



HFS Shelters' Privacy and Confidentiality of Resident Information Policy and Procedures

GENERAL PRINCIPLE

Homes First will treat a resident's personal and health information and resident files as confidential information.

Homes First Society collects a large amount of personal information in order to serve our residents. However, it must be treated as confidential information, and protected. When such information is collected, care must be taken to only collect information which is necessary for the purpose of housing and serving the resident, the reason for its collection must be clear to the resident, and the information may only be used for the expressed purpose for which it is collected. When the information is no longer required, it must be disposed of in a secure fashion.

Staff of the Society will often have to discuss various personal matters concerning residents with other staff members and, occasionally, with staff of other agencies to which a resident has applied for assistance. There are therefore many situations where it is permissible to disclose one or more items of personal information. However, no disclosure should ever be made without a valid, professional reason for such disclosure, no more should ever be disclosed than the situation requires, and disclosure should never extend beyond the people who actually require the information. Staff will, of course, disclose personal information requested by their supervisor.

Policy:

The Chief Executive Officer has ultimate accountability for protecting the personal information of residents. All staff and volunteers share responsibility for adhering to Homes First Society's privacy policies and procedures.

Homes First Society must comply with the Federal Privacy Information Protection and Electronic Documents Act (PIPEDA), which applies to the standards for personal information with respect to commercial activity.

The collection and storage of personal information should be treated in a manner that is respectful of the individual.

Privacy Officer:

The Privacy Officer will be responsible for the organization's compliance with all privacy legislation.

The Privacy Officer's duties are to:

- Review the policies and practices with regard to personal information with the Privacy Committee.
- Implement the necessary changes to guarantee that the collection and retrieval of personal information follow Homes First Society's policy.
- Inform the residents on how Homes First Society treats personal information.
- Handle complaints.

Definition of Personal Information:

For the application of this policy, personal information means: Name, Address, Telephone Number, Personal Opinions, Evaluations, Comments, Life Style, Bank Accounts, Marital Status, Email Address, Rent Payment History, Rental Arrears, Third-Party Reports, Religious Restrictions, Behavioural, Necessary Medical Information, Activity Relevant to Services and Social and Personal Outcomes.

The following personal information is not collected for the application of this policy: I.D. Number's, Political Opinions, Social Status, Criminal Records, Race, Religion, Ethnic Origin, Sex Orientation, and Colour.

Personal information does not include the name, position, and business phone number of employees.

Personal information does not include statistical data, which is summarized in such a way as to not identify any individuals.

Business contact information and certain publicly available information such as name, address, and telephone number, (as published in telephone directories), are not considered personal information.

Collection of Information:

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Acquiring consent may be impossible or inappropriate when the individual is cognitively impaired, seriously ill or

psychotic and the substitute decision maker is not available. Homes First Society would follow the rules provided in the *Health Care Consent Act* and *Substitute Decisions Act*.

Homes First will inform residents of the SMIS Notice of Collection either verbally or by posting it in conspicuous areas where resident information is regularly displayed (e.g., intake/admission area, counselor, or Community Shelter Worker office).

Personal information will be collected only for the following purposes:

- To approve tenancy and determine appropriate unit type and size.
- To determine income and assets for rent calculation.
- To demonstrate compliance with funding requirements.
- To approve eligibility criteria for residents entering our programs.
- To protect the health and safety of the residents.
- To ascertain service levels required in providing services to residents.
- To conduct reference and employment checks relating to tenancy.

Homes First will not request or collect immigration status information in order to determine service eligibility as part of a shelter's intake or admission process, unless approved by SSHA.

Homes First may request and collect immigration status information to assist residents to obtain or replace identification or determine eligibility for social assistance programs (e.g., housing subsidy programs, OW/ODSP, OAS, CPP) or services (e.g., housing help, health care) that require this information.

Staff must not seek out personal information about residents unless it is relevant to their work.

All documents used for collection of personal information shall state:

- The purpose or purposes of the collection.
- The reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility.
- And include a consent form to be signed by the resident authorizing the collection, use, verification, and disclosure of the information being collected.

When collecting resident information by phone for an intake, Homes First must inform the resident of the following:

“Your personal information is collected under the authority of the City of Toronto Act and is used to provide shelter services and to administer social assistance programs. Questions about this collection can be directed to the SMIS Privacy Contact at 416-392-8741.”

Protection of Information:

Homes First will take all reasonable measures to safeguard electronic files containing a resident's personal or health information and the storage medium for these files (e.g., computer, USB key), which may include, but is not limited to, password protecting the file, encrypting the file and limiting access to the files to authorized shelter staff who require this information to provide support services.

All staff, volunteers, and board members will be required to sign a confidentiality agreement on a regular basis.

Resident files (including information on databases) must be safeguarded against unauthorized access.

Secure storage facilities will be provided for archived resident, employee, volunteer, and accounting information.

Staff and members of the Board, where appropriate, will have access to records containing personal information only if required in order to fulfill their duties.

When communicating resident issues to the Board, staff will use non-identifying information as much as possible. For example, arrears report will use codes in place of the actual names of residents.

Databases containing files with personal information, such as Pirouette and SMIS, and other confidential electronic files will be password protected against unauthorized access.

Screen-savers or other protective action will be used to protect confidentiality of personal information on computer monitors.

All staff has a responsibility to ensure that unauthorized individuals do not have unsupervised access to areas where files are kept and used.

Personal information will be disposed seven years after a known death of a resident. Financial records will be disposed of seven years after the end of the fiscal year.

Paper-based personal information must be shredded prior to disposal. Electronic media will be purged prior to disposal.

Removing confidential resident files from the shelter premises or electronically transmitting confidential resident information outside a secure network is discouraged.

When Homes First permits the physical removal or electronic transmission of confidential resident information must identify the exceptional circumstances when and the manner by which confidential resident-related information may be removed or transmitted to ensure the security, privacy and confidentiality of the information is maintained.

If resident information must be removed or transmitted as part of the resident's service plan, the information must be secured and moved/transmitted in a manner that will limit potential security, privacy and confidentiality breaches.

Release of Information:

Homes First will not disclose a resident's personal or health information without first receiving the resident's signed consent. Upon the request of a resident, Homes First will provide information about the resident's records (e.g., hard-copy notes, Pirouette information, SMIS information, and records) in a manner that does not compromise the confidentiality of personal information of other residents or staff. Requests for confidential personal and health information about a resident may only be made by the resident in question, or a person who is legally authorized to act on behalf of the resident. If permitted by the resident, they must sign with consent by completing the SMIS Resident Consent form.

All resident consent documentation will be board approved, accurate, up-to-date and recorded in SMIS and in Pirouette.

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 or as directed by the funders.

No personal information will be released to third parties without the written consent of the individual, (for example, credit references, health information). The common HFS consent form covers third-party service providers who give service to residents on a regular basis. When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry.

It is not necessary to have a signed consent to release information to collect a debt, for example, to a collection agency, Ontario Rental Housing Tribunal, or Small Claims action.

Staff will take reasonable care to confirm the identity of the people to whom information is released.

Personal information will be released to the following:

- Funders and Auditor: Homes First Society, in order to be in compliance with funding program requirements, must release information to funders and auditors. People doing these jobs have their own professional code of ethics and are required to maintain confidentiality. Staff should confirm that the person concerned is seeking access legitimately.
- Researchers: Occasionally Homes First Society may be asked to assist a researcher who may be from an academic institution or who may be independent. Authorization

for such people to have access to files will depend on their credentials and the nature of their research.

- Credit Bureaus: Information on orders or judgements for money owing will be provided to any credit bureau of which Homes First Society is a member.
- Law Enforcement: While Homes First Society has a responsibility to protect the rights of the residents to privacy, this responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about residents, employees, board members, or volunteers, will be required to provide a written request or “warrant” before information will be released.
 - i. Disclosure is permitted or required under legislation or regulation including, but not limited to the *Criminal Code of Canada*, *Child and Family Services Act, 1990*, *Municipal Freedom of Information and Protection of Privacy Act, 1990*, *Personal Health Information Protection Act, 2004*, *Ontario Works Act, 1997*, *Ontario Disability Support Program Act, 1997*
 - ii. Disclosure is required pursuant to a court order or subpoena
 - iii. Refusing or neglecting to provide personal or health information could endanger the safety of the resident or others

Personal information may be released to the police:

- In the context of reporting criminal activity, staff with personal knowledge should report theft, damage, or fraud.
- With respect to crimes against person, 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 should be reported to the police.
- To report suspected criminal activity to the police.
- Victims of crimes are responsible for reporting the crime directly to the police.
- In the case of suspected child abuse, information will be provided to the Children’s Aid Society. (This duty to report is required under the *Child and Family Services Act, Section 72.*)

Health and Safety Officials: Personal information will be provided to outside agencies, individuals, and institutions when it can be clearly identified as contributing to the resident’s benefit, for example, information about an individual’s medical condition to the fire department.

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 resident and held on file, or contacting medical support services when a resident is unable to function and maintain his/her tenancy.

Access to and Correction of Personal Information:

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 their version attached.

- A. The Privacy Officer will respond to all requests for access to or correction of personal information.
- B. An individual who provides satisfactory identification will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.
- C. An individual shall be able to challenge the accuracy and completeness of the information and have their version attached. If the Privacy Officer is in agreement with the individual's request for correction the record will be amended.

Residents requesting to read their files must do so with a formal written request which will be submitted to the Shelter Supervisor for approval. The Shelter Supervisor will collect all relevant case notes and information to fulfill the request within three business days.

Documents are the property of Homes First Society. No documents will be removed from the original file. Documents or information can be photocopied and/or printed at the discretion of the Shelter Supervisor.

Procedure for Handling Complaints:

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

The Privacy Officer will respond to all complaints, about collection, use, disclosure, storage, and disposal of personal information within thirty days of the request being made, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- Correction of personal information is necessary.
- Information was collected, used, released, or disposed of inappropriately.
- Homes First Society policies and procedures need to be strengthened.
- Disciplinary or other action needs to be taken with respect to a breach of confidentiality.

The Privacy Officer, with input from the Privacy Committee, will make the necessary recommendations to the Chief Executive Officer in connection with resolution of the complaint.

Breach of Confidentiality:

Homes First will report any actual or suspected breach of confidentiality with respect to resident information to SSHA as soon as possible, but no later than twenty-four (24) hours after becoming aware of the actual or suspected breach.

It is a breach of confidentiality to:

- Discuss any confidential information within or outside the organization where individuals who are not authorized to have access to that information may hear it.
- Provide confidential information or records to unauthorized individuals.
- Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.
- Careless discussions in common areas or at breaks, telephone conversations that are too loud etc. are to be carefully avoided.

A breach of confidentiality can result in disciplinary action, up to and including grounds for dismissal.

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- As per Toronto Shelter Standards, 2016: Sections 12.6.1(b)(i).
 - Created on February 22, 2017.
 - Approved by HFS Governance and Nominating Committee on April 12, 2017; to be reviewed in 2022.
 - Approved by HFS Board of Directors on April 26, 2017.
 - This Policy applies to all Homes First.