Information** is information concerning an individual's physical or mental health, any health service provided to an individual, the results of testing performed on an individual or information collected, directly or indirectly, while providing health services to an individual.

A **Record** may include the following: any correspondence, minutes, agenda, contract, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, resident file, resident health care record, resident and company financial records, employee files, videotape, machine readable record and any other documentary material, regardless of physical form or characteristics and any copy of those things.

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## **REFERENCES**

1. See also other Windsor Elms Village policies dealing with confidentiality and privacy issues:
  - Confidentiality Policy AD 10-14
  - Media Consent Authorization AD 60-04
  - Formal Complaint Resolution Policy AD 60-09
  - Resident Information Management AD 30-25
2. Freedom of Information and Protection of Privacy Act (Nova Scotia)
  - Chapter 5 of the Acts of 1993
3. Canadian Standards Association (CSA Model Code for the Protection of Personal Information)
4. Personal Directives Act 2008
5. Home for Special Care Act 1989
6. Personal Health Information Act (PHIA)
7. Personal Information Protection and Electronic Documents Act (PIPEDA)

## **APPENDICES**

- Appendix 1 Consent for Assessment, Service Provision and To Obtain and Share Information (Form)
- Appendix 2 Consent from Employees / Volunteers to Release Personal Information

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## Appendix 1

### **Consent For Assessment, Service Provision and To Obtain and Share Information**

The Windsor Elms Village provides you with a broad variety of care services. To meet your needs and serve you well, the Windsor Elms Village needs to know personal information about you.

You have the right to know how we collect, use and disclose personal information. You have the right to expect that, to the best of our ability, your personal information held by us remains accurate, confidential and secure.

The Windsor Elms Village is proud of its longstanding commitment to maintaining the confidentiality and security of personal information and has implemented practices to better protect the privacy of your personal information.

The Windsor Elms Village collects, uses, discloses and stores relevant personal information.

This information is collected to help provide health care or payments for health care.

This information includes:

- Your name, address and Nova Scotia Health Card Number
- Information about your health, health care history and the health care that you have been given.
- Information about payment for your health care.

We use this information and share it only with those who need to know that information. For instance, we might use it to:

- Make decisions about the types of services you need.
- Serve as a means to communicate with other service providers.
- Monitor the provision of services and evaluate your response to services provided.
- For administration, management, strategic planning, decision-making, allocating of resources with the organization.
- Meet legal and regulatory requirements.

These are your rights:

- You may see or have access to your personal health information.
- You may ask for and receive any copy of your health record.
- You may ask us to correct your records.
- Your personal information is private. Unless sharing it with others is authorized by law, we cannot and will not give out any of your personal information without your consent.
- You may make a complaint to our Privacy Officer about access to your personal information, or about how it is collected, stored, used or disclosed to others.

It is your responsibility to advise us of any changes to your personal information.

If you would like to know more about how your personal information is collected, used, stored, and disclosed, ask the staff that are caring for you, or contact the Privacy Officer at **902 472 3652** or email to [lisa.beckwith@winelms.ca](mailto:lisa.beckwith@winelms.ca)

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# Consent For Assessment, Service Provision and To Obtain and Share Information

## 1. Give personal information

Name: \_\_\_\_\_ Date of birth (dd/mm/yyyy): \_\_\_\_\_ HCN: \_\_\_\_\_

Address: \_\_\_\_\_

## 2. Review consent statement

I understand it is necessary to obtain and share client information among Program staff members (which may include but is not limited to physicians, community service agencies and care facilities) to ensure the provision of quality continuing care services and the delivery of the most appropriate health, residential and community supports and services on my behalf. The sharing of my client information will be undertaken with the highest respect for my privacy and in accordance with applicable privacy law.

I hereby grant staff in the employment of (**Windsor Elms Village for Continuing Care Society**) permission to:

- obtain medical records, financial and/or personal information as required from hospital inpatient and outpatient records, including all attending and consulting physician records pertaining to me as well as those from my family doctor and from other agencies or Government Departments as may be necessary
- share medical information, financial and/or personal information about myself to the extent necessary with persons within the organization service areas, District Health Authorities, Government Departments, service agencies or facilities involved in my support who may require such information for the purpose of assessment regarding eligibility, the provision of service and ongoing case management.

Start date: \_\_\_\_\_ End date: \_\_\_\_\_

## 3. Sign and date consent form (Consent is effective for a maximum of one year from date of signature)

\*\*\*Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

If the person signing this form is a substitute decision maker for the above noted individual, please provide the following information:

\*\*\*Print name: \_\_\_\_\_ Relationship \_\_\_\_\_

\*\*\*Contact information: \_\_\_\_\_  
(Mailing address) (Phone number)

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## Appendix 2

### Consent from Employees / Volunteers to Release Personal Information

The Windsor Elms Village provides a broad variety of care services to residents. In order to access your eligibility to work as an employee, the Windsor Elms Village needs to know personal information about you.

You have the right to know how we collect, use and disclose personal information. You have the right to expect that, to the best of our ability, your personal information held by us remains accurate, confidential and secure.

The Windsor Elms Village is proud of its longstanding commitment to maintaining the confidentiality and security of personal information and has implemented practices to better protect the privacy of your personal information.

The Windsor Elms Village, collects, uses, discloses and stores relevant personal information.

This information is collected to help us determine your eligibility to work as an employee and for ongoing management of the employment relationship.

This information includes:

- name
- address
- references
- emergency contact
- language spoken
- previous experience
- driver's abstracts
- professional certification of designation
- age
- phone number
- police screening
- educational level
- memberships
- previous occupation
- education and training records

We use this information and share it only with those who need to know that information. For instance, we might use it:

- For administration, management, strategic and human resource planning, decision-making, allocating of resources with the organization.
- To meet legal and regulatory requirements.

These are your rights:

- You may see or have access to your personal information.
- You may ask for and receive any copy of your employee record.
- You may ask us to correct your records.
- Your personal information is private. Unless sharing it with others is authorized by law, we cannot and will not give out any of your personal information without your consent.
- You may make a complaint to our Privacy Officer about access to your personal information, or about how it is collected, stored, used or disclosed to others.

It is your responsibility to advise us of any changes to your personal information.

If you would like to know more about how your personal information is collected, used, stored and disclosed, contact the Privacy Officer at **902 472 3652** or email to [lisa.beckwith@winelms.ca](mailto:lisa.beckwith@winelms.ca)



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## EMPLOYEE / VOLUNTEER CONSENT

I, \_\_\_\_\_, have reviewed the above summary of information relating to the Windsor Elms Village Privacy Policy. I have had an opportunity to have questions answered regarding this Notice and feel that I have a reasonable understanding of the Notice.

I hereby authorize the collection, use and disclosure of my personal information by the organization in order to determine my eligibility to work as an employee and for specific, related purposes as detailed within the Notice.

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date Signed