

# Hamilton Family Health Team

## Privacy Policy

The Hamilton Family Health Team's mission is to provide excellent, comprehensive and collaborative primary health care to achieve the best possible health and quality of life for our community. As part of our mission, we are committed to promoting patient<sup>1</sup> privacy and protecting the confidentiality of the health information we hold.

Our doctors belong to one of 15 Family Health Organizations which are each health information custodians under the *Personal Health Information Protection Act, 2004* (PHIPA). For the purposes of privacy obligations, the Hamilton Family Health Team and our staff are agents of these Family Health Organizations. All of us abide by this policy.<sup>2</sup>

### **Principle 1 – Accountability for Personal Health Information**

Hamilton Family Health Team is responsible for any personal health information we hold. We have designated our Executive Director of the Hamilton Family Health Team and the Lead Physician from each of the Family Health Organizations as our Privacy Officers. These positions are accountable for our compliance with this Privacy Policy and compliance with PHIPA.

Hamilton Family Health Team demonstrates our commitment to privacy by implementing privacy policies and procedures to protect the personal health information we hold and by educating our staff and any others who collect, use or disclose personal health information on our behalf about their privacy responsibilities.

All Hamilton Family Health Team staff and those who act on our behalf must abide by PHIPA, this policy and any applicable rules of professional conduct.

### **Principle 2 – Identifying Purposes for Collecting Personal Health Information**

Hamilton Family Health Team collects personal health information for purposes related to direct patient care, administration and management of our programs and services, patient billing, administration and management of the health care system, research, teaching, statistical reporting, fundraising, meeting legal obligations and as otherwise permitted or required by law.

When personal health information that has been collected by Hamilton Family Health Team is to be used for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is permitted or required by law, consent will be required before the information can be used for that purpose.

**Principle 3 – Consent for the Collection, Use and Disclosure of Personal Health Information** Hamilton Family Health Team requires consent in order to collect, use, or disclose personal health information. However, there are some cases where Hamilton Family Health Team may collect, use or

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<sup>1</sup> We have used the term "patient" throughout the policy. It is possible that we hold PHI about individuals who are not Hamilton Family Health Team patients, and the privacy policy would apply equally to those individuals.

<sup>2</sup> We refer throughout to the "Hamilton Family Health Team" and staff – but this policy applies to all Family Health Organization members and staff equally.

disclose person health information without consent as permitted or required by law. For example, Hamilton Family Health Team does not require consent for using or disclosing information for billing, risk management or quality improvement purposes or to fulfill mandatory reporting obligations.

Hamilton Family Health Team assumes that a patient's request for treatment constitutes implied consent for specific purposes, unless expressly instructed otherwise.

If consent is sought by Hamilton Family Health Team, a patient may choose not to give consent. If consent is given, a patient may withdraw consent at any time, but the withdrawal cannot be retrospective. The withdrawal may also be subject to legal or contractual restrictions and reasonable notice.

If a doctor leaves one of the related Family Health Organizations and the Family Health Team, his/her patients will be notified and will have a choice whether to transfer their health records in accordance with College of Physicians and Surgeons of Ontario rules.

#### **Principle 4 – Limiting Collection of Personal Health Information**

Hamilton Family Health Team limits the amount and type of personal health information we collect to that which is necessary to fulfill the purposes identified. Information is collected directly from the patient, unless the law permits or requires collection from third parties. For example, from time to time we may need to collect information from patients' family members or other health care providers.

#### **Principle 5 – Limiting Use, Disclosure and Retention of Personal Health Information**

Personal health information will not be used or disclosed by Hamilton Family Health Team for purposes other than those for which it was collected, except with the consent of the patient or as permitted or required by law. Personal health information will be retained by Hamilton Family Health Team only as long as necessary for the fulfillment of those purposes. Personal health information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous safely and securely.

#### **Principle 6 – Accuracy of Personal Health Information**

Hamilton Family Health Team will take reasonable steps to ensure that information we hold is as accurate, complete, and up to date as is necessary to minimize the possibility that inappropriate information may be used to make a decision about a patient.

#### **Principle 7 – Safeguards for Personal Health Information**

Hamilton Family Health Team has put in place safeguards for the personal health information we hold, which include:

- Physical safeguards (such as locked filing cabinets and rooms);
- Organizational safeguards (such as permitting access to personal health information by staff on a "need-to-know" basis only); and
- Technological safeguards (such as the use of passwords, encryption, and audits).

Hamilton Family Health Team requires anyone who collects, uses or discloses personal health information on our behalf to be aware of the importance of maintaining the confidentiality of personal health information. This is done through the signing of confidentiality agreements, privacy training, and contractual means.

Hamilton Family Health Team takes steps to ensure that the personal health information we hold is protected against theft, loss and unauthorized use or disclosure.

Care is used in the disposal or destruction of personal health information, to prevent unauthorized parties from gaining access to the information.

#### **Principle 8 – Openness about Personal Health Information**

Information about Hamilton Family Health Team’s policies and practices relating to the management of personal health information are available to the public, including:

- Contact information for our Privacy Officers, to whom complaints or inquiries can be made;
- The process for obtaining access to personal health information we hold, and making requests for its correction;
- A description of the type of personal health information we hold, including a general account of our uses and disclosures; and
- A description of how a patient may make a complaint to Hamilton Family Health Team or to the Information and Privacy Commissioner of Ontario.

#### **Principle 9 – Patient Access to Personal Health Information**

Patients may make written requests to have access to their records of personal health information, in accordance with Hamilton Family Health Team’s policy for access and correction to records.

Hamilton Family Health Team will respond to a patient's request for access within reasonable timelines and costs to the patient, as governed by law. Hamilton Family Health Team will take reasonable steps to ensure that the requested information is made available in a format that is understandable.

Patients who successfully demonstrate the inaccuracy or incompleteness of their personal health information may request that we amend their information. In some cases instead of making a correction, patients may ask to append a statement of disagreement to their file.

**Please Note:** In certain situations, Hamilton Family Health Team may not be able to provide access to all the personal health information we hold about a patient. Exceptions to the right of access requirement will be in accordance with law. Examples may include information that could reasonably be expected to result in a risk of serious harm or the information is subject to legal privilege.

## **Principle 10 – Challenging Compliance with Hamilton Family Health Team Privacy Policies and Practices**

Any person may ask questions or challenge our compliance with this policy or with PHIPA by contacting our Privacy Officers, Executive Director of the Hamilton Family Health Team and the Lead Physician from the applicable Family Health Organization.

Email ([privacy@hamiltonfht.ca](mailto:privacy@hamiltonfht.ca))

Hamilton Family Health Team will receive and respond to complaints or inquiries about our policies and practices relating to the handling of personal health information. We will inform patients who make inquiries or lodge complaints of other available complaint procedures.

Hamilton Family Health Team will investigate all complaints. If a complaint is found to be justified, Hamilton Family Health Team will take appropriate measures to respond.

The Information and Privacy Commissioner of Ontario oversees our compliance with privacy rules and PHIPA. Any individual can make an inquiry or complaint directly to the Information and Privacy Commissioner of Ontario by writing to or calling:

2 Bloor Street East, Suite 1400  
Toronto, Ontario M4W 1A8  
Phone: 1 (800) 387-0073  
[www.ipc.on.ca](http://www.ipc.on.ca)