

Community Connections Support Services – Policies and Procedures

Section	Organizational Leadership Policy & Procedures
Subject	Confidentiality & Privacy (ol055)
Applies To	All Service Areas
Effective Date	February 2019
Revised Date	

Policy: Community Connections Support Services is committed to being accountable for how we treat personal information and will ensure that personal information is kept confidential and practices are in place to respect privacy.

Definitions:

Confidentiality

Confidentiality is an ethical duty which means keeping a person's information between you and that person. It is "an obligation to protect personal information, to maintain its secrecy and not misuse or wrongfully disclose it" (MS Society of Canada, 2019).

Privacy

Privacy is a legal duty which refers to practices in place to ensure that the state or condition of information is free from being observed or disturbed by other people (Dictionary.com, 2019). It is "the fundamental right of an individual to control information about [themselves], including the collection, use and disclosure and access to that information" (MS Society of Canada, 2019).

Procedures

Procedures for policy application vary depending on who we are referring to.

For the Person Supported

Confidentiality:

All information concerning an individual in support is privileged and confidential. As support workers and subcontractors, we are not at liberty to share information about the person we support without their consent to do so.

1. All employees and subcontractors are required to sign an Oath of Confidentiality (ol055.1 and ol055.2) before delivering support to anyone the agency serves. This document binds

Community Connections Support Services – Policies and Procedures

an employee or subcontractor to their obligation to protect the confidentiality of information regarding the person they support. A breach of confidentiality may be grounds for dismissal or notice to end contract.

2. Employees and subcontractors are expected to keep confidential information about the person they support, confidential. That is:
 - Employees and subcontractors will not publicly discuss information regarding the person they support unless the person they support has provided consent to do so.
 - Employees and subcontractors will not disclose personal information to anyone without the person's consent to do so.
 - Information about the support needs and personal preferences are shared with others, strictly on a need to know basis.

Privacy of Information:

Management of records and information for the person supported is governed by the BC *Freedom of Information and Protection of Privacy Act* or FIOPPA.

For complete privacy and information management procedures regarding information for the people we support, please refer to the information document located in policy at 01055.3 CLBC Privacy and Information Management. The following procedures are to be referred to and used in concert with the CLBC Privacy and Information Management procedures.

1. Training: All employees and subcontractors, as part of their orientation, must successfully complete the [CLBC Privacy and Information Management course](#) and submit their certificate of completion to CCSS.
2. Why We Collect and Use Personal Information: We collect and use personal information for those we support to ensure that we are providing safe and consistent supports, we have the ability to contact a person in the event of an emergency where a person supported is involved, we have the ability to contact and/or locate the person supported. The information we collect and use is as follows:
 - Name – verify identity
 - Date of birth – verify identity
 - Gender – internal knowledge of demographics
 - Care Card number – in the event of an emergency
 - Address – contact
 - Phone number – contact
 - Name of an emergency contact and their phone number – in the event of an emergency

Community Connections Support Services – Policies and Procedures

- Name and number of physician and any specialists – medical advocacy
- Medical diagnosis – to determine support parameters
- List of current medications – to provide safe support
- Allergies – to provide safe support
- Mobility aids or adaptive devices – to assist
- Legal status – to be aware of legal representation
- medical protocols – to assist
- financial information – safeguard where we assist in financial management

3. Obtaining Consent to Collect, Use and Disclose Personal Information

- The agency will obtain a person's consent to collect, use or disclose their personal information, except where we are legally authorized or required by law to do so without consent.
- Persons supported can consent orally, in writing or electronically and their consent may be implied or express depending on the nature and sensitivity of the personal information. Written consent can be provided using our Consent to Release & Obtain Information – Person Served form located in policy at ol055.4
- Persons supported are considered to have given implied consent when our purpose for collecting, using or disclosing personal information would be considered obvious and the person voluntarily provides personal information for that obvious purpose.
- The agency will inform the people we support of our purpose for collecting personal information and give them a chance to refuse to give us their personal information or a chance to withdraw their consent later.
- A person supported may withdraw their consent at any time by giving us reasonable notice, but they cannot withdraw consent where doing so would frustrate performance of a legal obligation (such as a contract between the individual and our organization).

4. Complaints, Requests for Access and Questions

- People can complain about the agency's treatment of their personal information, ask for access to their own personal information and are welcome to ask questions
- Any inquiries or complaints can be sent to the Service Coordinator responsible for your services or the services in which you work or:

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Community Connections Support Services – Policies and Procedures

- If a person is not satisfied with the agency's response, they can complain to the Office of the Information and Privacy Commissioner for British Columbia.

For the Employee and Subcontractor

Privacy of Information:

Management of records and information for CCSS employees and subcontractors is governed by the *BC Personal Information Protection Act* or PIPA.

For complete privacy and information management procedures regarding information for employees and subcontractors, please refer to the information document located in policy at ol055.5 Guide to BC's Personal Information Protection Act. The following procedures are to be referred to and used in concert with the Guide.

1. Why We Collect and Use Personal Information: We collect and use employee and subcontractor personal information for the purposes reasonably required to establish, manage or terminate an employment or contractual relationship. Information is collected to verify identity, verify credentials, verify current and adequate insurance coverage, satisfy job requirements. The information we collect is listed below:
 - Employees:
 - Name – verify identity
 - Address and phone number – contact information
 - Social insurance number – employment requirement
 - Vehicle insurance – verify current and sufficient due to use for work
 - Criminal record check – job requirement
 - Credentials (eg. First Aid/CPR certification, resume, etc) – job requirement
 - Driver's license – verify current for transporting those supported
 - Driver's abstract – verify safe transportation for those supported
 - Banking information – payment of wages
 - Name of an emergency contact and their phone number – in the event of an emergency
 - Date of birth – verify identity
 - Vehicle make, model and year – verify functionality and good working order
 - TD1 amount – employment requirement
 - Contractors:
 - Name – verify identity
 - Address and phone number – contact information
 - Date of birth – verify identity

Community Connections Support Services – Policies and Procedures

- Banking information – payment of contract funds
- House insurance – verify adequate coverage
- Vehicle insurance – verify adequate coverage
- Criminal record check – job requirement
- Driver's license – verify current for transporting those supported
- Driver's abstract – verify safe transportation for those supported
- Name of an emergency contact and their phone number – in the event of an emergency

2. Obtaining Consent to Collect, Use and Disclose Personal Information

- The agency will obtain an employee or subcontractor's consent to collect, use or disclose their personal information, except where we are legally authorized or required by law to do so without consent.
- Employees or subcontractors can consent orally, in writing or electronically and their consent may be implied or express depending on the nature and sensitivity of the personal information. Written consent can be provided using our Consent to Release Information – Employee – Subcontractor form located in policy at 01055.6
- Employees or subcontractors are considered to have given implied consent when our purpose for collecting, using or disclosing personal information would be considered obvious and the individual voluntarily provides personal information for that obvious purpose.
- The agency will inform employees and subcontractors of our purpose for collecting personal information and give them a chance to refuse to give us their personal information or a chance to withdraw their consent later
- Employees or subcontractors may withdraw their consent at any time by giving us reasonable notice, but they cannot withdraw consent where doing so would frustrate performance of a legal obligation (such as a contract between the individual and our organization).
- When an employee or subcontractor tells us that they are withdrawing consent, PIPA requires us to tell them of the likely consequences of withdrawing consent (such as our being unable to provide them with services or goods that require their personal information).
- In the case of employee personal information, PIPA allows our agency to collect, use or disclose employee personal information without consent if it is reasonable for the purposes of establishing, managing or terminating an employment relationship between our agency and the individual. (Note that, in such cases, PIPA still requires us to notify employees of the collection, use or disclosure.)

Community Connections Support Services – Policies and Procedures

3. How Long do We Retain Information

- The agency will keep personal information used to make a decision that directly affects individuals for at least one year after we make that decision. (PIPA requires this.)
- Subject to the above one-year retention requirement, our agency will only retain personal information for as long as necessary to fulfill the identified purposes or as long as required for a legal or business purpose (this can be up to 7 years).
- The agency disposes of records by shredding all paper copies and deleting electronic files.

4. Keeping Personal Information Secure

- The agency has security arrangements to prevent against risks such as unauthorized access, collection, use, disclosure, copying, modification or disposal of personal information.
- We store paper copies of records in locked file systems. Electronic files are password protected and stored using applications that require authorization to access.

5. Providing People Access to Their Personal Information

- Employees and subcontractors have the right to access their personal information under the agency's custody or control.
- A request for access must be made in writing.
- The agency will give an employee or subcontractor their personal information under our control, information about the ways in which their information is or has been used, and the names of the individuals and organizations to which their personal information has been disclosed.
- The agency will provide requested personal information within 30 business days after it is requested or will give written notice if more time is needed to respond.
- In some cases, the agency may not give an individual access to certain personal information where authorized or required by PIPA to refuse access.
- If the agency refuses an access request, the applicant will be notified in writing, stating the reasons for the refusal and outlining further steps that are available to the applicant (including any internal review by the agency and the right to ask the Office of the Information and Privacy Commissioner for British Columbia to review the decision).

Community Connections Support Services – Policies and Procedures

6. Complaints, Requests for Access and Questions

- Employees and subcontractors can complain about the agency's treatment of their personal information, ask for access to their own personal information and are welcome to ask questions
- Any inquiries or complaints can be sent to the Service Coordinator responsible for your services or the services in which you work or:

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- If an employee or subcontractor is not satisfied with the agency's response, they can complain to the Office of the Information and Privacy Commissioner for British Columbia.

Media Requests for Information

Any employee or subcontractor that receives an information request from any media source must contact the CCSS Directors immediately.

- All requests for information regarding a person supported must be reported to CLBC
- All requests for information regarding an employee or subcontractor must be reported to the CCSS Directors
- All requests for information regarding agency business or real or intellectual property must be reported to the CCSS Directors.

Community Connections Support Services – Policies and Procedures

References:

CLBC. (2019). Privacy and Information Management. Retrieved February 28, 2019, from <https://www.communitylivingbc.ca/for-service-providers/privacy-and-information-management/>

FindLaw. (2019). Is there a Difference Between Confidentiality and Privacy? Retrieved February 28, 2019, from <https://criminal.findlaw.com/criminal-rights/is-there-a-difference-between-confidentiality-and-privacy.html>

MS Society of Canada. (2019). Privacy and Confidentiality Policy. Retrieved February 26, 2019, from <https://mssociety.ca/privacy-statement/privacy-policy>

Office of the Information & Privacy Commissioner for British Columbia. (2015, October). A Guide to B.C.'s Personal Information Protection Act for Businesses and Organizations. Retrieved from <https://www.oipc.bc.ca/guidance-documents/1438>

Office of the Information & Privacy Commissioner for British Columbia. (2004, May 20). Guidelines for Developing a Privacy Policy Under the Personal Information Protection Act (PIPA). Retrieved from <https://www.oipc.bc.ca/guidance-documents/1457>

For further information on this policy or permission to reprint, please contact:

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