

Personal Health Information Protection Policy

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1. **INTRODUCTION:**

The Marathon Physician Associates Group (MPAG) and the Marathon Family Health Team (MFHT) are a family health team by definition of the provincial government. Our approach to community health encompasses the broad factors that determine health, such as education, employment, income and social support. We provide accessible primary and secondary health care services to our patients. We are an integral part of the provincial health services system and play a significant role in providing essential services. This includes a continuum of services which promote individual and community ownership over health.

At the MPAG/MFHT, we take your privacy very seriously. In addition to our established policy of dealing with personal health and other information in a sensitive manner, we are required by law to ensure that our collection, use, retention and disclosure of personal health information is carried out in accordance with established principles and requirements of Ontario's *Personal Health Information Protection Act, 2004*, ("*PHIPA*").

BY DISCLOSING YOUR PERSONAL HEALTH INFORMATION TO THE MARATHON PHYSICIAN ASSOCIATES GROUP/MARATHON FAMILY HEALTH TEAM OR TO ITS AGENTS AND ACCEPTING THE TERMS OF THIS PERSONAL HEALTH INFORMATION PROTECTION POLICY, YOU AGREE THAT THE MARATHON PHYSICIANS ASSOCIATES GROUP/MARATHON FAMILY HEALTH TEAM MAY COLLECT, USE, RETAIN, DISCLOSE AND DISPOSE OF YOUR PERSONAL HEALTH INFORMATION IN ACCORDANCE WITH THE TERMS OF THIS POLICY.

This Policy deals with the following:

- Our accountability for our privacy practices;
- The purposes for which we collect personal health information and the sorts of personal health information that we collect;
- The manner in which we obtain consent for our dealings with personal health information;
- The manner in which we use and disclose personal health information;

- Our security, retention and disposal processes relating to personal health information;
- Your right to access your personal health information;
- How you can get answers to questions or raise concerns about our dealings with your personal health information and/or our compliance with this Policy; and
- Our right to amend this Policy.

2. SCOPE:

This Policy applies to all personal health information that is held by, or is under the control of, the MPAG/MFHT and is designed to ensure that personal health information is protected during its collection, use, disclosure, storage and destruction in accordance with the applicable legislative requirements.

3. DEFINITIONS:

The following definitions have been created to explain terms that are used extensively in the Privacy Policy:

“Collect” or “Collection” means the act of gathering, receiving or obtaining personal health information from you or from third parties, by any means.

“Consent” means your voluntary agreement with what is being done or proposed is knowledgeable and relates to the personal health information. In appropriate circumstances, consent may be implied as more fully detailed below. Consent can also be given by an authorized representative, such as a legal guardian, power of attorney or a substitute decision-maker in certain circumstances.

“Disclose” or “Disclosure” means to make your personal health information available or to release it to another person.

“Personal Health Information” means information about an identifiable individual including information that relates to the physical or mental health of an individual and a person’s medical history and plan of treatment and it includes an individual’s health number.

ARTICLE 1 – ACCOUNTABILITY

1.1 Patients records with the MARATHON FAMILY HEALTH TEAM: The Contact Person below is responsible for facilitating the compliance with the Personal Health Information Protection Policy and may be contacted at:

Elana Armitage: Health Record Custodian
(807) 229-1541, Ext: 293

Joanne Berube: Privacy Officer
(807) 229-1541, Ext: 291

earmitage@mfht.org

jberube@mfht.org

While the Privacy Officer is primarily responsible for our Policy, other personnel may be assigned responsibility for the day-to-day collection and processing of personal health information or for acting on behalf of the Privacy Officer from time-to-time.

1.2 All MPAG/MFHT employees, contractors and persons associated with MPAG/MFHT in the collection, use and disclosure of personal health information (in oral or recorded form) are responsible for the personal health information that is obtained, handled or viewed in the course of the operation and services of the MPAG/MFHT. The MPAG/MFHT has adopted policies and procedures in the workplace designed to enhance the protection of personal health information and ensure that the confidentiality of your medical records is of primary importance. Any service provider that the MPAG/MFHT may engage to process or to otherwise deal with personal health information on our behalf is not permitted to use, retain, or disclose personal health information transferred to it by us except in accordance with the terms of its agreement with us. Depending on the circumstances, we may require a contractual commitment with that third party to protect your personal health information. The unauthorized use or disclosure of personal health information shall, in the case of employees or contractors, result in disciplinary action, up to and including the termination of employment or contract.

1.3 The MPAG/MFHT has implemented policies and practices to give effect to our privacy commitment to you including:

- a) personal health information security processes (see Article 7 below); and
- b) access, complaint and correction procedures (see Article 9 & 10 below).

**ARTICLE 2 – PURPOSES FOR COLLECTING, USING AND DISCLOSING
PERSONAL HEALTH INFORMATION**

- 2.1 When you first become a patient or client of MFHT, you will be asked to submit to the organization specific information that is required to provide health services to you. This information includes personal information such as your name, date of birth and health number. In addition to the personal health information provided by you, the MFHT will collect personal health information in the course of providing you with services. This information will be gathered by medical or other personnel who are responsible for your health care. The information collected directly from us will include all of your health history and present physical or mental ailments, known conditions, present complaints and previous diagnoses.
- 2.2 In addition to the personal health information that we collect directly from you, the MFHT may also collect health information about you in the course of providing you services indirectly. For example, we may receive information from former health care providers, hospitals and other health centers. In addition, we will routinely collect diagnostic information from third parties such as specialists to whom you are referred and from diagnostic centers, such as laboratories and medical imaging centers.
- 2.3 We collect the personal information referred to above in order to provide medical and other services to you. More particularly, this information is used by a variety of MFHT employees on a “need to know” basis to make appropriate decisions your personal health and care. This may include health care practitioners, nurse practitioners, physician assistants, registered nurses, registered practical nurses, registered dietitians, and social workers engaged in your health care. In addition, limited administrative personnel may record your personal health information for the purpose of providing necessary information to the Ministry of Health and Long Term Care to comply with reporting requirements.
- 2.4 If personal health information that has been previously collected is to be used or disclosed for a purpose not previously identified, we will, subject to our legal rights and obligations, identify that new purpose to you prior to the relevant use or disclosure and, where appropriate, we will seek your consent to this collection prior to its occurrence.
- 2.5 We endeavor to ensure that persons collecting personal health information directly on our behalf are able to adequately explain to you the purposes for which your personal health information is being collected.

ARTICLE 3 – CONSENT

- 3.1 Subject to our legal rights and obligations, the MFHT obtains an appropriate form of consent for the collection, uses and disclosures of personal information contemplated in Article 2 above. Where the MFHT receives personal health information about a patient or client for the purpose of providing health care or other services, the MFHT is entitled to assume that it has consent to collect, use and disclose the information for the purposes identified in this policy, unless we are advised that you have expressly withheld or withdrawn consent.
- 3.2 You may withdraw your consent to our collection, use or disclosure of your personal health information at any time, subject to legal or contractual restrictions and reasonable notice. To exercise this right, please contact the Privacy Officer or listed Health Record Custodian as noted in Article 1 above. Please note that a failure to provide consent to the use of certain forms of personal health information may limit the MFHT’s ability to provide proper health care and other assistance to you or your family member. The personal health information of clients of MFHT is an essential tool used in the design and delivery of effective health care services.

ARTICLE 4 – LIMITING COLLECTION

- 4.1 We will collect only that personal health information that we require to achieve the purposes for the collection. The MFHT will not collect, use or disclose more personal health information than is reasonably necessary to meet the purposes of the collection, use or disclosure, unless such use or disclosure is required by law. Further, the MFHT will not collect, use or disclose personal health information if other non-health information will serve the purpose.

ARTICLE 5 – LIMITING USE, DISCLOSURE AND RETENTION

- 5.1 Personal health information is used by a limited number of our personnel, on a “need to know” basis, while they are performing their functions and to ensure that proper services are provided to you or your family member.
- 5.2 From time to time, we disclose or transfer personal health information to other parties. Except as required or permitted by law, we will not disclose your personal health information without your consent to other parties. The MFHT may disclose your personal health information to the following third parties in the course of providing services to you:

Pharmacists;
Referral physicians and specialized treatment centers;
Psychiatric assessment services;
Public Health Risks;
Workers Safety Insurance Board (WSIB);



Primary Care Census;
Ministry of Health and Long Term Care databases;
Medical Laboratories; and
Hospitals

- 5.3 In addition, certain basic health information such as the nature of each of your visits at the Clinic is transferred on a regular basis to government authorities for the purpose of providing information that allows us to secure funding and that provides the Ontario Government with pertinent information to allow it to provide the best health and other services for the Region in which we are located. This information is transferred electronically in a system that is designed to restrict access to your personal health information and is used only by a limited number of personnel. This information is password protected. We may also provide this information for statistical purposes.
- 5.4 Where personal health information is transferred by us to outside service providers that process personal health information for us, reasonable steps will be taken to ensure that any such provider has personal information privacy procedures and policies in place that are at least comparable to those implemented by the MFHT if the circumstances are available to do so. We will further seek to ensure that any personal health information that is transferred to such a third party is returned or destroyed at the end of the processing relationship.
- 5.5 Your personal health information is not available to members of the public. Personal Health Information that has been used to make a decision about your or your family member shall be retained for a reasonable period in order to permit you to access that personal health information after the decision and to comply with all record retention requirements imposed on the MFHT from time-to-time.

ARTICLE 6 – ACCURACY

- 6.1 We will not routinely update personal health information, unless it is necessary to fulfill the purposes for which the personal information was collected. However, we will take reasonable steps to ensure that the information is as accurate, complete and up-to-date as is necessary for the purposes of the disclosure that are known to the MFHT at the time. Clients and patients of the MFHT also have an obligation to ensure the information we have collected is accurate and should identify any errors or inaccurate information when they become aware of it and bring it to the attention of the health care provider or the Privacy Officer and/or Health Records Custodian referred to in Article 1 above.

ARTICLE 7 – SAFEGUARDS

- 7.1 We protect personal health information under our control with safeguards that are appropriate to the sensitivity of that information. These safeguards are designed to protect personal health information in all formats against theft, loss and unauthorized use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or disposal. These safeguards deal with more than just the physical storage of records, but also deal with appropriate password, usernames and other protections for any medical information stored electronically. In the event the MFHT discovers that personal health information in its custody or under its control has been stolen, lost or accessed by an unauthorized person, it will notify the affected individual at the first reasonable opportunity.

ARTICLE 8 – OPENNESS

- 8.1 Information about our privacy-related policies and procedures is available upon request. This policy is one example of how we deal with personal health information. If there is a specific question regarding an incidence of the collection, use or disclosure of personal health information, please contact the Privacy Officer in Article 1 above who will respond fully to any questions you may have regarding the treatment of your personal health information.

ARTICLE 9 – INDIVIDUAL ACCESS

- 9.1 An individual has a right of access to a record of personal health information that is in the possession of MFHT, unless there is a valid legal right to refuse an individual to allow access. This information is your information and it is not the practice of MFHT to refuse access to your own records. Individuals may also be employees or contractors of MFHT. Employees or contractors must also adhere to and follow this policy if they want to exercise their right to access their record of personal health information in MFHT possession.
- 9.2 Subject to its legal rights and obligations, the MFHT will, upon receipt by our Privacy Officer of a written request for access, inform you about our possession, use or disclosure of your personal information, if any, and permit you to access that personal information if it is held or controlled by us. If you request such information or access, you must provide sufficient information with your request to permit us to locate the record with reasonable efforts. Any personal information provided by us to you as a result of a request for access shall be in a generally understandable form.

- 9.3 We will respond to a request as soon as possible in the circumstances and in any event within thirty (30) days of receipt of the request. We may extend this response deadline for up to an additional thirty (30) days if replying within thirty (30) days would unreasonably interfere with our operations, or if the time required to undertake any consultations necessary to respond to the request would make it impractical to meet that time limit.

When necessary, we may also extend the response deadline for as long a period as is necessary to permit conversion of the personal information at issue into an alternative format that would allow a person with a sensory disability to read or listen to that personal information. We will provide written notice to you of any response period extension within thirty (30) days of your request. We will endeavor to respond to a request for access at no cost. However, the MFHT may charge a fee in appropriate circumstances to process a request and will provide an estimate of that fee at the time the request is received.

- 9.4 In the event MFHT is entitled to refuse the request for access to the personal health information, it will inform you of the reasons in writing unless it is otherwise precluded from doing so by law. If the information requested is not available you will be informed promptly in writing. If MFHT refuses the request for access it will advise of the individual's rights to make further inquiry with the appropriate government authority.
- 9.5 If you demonstrate to our satisfaction that your personal information that is held or controlled by us is inaccurate or incomplete, and give us the information necessary to correct the record, we will make appropriate amendments. These amendments may involve the correction, deletion, or addition of personal information.

ARTICLE 10 – COMPLAINTS PROCEDURE

- 10.1 In the event that you wish to enquire or complain about our personal information practices or our compliance with this Privacy Policy, a written enquiry or complaint should be sent to the attention of the MFHT Privacy Officer as noted in Article 1 above. The Privacy Officer will investigate all complaints and respond to all written enquiries. If a complaint is found to be justified by the Privacy Officer, we will take all reasonable steps to amend our relevant privacy-related policies or procedures.
- 10.2 In addition to the rights that are provided to you in this Policy, if you believe that your personal health information has been inappropriately dealt with in any respect, you have a right to bring a formal complaint to Ontario's Information and Privacy Commissioner. You may contact this office toll-free at: 1-800-387-0073.

4. CHANGES TO THIS POLICY:

The MFHT reserves the right to modify or supplement this Policy from time-to-time to respond to legislative or other changes.