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Approval Date	<i>October 26, 2021</i>
Revised Date	<i>May 10, 2013, June 8, 2020, September 29, 2020, January 29, 2021</i>
Approved by	<i>Chair, Board of Trustees</i>
Approver Signature	
Review Date	<i>October 2024</i>
Cross- Reference	<i>This policy replaces:</i> <i>2-10: Confidentiality</i> <i>1-60: Confidentiality, approved August 14, 2000.</i> <i>2-10: Confidentiality Requirements for Board Trustees, approved October 21, 2008.</i> <i>5-a-20: Confidentiality, approved June 20, 2011.</i> <i>6-80: Confidentiality and Privacy, approved September 7, 2011.</i> <i>4-b-30: Oath/Affirmation of Confidentiality, approved June 24, 2011.</i> <i>IPR-0002: Oath/Affirmation of Confidentiality, approved November 1, 2020.</i> <i>IPR-0003: Confidentiality, approved December 14, 2020.</i>

PURPOSE


The purpose of this policy is to increase awareness of an individual's right to privacy and outline the legal and ethical requirements for secure management of confidential information obtained through affiliation with Central Health, including:

- personal;
- personal health; and
- business records

of Central Health, [herein referred to as Information] not otherwise available publicly.

The purpose of this policy is to provide a consistent framework in the administering of

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an Oath/Affirmation of Confidentiality within Central Health.

SCOPE


All Central Health employees and affiliated individuals are accountable for following the direction in this policy when managing, coming into contact with, or interacting with Information in any form, including written, recorded or verbal information obtained through affiliation with Central Health, its agents, or any affiliated individual.

This policy does not apply where information has been publicly disclosed as approved by Central Health or by resolution of the Board of Trustees, as required according to professional practice and ethical standards, or as authorized or required by applicable laws or valid court order.


DEFINITIONS

Affirmation	A solemn declaration made by those who object to taking an oath to avoid the religious implications of an oath. An affirmation has the same legal effect as an oath.
Affiliated Individuals	Individuals who are not employed by Central Health, but perform specific tasks at or for the organization, including, but not limited to, trustees, students, volunteers, pastoral care, researchers, contractors, vendors and individuals working at the organization.
Business Information	Information with respect to Central Health business that is not publicly disclosed by the organization. Employees/affiliates may come in contact with such information that is not generally known to the public as they perform their duties. Examples include, but are not limited to: <ul style="list-style-type: none"> • legal matters involving the organization that are not public knowledge; • financial information that is not available in the annual


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	report; <ul style="list-style-type: none"> • contractual agreements with vendors, consultants, contractors, and third parties (The confidentiality of this information may be written into the contract, e.g. non- disclosure of the cost of the service); • information about intellectual property such as development of new technology and treatments or unpublished reports; and • information pertaining to Central Health information technology access and security systems. 	
Client	A person who avails of the services of an authority, and includes a client, patient and/or resident.	
Collect	To gather, acquire, receive, or obtain the information by any means from any source and "collection" has a corresponding meaning.	
Disclose	To make the information available or to release it but does not include a use of the information and "disclosure" has a corresponding meaning.	
Health Care Professional	A person, including a corporation, that is licensed or registered to provide health care by a body authorized to regulate a health care professional under one of the following enumerated Acts but does not include an employee of a health care professional when acting in the course of his or her employment: <i>Chiropractors Act, 2009</i> <i>Dental Act, 2008</i> <i>Denturists Act, 2005,</i> <i>Dietitians Act,</i> <i>Dispensing Opticians Act, 2005,</i> <i>Hearing Aid Practitioners Act,</i> <i>Licensed Practical Nurses Act, 2005,</i> <i>Massage Therapy Act, 2005,</i> <i>Medical Act, 2011,</i> <i>Occupational Therapists Act, 2005,</i> <i>Optometry Act, 2012,</i> <i>Pharmacy Act, 2012</i>	


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	<p><i>Physiotherapy Act, 2006,</i> <i>Psychologists Act, 2005,</i> <i>Registered Nurses Act, 2008, and</i> <i>Social Workers Act.</i></p> <p>The following health professions are subject to the <i>Health Professions Act</i>:</p> <ul style="list-style-type: none"> • Acupuncturists • Audiologists • Dental Hygienists • Medical Laboratory Technologists • Medical Imaging Technologists • Midwives • Respiratory Therapists • Speech Language Pathologists 	
Health Care Provider	A person, other than a health care professional, who is paid by MCP, another insurer or person, whether directly or indirectly or in whole or in part, to provide health care services to an individual.	
Oath	A promise or a statement of fact calling upon something or someone that the oath maker considers sacred, usually God, as a witness to the binding nature of the promise or the statement.	
Personal Health Information	Identifying information in oral or recorded form about an individual that relates to: <ul style="list-style-type: none"> • the physical or mental health of the individual, including information respecting the individual's health care status and history and the health history of the individual's family; • the provision of health care to the individual, including information respecting the person providing the health care; • the donation by an individual of a body part or any bodily substance, including information derived from the testing or examination of a body part or bodily substance; • registration information; • payments or eligibility for a health care program or service in respect of the individual, including eligibility for coverage under an insurance or payment arrangement with respect to 	

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	<p>health care;</p> <ul style="list-style-type: none"> • an individual's entitlement to benefits under or participation in a health care program or service; • information about the individual that is collected in the course of, and is incidental to, the provision of a health care program or service or payment for a health care program or service; • a drug as defined in the <i>Pharmacy Act, 2012</i>, a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care professional; or • the identity of a person's representative as defined in Section 7 of the <i>Personal Health Information Act</i>. 	
Personal Information	<p>Recorded information about an identifiable individual including:</p> <ul style="list-style-type: none"> • the individual's name, address, or telephone number; • the individual's race, national or ethnic origin, color, or religious or political beliefs or associations; • the individual's age, sex, sexual orientation, marital status or family status; • an identifying number, symbol or other particular assigned to the individual; • the individual's fingerprints, blood type or inheritable characteristics; • information about the individual's health care status or history, including a physical or mental disability; • information about the individual's educational, financial, criminal, or employment status or history; • the opinions of a person about the individual; and • the individual's personal views or opinions. 	
Use	<p>To handle or deal with the information or to apply the information for a purpose and includes reproducing the information but does not include disclosing the information.</p>	

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POLICY STATEMENT(S)

Central Health has a legal and ethical responsibility to safeguard the confidentiality of Information, in any form, that is in the custody or control of the organization and the privacy of the individual who is the subject of that Information. Central Health is accountable to ensure all of its employees and any other affiliated individuals are aware of and bound by the organization's ethical and legal duty to maintain confidentiality, including limits of confidentiality.

Central Health considers the following information confidential:


- Personal health information of clients in any form;
- Personal information, employment information and compensation information of employees, health care professionals/providers, trustees, students, volunteers and contractors; and
- Business information with respect to the operations of Central Health that is not publicly disclosed by the organization.

All Central Health employees and affiliated individuals must keep confidential all matters relating to the business and operations of the Central Regional Health Authority, including but not limited to those matters dealing with personal or personal health information of Central Health client; employees; and all affiliated individuals, except where disclosure or publication is permitted or authorized:

- In accordance with professional practice standards;
- As otherwise authorized by law; or
- Where disclosed in a public meeting, public documentation, or as permitted by resolution of the Board.

The *Personal Health Information Act* ("PHIA") Education Session, the Central Health Confidentiality Policy and the Central Health Oath/Affirmation of Confidentiality must be

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completed at initiation of employment/affiliation with Central Health.

The *Personal Health Information Act* (“PHIA”) Education Session, the Central Health Confidentiality Policy and the [Central Health Attestation of Confidentiality](#) be completed annually at the beginning of each calendar year for all current employees and affiliated individuals.

All breaches of confidentiality are treated as an occurrence in accordance with the [Central Health Occurrence Reporting Policy](#) and a CSRS occurrence report must be completed.

Policy Non-Compliance

Failure to comply with the requirements in this policy may lead to suspension of clinical access for any employee/ affiliated individual who are outstanding for the mandatory privacy requirements within the designated time period.


Any unauthorized access, use, disclosure, or failure to safeguard Information is subject to disciplinary action, up to and including termination of employment or affiliation with Central Health; legal prosecution; civil action; and/or notification of a health care professional’s regulatory body through the complaints review process and/or Medical Services By-Laws, as applicable.

Oath/Affirmation of Confidentiality

Central Health has obligation under the *Personal Health Information Act* to ensure that all its employees, health care professionals/providers, trustees, students, volunteers, contractors and any other affiliated individuals engaged by Central Health take an Oath/Affirmation of Confidentiality.

The Oath/Affirmation of Confidentiality (herein referred as Agreement) is a written document provided by Central Health which includes statements informing individuals of their duties and obligations under legislation:

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- The *Personal Health Information Act* and the regulations;
- The *Access to Information and Protection of Privacy Act* and the regulations;
- Central Health Confidentiality Policy and practices.

The Agreement includes statements that personal/personal health information, employee information, and business information obtained through affiliation with Central Health must remain confidential both during and after employment/affiliation with Central Health.

The Agreement provides the statement that the individual signing the Agreement understands the terms and provisions of the Agreement and agrees to abide by the Agreement.

The initial Oath of Confidentiality must be commissioned by a Commissioner for Oaths. The Commissioner for Oaths is responsible to ensure that the individual has read the Oath/Affirmation of Confidentiality prior to signing. Where an individual requests a copy of the signed Agreement, the Commissioner for Oaths must provide the individual a copy of the Agreement. The original signed Agreement must be retained on the individual's personnel file or contract/service record and will be retained for as long as their record exists.


An Attestation of Confidentiality must be signed annually, in January of each calendar year, by all employees and affiliated individuals. The signed Attestation must be retained in an approved Central Health information system.

PROCEDURE

All Central Health employees and affiliated individuals must:

1. Prior to commencement of employment, complete The *Personal Health Information Act* ("PHIA") Education Session, review the Central Health Confidentiality Policy and sign the Central Health Oath/Affirmation of


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Confidentiality.

2. Annually, in January of each calendar year, complete *the Personal Health Information Act* [PHIA] Education Session, review the Confidentiality Policy and sign the [Central Health Attestation of Confidentiality](#) for retention on the individual's personnel file or other approved information system.
3. Comply with all obligations imposed under the Newfoundland and Labrador *Access to information and Protection of Privacy Act, 2015*, the *Personal Health Information Act*, and other applicable laws;
4. Familiarize themselves with the organization's policies and procedures with respect to the collection, use, disclosure, storage, and destruction of confidential information.
5. Collect, access, and use personal health information only as authorized and required to provide care/services and perform the duties to which they have been assigned, or as otherwise authorized under law;
6. Share, copy, transmit, disclose, or otherwise release confidential information only as authorized and required to provide care or perform assigned duties;
7. Ensure adherence to technological, physical and administrative safeguards to ensure privacy and confidentiality of information. Refer to the [Central Health Email Policy](#) and [Policy 4-b-70 Faxing Confidential Information](#);
8. Review applicable program/department specific information, policies and procedures that relate to confidentiality;
9. Consult one's manager/director/chief/senior leader and/or privacy manager regarding confidentiality issues or inquiries;
10. Report to one's manager/director/chief/senior leader or privacy manager any suspected breaches of confidentiality or any practices where they believe that confidential information within the organization is at risk;
11. Continue to respect and maintain the terms of the Oath/Affirmation of Confidentiality both during and after the course of services provided to Central Health as the confidentiality agreement survives the termination of employment/affiliation with Central Health.

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All Managers/Directors/Chiefs/Senior Leaders are accountable for ensuring employees and affiliated individuals adhere to this policy.


Upon commencement of employment/affiliation or internal transfer of an employee; or in any event, annually in January of each year, managers/directors/chiefs/senior leaders are accountable for ensuring that all employees and affiliated individuals coming under their supervision (direct reports):

1. Review this policy and sign an Oath/Affirmation of Confidentiality or Attestation of Confidentiality to be retained on the personnel file or other approved information system;
2. Complete the PHIA education session offered through the provincial learning management system (NLCHI);
3. Complete a helpdesk workorder to suspend clinical access for any employee/ affiliated individual who are outstanding for the mandatory privacy requirements within the designated time period;
4. Address any confidentiality concerns and potential privacy breaches with direct reports as they arise. (Refer to [Privacy Breach Policy](#)); and
5. Identify and refer any direct reports for further information/education on privacy and confidentiality, as deemed appropriate, through the Professional Development and Continuing Education department and /or privacy representative.

All other business affiliates (Vendors, Contractors) of Central Health must, at the commencement of contract or service provision within Central Health:

1. Review this policy and sign an [Oath / Affirmation of Confidentiality](#) form to be retained by Central Health as part of the service contract.
2. Review Central Health information/learning resources regarding the duties imposed by the *Personal Health Information Act* and the regulations, as well as the information policies and procedures of Central Health relating to same. Refer to [Policy 4-b-20 \(Awareness of Obligations\)](#).
3. As required, enter into a written and binding service agreement contract

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with Central Health which ensures the protection of personal health information against unauthorized access, use, disclosure, disposition, loss or modification in accordance with Central Health policies and procedures

Compliance Reporting

People and Culture are accountable for tracking and reporting to the Senior Management Team, on a quarterly basis, the administration of the Oath/Affirmation of Confidentiality and the PHIA education session for all new employees.

The Central Health privacy representative or designate within Information Management, Privacy and Regulatory Oversight is accountable for tracking and reporting on a quarterly basis to the Senior Management Team, the administration of the annual Attestation of Confidentiality and the PHIA education session for all existing employees.

The Central Health privacy representative or designate is accountable for tracking and reporting annually to the Office of the Information and Privacy Commissioner compliance rates related to completion of the PHIA education session and the Oath/Affirmation of Confidentiality for Central Health.


REFERENCES

Access to Information and Protection of Information Act, Statutes of Newfoundland and Labrador (2015, c. A-1.2). Retrieved from the House of Assembly Newfoundland and Labrador website:
<http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm>

Department of Health and Community Services, Newfoundland and Labrador. (February 2011). *The Personal Health Information Act*, Provincial Policy Manual Version 1.2

Oaths Act, Revised Statutes of Newfoundland and Labrador (1990, c. 0-1). Retrieved from House of Assembly website:

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Personal Health Information Act, Statutes of Newfoundland and Labrador (2008, c. P-7.01). Retrieved from House of Assembly website:
<https://assembly.nl.ca/legislation/sr/statutes/p07-01.htm>

RELATED RESOURCES

[Attestation of Confidentiality](#)

[Oath/Affirmation of Confidentiality](#)

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