



## Policies and Procedures Manual

### Confidentiality

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#### **Purpose:**

Staff, volunteers, and program/student placements may have access to confidential information concerning CCS operations, clients, and other stakeholders. Any unauthorized use or disclosure of this information would cause serious and irreparable damage to CCS.

#### **Policy:**

All CCS staff, volunteers, and program/student placements shall be expected to maintain confidentiality. This policy will provide guidelines to ensure the strict confidentiality of CCS's operations including all data stored on computer files, business documents and/or other written information and all personal information of clients, staff, volunteers, program/student placements, and other stakeholders.

CCS is a publicly funded organization and as such, formal proceedings, documents and written information, including but not limited to annual budget, financial statements, board minutes, and all information on clients and personnel, are available only through its funders and through the Agency itself as appropriate. All functions of the agency are deemed confidential and will be treated as such, except where law dictates otherwise.

#### **Procedures:**

Staff, volunteers, and program/student placements will not directly or indirectly use, divulge, disclose or communicate to any person, firm or corporation any confidential information, unless it is with the written permission of the CEO.

#### **Agency to Agency**

- CCS will require a Release of Information Form to be signed by our client, and ensure that all agencies that we interact with have reciprocal Release of Information documents signed.
- When the client is determined to be a risk to themselves or others or to ensure client safety.

## **CCS Internal Programs**

Client information will be shared within our multi-service agency:

- When the client is determined to be a risk to themselves or others or to ensure staff, volunteer, student/program placement and client safety.
- Within circle of care to provide service excellence

Service delivery personnel are to seek consultation and direction from their immediate Supervisor/Manager.

1. Upon hire, all staff, volunteers, and program/student placements will sign the CCS' Privacy & Confidentiality Agreement.
2. It is to be understood that any other information is the property of CCS, not the property of individual staff, volunteers, or program/student placements. Such information cannot be released to the press or others without approval of the Agency; it will be treated as confidential and not released without the explicit permission of the parties involved and/or unless directed to do so by the Board of Directors or required to do so by law.
3. All information received while employed or volunteering with CCS will remain confidential even when the CCS staff, volunteer, or program/student placement is no longer involved with the Agency. For additional details, refer to CCS's Personnel Records Policies.
4. Confidential information (verbal and written) includes, but is not limited to:
  - Any and all information concerning CCS operations, including financial information and compensation practices
  - Any and all information concerning clients, staff, volunteers, program/student placements, donors, and other stakeholders
  - Any other information, electronic or hard copy, which is generally not known to anyone outside of the Agency

### Education, Reporting, & Disclosure Guidelines:

Staff, volunteers, and program/student placements must:

- Immediately report any potential confidentiality concerns in the provision of care by themselves or others to their Supervisor/Manager
- Refrain from any discussion of CCS, its staff, volunteers, program/student placements, clients and other stakeholders than those discussions that occur for business or care purposes

The CEO, Directors, and Managers must:

- Provide education for employees in the laws governing confidentiality
- Ensure that proactive visible leadership and supervision is available to support staff, volunteers, and program/student placements

- Assist staff, volunteers, and program/student placements in problem solving when conflicts arise as a result of confidentiality concerns
- Investigate any reports of confidentiality concerns with affected individuals
- Report their own concerns to the CEO/Board of Directors
- Maintain copies of signed Privacy and Confidentiality Agreements in staff, volunteer, and program/student placement files

### Breach of Confidentiality:

Non-compliance with this policy constitutes a breach of confidentiality. A confidentiality breach shall be documented on an Incident Investigation Report within 24 hours of the incident.

A breach of confidentiality may result in disciplinary action up to and including termination of the employment, volunteer, or program/student placement relationship. In some instances, and depending upon the severity and frequency of the non-compliance, alternate actions such as providing reminders and/or formal disciplinary action may be implemented instead of, or prior to, termination of the relationship with CCS.

### Appendix:

An “Interpretive Guide to Information Sharing Practices in Ontario” defines the sharing of information on a need to know basis. Please refer to the following link for the complete guide:

[http://www.oacp.on.ca/Userfiles/StandingCommittees/CommunityPolicing/ResourceDocs/OWG%20Interpretive%20Guide%20for%20Info%20Sharing%20Practices%20in%20Ontario\\_3.pdf](http://www.oacp.on.ca/Userfiles/StandingCommittees/CommunityPolicing/ResourceDocs/OWG%20Interpretive%20Guide%20for%20Info%20Sharing%20Practices%20in%20Ontario_3.pdf)

Pathway: SHARE\AGENCY WIDE POLICIES AND PROCEDURES\Human Resources\Confidentiality & Privacy

The following is only a summary of the guide’s key points regarding the sharing of information. Level one of the guide lists eight (8) framing principles that help define information sharing:

- **Do no harm**—“operate to the best of [your] ability in ways that will more positively than negatively impact those whose privacy may be affected.”
- **Duty of care**—“a duty to report, collaborate, and share information as necessary to ensure the protection of [vulnerable persons]...many human service professionals are obligated to share information when high-risk circumstances demand it.”
- **Professional Discipline**—“the decision to share information must only be made if the practitioner is first satisfied that those individuals and organizations will also receive, protect, and act upon that information in accordance with established professional and community standards.”

- **Consistent Purpose**—“dictates that information must only ever be shared for purposes that can be reasonably deemed to be consistent with the role of the information holder, and consistent with the professional responsibilities for which the information came into the possession of the professional and/or agency involved in the first place.”
- **Consent or Implied Consent**—“the best and most reliable course to follow before sharing personal and confidential information is to gain the consent of the subject or subjects involved. The professionals involved in collaborative models of community safety must always respect these provisions whenever possible.”
- **Precise Rules are Neither Possible Nor Appropriate**—“it is not possible to assert any definitive rules for making hard and fast determinations about sharing or withholding information...it is unlikely that the spirit of any of these foregoing principles would be well served by such a rigid framework, in that this would remove professional judgement and situational responses.”
- **Due diligence and Evolving Responsible Practice**—“as there are no hard and fast rules to be relied upon, in the end the decision will require a call made by the practitioner, together with his or her would-be-collaborators, on the basis of myriad considerations about the situation...it must remain the duty of all professionals involved to seek the clarifications they may require from within respective sectors and to document, evaluate and share their resulting decisions as much as possible, with a view to building a stronger and broader base of experience and evidence.”
- **Opportunities for Reform do Exist**—the current legislative framework does have gaps but the reexamination of polices “give consideration to emerging models of collaborative risk driven community safety.”

## **References:**

### CCS Policies and Forms:

Privacy and Confidentiality Agreement  
 Incident Investigation Report  
 Personnel Records Policy – Staff and Program Placements  
 Personnel Records Policy – Volunteers and Student Placements  
 Release of Information Form  
 Whistleblowing Policy  
 Ethical Codes of Conduct Policy  
 Progressive Discipline Policy

### Release of Information Forms (department/program specific):

Client Referral Form (Employment & Development / Employment Ontario)  
 Employment Service Participant Registration Form (Employment & Development / Employment Ontario)  
 Youth Job Connection Participant Registration Form (Employment & Development / Employment Ontario)

Consent to Release and/or Exchange Information Form (Community Resources)  
Assisted Living and Transitional Care Centre Consent for the Collection, Use and Disclosure  
Personal Health Information (Health Services)

Legislation:

Employment Standards Act of Ontario  
PIPEDA – Personal Information and Electronic Documents Act  
PHIPA – Personal Health Information Protection Act  
PIPA – Personal Information Protection Act  
Supportive Housing Operational Policies –Personal Health Information Privacy

Online Resource:

[http://www.oacp.on.ca/Userfiles/StandingCommittees/CommunityPolicing/ResourceDocs/OWG%20Interpretive%20Guide%20for%20Info%20Sharing%20Practices%20in%20Ontario\\_3.pdf](http://www.oacp.on.ca/Userfiles/StandingCommittees/CommunityPolicing/ResourceDocs/OWG%20Interpretive%20Guide%20for%20Info%20Sharing%20Practices%20in%20Ontario_3.pdf)

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