

Provincial Advocate *for Children & Youth*

Privacy is Important

The Advocate's Office is committed to meeting the highest standard of ethics with respect to maintaining the privacy and confidentiality of the personal information that we collect, use and disclose. The Advocate's Office strives to protect the privacy rights of our clients by meeting or exceeding the standards established by law, including Ontario's *Personal Health Information Protection Act, 2004* (PHIPA).

Every employee, student and volunteer, must adhere to a policy of confidentiality with respect to our clients personal information that they may obtain through the course of their involvement with the Advocate's Office. This policy will be reviewed and signed by every staff member.

As part of establishing this Privacy Policy, the Manager of Administrative Services will be the contact person for privacy related matters. For the purposes of protecting the privacy and confidentiality of personal client information the Office's Privacy Statement is available to the public.

POLICY

The Advocate's Office takes its legal responsibility to protect the privacy and confidentiality of the young people it advocates for and makes its Privacy Statement available to the public and seeks consent from young people seeking, receiving or participating in Office sponsored activities or services.

What is Personal Information?

Personal information is "identifying information" about an individual, whether oral or recorded. It includes any information about an individual's care history. "Identifying information" means information that could identify an individual when used alone or with other information.

The types of personal information we collect, use and store may vary depending upon the individuals involved and the nature of their relationships with the Advocate's Office. For children and youth and families we collect personal health information that may include a client's name, address, date of birth, and personal/family information related to service.

When Do We Need Consent?

The Advocate's Office will not collect, use or disclose personal information without a client's consent, or his or her legal substitute decision maker's consent if the young person is considered not capable, or as authorized /required by law. The Provincial Advocate may disclose information that was received from a child or youth without the consent of the child or youth if the interest of the continued proper administration of justice in having the information disclosed outweighs the privacy interests of the child or youth in not having the information disclosed. For most Office purposes, consent is implied as a

Provincial Advocate *for Children & Youth*

result of requesting service. However, in some circumstances, express and sometimes written, consent may be required.

We must also have a client's or legal substitute decision makers' expressed written consent to share personal information with an authorized third party agent. The purpose of the request must be explicitly stated, unless the information is subpoenaed.

How We Use the Information We Collect

The Advocate's Office identifies the purposes for which personal information is collected, in advance, and will inform clients of these purposes. The Advocate's Office will only collect, use and store information that is necessary for these purposes.

With limited exceptions, we obtain most personal information directly from youth and collect only as much information as is necessary to meet the purpose of the collection. We will not collect personal information if other information we have will serve the purpose of the collection.

The information we collect, use and store depends upon the individual involved and the nature of their relationship with us. For example, for clients, personal information may be used:

- to comply with legal and regulatory requirements.
- to contact individuals regarding upcoming events, activities and programs that may be of interest.
- for quality assurance purposes which provide feedback as to how effective/helpful our services have been.

We will obtain the appropriate consent from the client or legal substitute decision maker if we wish to collect, use or disclose personal information for any other purpose.

There may be circumstances where we are required by law to share a client's personal information with others. This includes an obligation to contact police where we learn that an individual may be at risk of harm and reporting to the Children's Aid Society (CAS) all incidents of suspected child abuse, neglect or if there is reason to believe that a child may be in need of protection, or may be at risk of suffering abuse or neglect.

When using personal information, we exercise the highest level of care and will take all reasonable steps to ensure that personal information is accurate, complete and up-to-date for the purpose the information is being used. We use advanced technology and well-defined practices to ensure personal information is processed promptly, accurately, and completely.

Provincial Advocate *for Children & Youth*

Sharing Personal Information

We will not share a client's personal information with anyone outside of the Advocate's Office without his or her consent unless required by law or to protect a client from harm. If a client lacks capacity to give consent his/her legal substitute decision maker may provide the necessary consent.

Under no circumstances will we sell client lists or other personal information to third parties.

Safeguards and Security

The Advocate's Office recognizes the importance of safeguarding personal information and will take all steps that are reasonable in the circumstances to ensure that information in our custody or control is protected against theft, loss or unauthorized use or disclosure. We will also ensure that records containing this information are protected against unauthorized copying, modification or disposal.

To ensure the safe storage of personal information, we have taken steps to meet the need for physical security, technological security and administrative controls. The measures we have taken for the physical security of clients' personal information include:

- Keeping personal information in locked filing cabinets or in a locked file storage room.
- Restricting Office access to authorized people and maintaining a security system.
- Encrypting information that may be stored in the Office data base or transmitted over wireless or land-based communication equipment lines.

APPLICATION

The Privacy Policy applies to:

Any personal information that the Advocate's Office collects, uses or discloses in the course of its activities or any personal information about a young person participating in a study or Office project, a client receiving advocacy services or an employee.