

	Name of Manual: HEALTH INFORMATION MANAGEMENT AND PRIVACY	Number: 4-b-10
	Section: PRIVACY AND CONFIDENTIALITY: PROTECTION OF PERSONAL HEALTH INFORMATION	
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POLICY

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, health care professionals/providers, trustees, students, volunteers, contractors and any other affiliated individuals are aware of and bound by the organization's duty to maintain confidentiality.

Central Health considers the following information confidential:

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

PROCEDURE

All Employees, Health Care Professionals/Providers, Trustees, Students, Volunteers, Contractors and any other affiliated individuals must:

1. Familiarize themselves with the organization's policies and procedures with respect to the collection, use, disclosure, storage, and destruction of confidential information.
2. 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.
3. Share, copy, transmit, disclose, or otherwise release confidential information only as authorized and required to provide care or perform assigned duties. Refer to Disclosure of Information policies.

4. Ensure adherence to technological, physical and administrative safeguards to ensure privacy and confidentiality of information. Refer to policy 1-30 (Email) in the Information Management & Technology Policy and Procedure Manual and policy 4-b-70 (Faxing Confidential Information in the Health Information Management and Privacy Manual).
5. Review applicable program/department specific information, policies and procedures that relate to confidentiality.
6. Consult one's manager/director/senior leader and/or privacy manager regarding confidentiality issues or inquiries.
7. Report to one's manager/director/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.
8. 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 / engagement with Central Health.

Any misuse, inappropriate disclosure, inappropriate access, or failure to safeguard information will be subject to disciplinary action as per Human Resources policy

All breaches of confidentiality are treated as an occurrence in accordance with the Occurrence Reporting policy and an Occurrence Report form must be completed.

All Employees, Managers/Directors/Senior Leaders must:

- 1. At the commencement of employment, contract or service provision with Central Health, ensure that the individual:**
 - a) Reviews this policy and signs an [Oath / Affirmation of Confidentiality](#) to be retained on the individual's personnel file;
 - b) Completes a Privacy/Confidentiality education session offered by the organization;
 - c) Reviews applicable program/department specific information policies and procedures that relate to privacy and confidentiality.
- 2. On an ongoing basis:**
 - a) Address any confidentiality concerns and potential privacy breaches with the individual. Refer to policy 4-g-10 (Privacy Breach).

- b) Identify and refer any individual for further information/education on privacy and confidentiality, as deemed appropriate, through the Professional Development and Continuing Education and /or Health Information Management and Privacy Departments.
- c) Submit to Professional Development and Continuing Education the names of employees who have received additional information/education on privacy and confidentiality for monitoring and tracking purposes.

3. On an annual basis:

- a) Review this policy with the employee during completion of annual Employee Performance Appraisal.

Health Care Professionals/Providers Not Employed by Central Health (though providing health care services through Central Health facilities) must:

1. At the commencement of contract or service provision within Central Health:

- a) Review this policy and sign an Oath / Affirmation of Confidentiality form to be retained on the individual's applicable service contract file.
- b) Complete a Privacy/Confidentiality education session offered by the organization to ensure awareness of duties and compliance with legislation and information practices, policies and procedures of Central Health.
- c) Enter into a written agreement with Central Health to ensure the protection of personal health information against unauthorized collection, access, use, disclosure, disposition, loss or modification in accordance with Central Health policies and procedures.
- d) Review applicable program/department specific information policies and procedures that relate to privacy and confidentiality.

All affiliates (Trustees, Volunteers, Pastoral Care, and Students) of Central Health must:

1. At the commencement of service provision within Central Health:

- a) Review this policy and sign an Oath / Affirmation of Confidentiality form to be retained on the specific department/program file.
- b) Review Central Health information/learning resources regarding the duties imposed by the *Personal Health Information Act* and the regulations.

- c) Review applicable program/department specific information policies and procedures that relate to privacy and confidentiality.

All Other Affiliates (Vendors, Contractors) of Central Health must:

1. At the commencement of contract or service provision within Central Health:

- a) Review this policy and sign an Oath / Affirmation of Confidentiality form to be retained by Central Health as part of the service contract.
- b) 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).
- c) Enter into a written and binding service agreement contract 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.

DEFINITIONS

Affiliated Individual	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, but funded through an external source.
Business Information	Information with respect to Central Health's 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: <ul style="list-style-type: none">• legal matters involving the organization that are not public knowledge,• financial information that is not available in Central Health's annual report,• 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,•

	<ul style="list-style-type: none"> information pertaining to Central Health’s information technology access and security systems.
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	<p>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:</p> <p><i>Chiropractors Act, Dental Act, Denturists Act, 2005, Dieticians Act, Dispensing Opticians Act, 2005, Hearing Aid Practitioners Act, Licensed Practical Nurses Act, 2005, Massage Therapy Act, 2005, Medical Act, 2005, Occupational Therapists Act, 2005, Optometry Act, 2004, Pharmacy Act, Physiotherapy Act, 2006, Psychologists Act, 2005, Registered Nurses Act, and Social Workers Association Act.</i></p>
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.
Personal Health Information	<p>Identifying information in oral or recorded form about an individual that relates to:</p> <ul style="list-style-type: none"> information concerning 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;

	<ul style="list-style-type: none"> • 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 health care; • 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</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>

REFERENCES

Newfoundland and Labrador Personal Health Information Act, Policy Development Manual, Version 1.2, February 2011

Province of Newfoundland and Labrador, *Personal Health Information Act*, SNL 2008, c. P-7.01. s.2, 5, 13, 14, 22

Province of Newfoundland and Labrador: *Access to Information and Protection of Privacy Act*, SNL 2002, c. A-1.1, s. 2

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