



FAMILY DYNAMICS INC. CONFIDENTIALITY POLICY

This policy applies to all Family Dynamics employees, students, volunteers and board members.

Note: this policy replaces the previous Client Confidentiality, Case Recording and Protection of Clients Policy.

Family Dynamics Inc. protects and respects the confidentiality of all information entrusted to the organization, except as permitted or required by law, and in accordance with all municipal, provincial and federal legislation.

The following is considered confidential information:

- All matters/documentation relating to clients
- All contracts
- All Human Resources files and proceedings
- All financial information, status and statements
- All information or documentation labelled "Confidential" by the organization, or listed as such by separate memorandum, or email that advises confidential status
- Any information pertaining to FD's donors or members

This information may be related to, without being limited to, personal information of any kind about clients or employees, students, volunteers, donors or members as well as information about the operations of Family Dynamics (e.g., personnel matters, internal financial procedures, contractual information, and intellectual property of Family Dynamics).

Respect for the organization's confidentiality and privacy policy is of utmost importance.

Confidential information shall not be used for any purpose other than its reasonable use in the normal performance of employment duties.

Requirement of Confidentiality

Family Dynamics requires all employees to handle sensitive personal client information in a confidential and appropriate manner. It is understood that employees of Family Dynamics will become aware of confidential information regarding our clients through the course of their employment. Employees, students and volunteers agree that if confidential information is not effectively protected, the operations of Family Dynamics may be threatened, and the well-being and privacy of our clients may suffer irreparably.

Employees, students and volunteers will take all reasonable precautions to safeguard the confidentiality of such information (e.g., ensuring confidential material is kept locked when not being used; shielding computer screens with confidential information from unauthorized viewing; taking special precautions when transporting confidential documents).

All employees, students and volunteers will be provided, as part of their orientation, a review of the Confidentiality and Privacy Policy which is included in the Code of Conduct. All employees, students and volunteers will sign a declaration that they have read, understand and will abide by the code of conduct of Family Dynamics Inc.

Privacy Statement

Family Dynamics collects, uses, and shares personal information about our clients, donors and members in order to:

- Provide quality programs and services to clients
- Provide information to other people or organizations with client consent (for example, making a referral for service)
- Contact clients, donors and members to evaluate our service and work.
- Conduct research
- Contact individuals about our fundraising and membership activities
- Recognize donor contributions
- Report to funders and others as required
- Review client files to ensure high quality of service and documentation

Family Dynamics may also collect, use and share personal information with consent or as permitted or required by law or contract.

Client Privacy

Family Dynamics is committed to protecting the privacy of its clients and ensuring that:

The personal information it receives from clients is kept safe, secure, confidential, accurate and up to date.

Clients understand why their personal information is collected by Family Dynamics.

Family Dynamics obtains client consent before collecting, using, sharing or releasing client information, except as set out in this policy or permitted or required by law.

Only the personal information necessary for the purposes listed above is collected from clients, unless otherwise consented to by the client or permitted or required by law.

Access to client information is limited to the Family Dynamics employees, volunteers and students involved in delivering services to clients.

Any external agents to whom Family Dynamics releases information have a need to know and only use and disclose client information for the purposes for which it was originally provided.

Clients are able to withdraw their consent at any time to the collection, use and disclosure of their personal information.

Clients have access to their record, except where Family Dynamics is entitled to refuse an access request, and are able to copy or correct their record and ask questions about Family Dynamics' privacy policies and procedures.

Complaints about Family Dynamics' privacy policies and procedures are handled efficiently and effectively.

All legal and regulatory requirements regarding client information are met and maintained.

Procedures Obtaining Consent for the Collection, Use and Disclosure of Personal Information

As Family Dynamics services often involve collaboration and consultation among employees, Family Dynamics employees will discuss the following with new clients:

- the nature and extent of consultation and collaboration in the Family Dynamics program or service which the new client is accessing
- the personal information that Family Dynamics may collect
- The purposes for which Family Dynamics collects, uses, and shares personal information, as listed above.

Client's rights and responsibilities including rights related to keeping client's personal information private will be reviewed with all new clients at their first appointment following intake.

Clients will be asked to sign a form indicating that the organization's privacy policies have been discussed and that the client consents to the collection, use and sharing of personal information for the purposes listed in this policy.

The signed forms will be scanned and the original copy consent will be destroyed. A note will be made in the client's record that the form has been signed.

In cases where it is not possible or practical to obtain the client's written acknowledgment (e.g., telephone only service), verbal acknowledgment that the organization's privacy practices have been explained to, and accepted by, the client will be recorded in an administrative note in the client's record.

Consent will be that of the individual and must be knowledgeable, relate to the personal information and not be obtained through deception or coercion. A consent to the collection, use or sharing of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use and/or disclosure, as the case may be; and (b) that the individual may give or withhold consent.

Clients who are provided services where English language or literacy is a barrier will be supported in understanding the agency's privacy policy and practices through the use of a translator or in the case of literacy a verbal explanation.

In the event that employees are concerned that a client does not have the capacity to consent to the collection, use and disclosure of his or her personal information, or the client has self-identified limited capacity in making those decisions a substitute decision maker may be designated.

Substitute Decision Maker

If it is a requirement for information to be gathered and/or shared by Family Dynamics, consent may be given or refused on the client's behalf by a Substitute Decision Maker ranked in the following order:

Guardian of the Person with authority to give/refuse consent.
Attorney for Personal Care with authority to give/refuse consent.
The Representative appointed by a court of law with authority to give/refuse consent.
Spouse or partner.

Child or parent, Ministry of Social Services Child Protection Worker or other person lawfully entitled to give/refuse consent (does not include access parent).
Access Parent (non-custodial parent with right of access only).
Brother or sister.

Any other relative (by blood, marriage or adoption).
The Public Guardian and Trustee (PGT) (last resort).

In order to qualify as a Substitute Decision Maker, the Substitute Decision Maker must meet the following requirements:

- be capable with respect to the services;
- be at least 18 years of age (except when the custodial parent/guardian of a child);
- not be prohibited by a court order or separation agreement from having access to the incapable person or giving/refusing consent on his/her behalf;
- be available (i.e. can be contacted within a reasonable time, in the circumstances to obtain consent/refusal);
- is willing to assume responsibility of giving/refusing consent;
- believes the incapable person has no guardian with authority to consent; no attorney for personal care with authority to consent; and that no Substitute Decider at the same or a higher rank would object to him/her making the decision;

Client Withholding, Limiting or Withdrawing Consent

Clients are informed of their responsibility to provide relevant information as a basis for receiving services and participating in service decisions.

Clients have the right to stipulate who will have access to their personal information. This means that they can withhold, limit or withdraw their consent to the collection, use or disclosure of personal information. The request may cover all of a client's record or a specific part of the record.

When this happens, staff will implement the following "sealed" procedure.

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Electronic Records: The Family Dynamics Employee Receiving the Client's Request to Withhold, Limit or Withdraw Their Consent will:

Record the verbal instructions by the client in an administrative note in the client's electronic record.

Add any written instructions by the client into the client's file.

Activate an alert on the person/client page for the client in the Family Dynamics electronic database, thus notifying employees accessing the file of the withholding, limiting or withdrawal of consent.

Notify the Clinical Director or the Executive Director of the client's instructions and the Clinical Director or the Executive Director will limit access to the electronic record in compliance with the client's request (e.g., closing access to the record; limiting access to the individuals specified by the client to be allowed access).

Paper Records: If the Client Also has a Paper File

The client's file (either in whole or in part depending on the client's instructions) to which access is to be limited will be placed inside an envelope that will be sealed with the instructions from the client stapled to the outside of the file.

If the client's request is to withdraw consent, the file will be safeguarded by Family Dynamics' Privacy Officer.

If the client's request is to withhold or limit consent, the supervisor responsible for the program will determine how best to comply with the client's request.

In cases where the withholding, limiting or withdrawal of consent will limit or prevent Family Dynamics from continuing to deliver services, employees will discuss with the client the consequences of their withholding, limiting or withdrawal of consent.

Disclosure without Consent Including Responding to Summons/Subpoenas/Court Orders and Requests from Police

Family Dynamics recognizes that, while it has an obligation to protect client privacy, there are limits to client confidentiality. Family Dynamics will not disclose the personal information of clients without their consent, except where:

When under the legal obligation to do so. Examples of such obligation include:

- Subpoena
- Warrant
- Court Order

- Child and Family Services Act

Or any requirement issued by a person who has jurisdiction to compel the production of information in a proceeding (such as a proceeding held in, before or under the rules of a court, a tribunal, a commission, a justice of the peace or a coroner) or it is otherwise permitted or required by law.

When imminent or significant harm to the client or third party could occur.

Examples of threat of harm include: child abuse, child neglect, suicide, homicide, inability to operate machinery safely or belief that these will occur.

If a Family Dynamics employee, student or volunteer is served with a warrant, summons, subpoena, order or similar requirement issued in a proceeding, the individual must immediately notify their supervisor, who will provide advice and direction as to how to respond. Dependent on the situation, Family Dynamics may choose to seek legal counsel. This decision will be made by the supervisor of the program in consultation with the staff person and the Director of the program area. The Executive Director will be included in this consultation process and if a decision is made to seek legal counsel, the ED will facilitate access to Family Dynamics's legal counsel. Employees, students or volunteers should follow the same procedure in response to requests by police officers for client information.

In general, where an order, summons, warrant, subpoena or other requirement to produce documents has been served on Family Dynamics, the agency will:

Make every attempt to respond in a way that is respectful of the order or other requirement, while at the same time taking steps to preserve the client's right to confidentiality.

Make an exact copy of the file, when a file is part of the order, to remain at Family Dynamics and deliver the documents to the court or other proceeding in a sealed envelope marked "private and confidential".

Where Family Dynamics discloses personal information without the client's consent, the client will be notified of such disclosure as soon as reasonable, practical, safe and/or legally possible in the circumstances.

Release of Information to Third Parties with Client Consent

Personal information, whether all or part of a client record, will not be released to third parties without the written consent of the client or the client's substitute decision maker, where applicable. Clients are required to complete the Consent for the Release of Information Form. Consents provided on this form is valid for 90 days from when authorization is given if it is for a

one time release of information or one year when a contracted or cooperating service provider requires the release of information for ongoing service provision, unless otherwise limited or withdrawn by the client in advance of that date. Family Dynamics may disclose a client's personal information, provided that the disclosure, to the best of the Agency's knowledge, is for a lawful purpose.

Reports from third parties contained in a client record may not be released without the written consent of the third party. Clients will be encouraged to pursue access to this information directly with the third party.

In exceptional circumstances, where written consent is not possible, the oral consent of the client to the release of personal information will be accepted and will be recorded in the client's file.

In response to requests to release information to third parties, the Family Dynamics service provider will determine if the reason to release information is valid, ensure that the client understands the purpose for which the information is being released and to whom the information is being released. The Family Dynamics service provider will also explain that Family dynamics cannot guarantee the confidentiality of the information once it has been released.

If applicable, the required fee for reports and letters will be reviewed with the party requesting the reports, prior to providing the reports and if requested a copy of the letter or report will be provided to the client and this provision will be noted on the original letter or report.

All letters and reports to clients and to third parties will be reviewed by the Program Manager or Clinical Director or Executive Director or designate prior to their release from the agency.

Client information stored electronically is protected by password. Access to the Family Dynamics electronic database is limited on a need to know basis for added security.

Client information collected in hard copy form is stored in locked cabinets accessible only by the counsellors or other Family Dynamics employees, students and volunteers providing service to the client, and the relevant program managers.

Access to client information will be limited to those who need to know the information for the purposes set out in the client's consent or as otherwise permitted or required by law.

Family Dynamics employees will never leave client personal information, in paper or electronic form, unattended or exposed to anyone other than the client.

Family Dynamics will not send confidential personal information to clients by email without the client's prior consent. Personal information sent to clients or about clients will employ secure email (Note that secure email ensures messages are encrypted). If clients state they do not wish to receive emails in a secure method, staff inform clients that Family Dynamics does not accept responsibility for communications sent in a non-secure way. This is documented in the client's file.

Client information transmitted via email to third parties shall be sent in an encrypted format.

All communication between staff within the familydynamics.ca domain is required that client numbers and/or initials will be employed as a means of communication and all emails are marked confidential within the subject line.

In programs where funders require specific levels of security, documents will be clearly labelled as required by funders.

Family Dynamics requires external agents, such as third party auditors, to maintain the confidentiality of client information and to refrain from using client information for any purpose other than the purposes for which consent was provided by the client. Where appropriate and necessary, Family Dynamics will obtain the consent of the client to disclosure of information to external agents. (External agents are persons or companies with which Family Dynamics has contracts and that may come into contact with personal information).

When disposal is permitted or required, records of client personal information will be disposed of in a secure manner such that reconstruction of the records is not reasonably foreseeable in the circumstances.

Notice to Clients of Theft, Loss, Unauthorized Access, Use or Disclosure of Client Information

Employees are required to report to their supervisor and to the Family Dynamics Privacy Officer (the ED), any theft, loss, unauthorized access, use or disclosure of personal information of Family Dynamics clients immediately upon becoming aware of this either verbally or via email. This communication will be followed up by completion of an incident report within 24 hours of the initial report being made. In programs where funders require it, supervisors will file a serious occurrence report in this situation.

In the event of such theft, loss, unauthorized access, use or disclosure of personal information of a Family Dynamics client, Family Dynamics will immediately launch an investigation into the breach and notify the client as soon as possible.

Oral contact with the clients will be logged in the client record and will be followed up by a letter, which will be included in the client record.

In the case of former clients, contact will be made orally, if possible, and also in writing, at the last known address for the client recorded in Family Dynamics' database.

The ED maintains a centralized registry of incidents and reports on these, in a non-identifying way, on a quarterly basis to the Board.

Client Access to and Correction of Personal Information

Clients wishing to review their records should contact ED.

Within 30 days of any such request, an appointment will be made for the client to review his/her personal information in a confidential manner on Family Dynamics premises, in the presence of an employee, unless Family Dynamics is entitled to refuse the request, in which case written notice will be given. Up to 60 days may be required in the case of complex searches for records. Clients may bring a support person to this appointment if they wish. Clients will show a copy of picture identification to verify their identity.

Clients who wish an explanation of their records may contact their Family Dynamics service provider, the relevant Manager and/or Clinical Director or the ED.

Clients will not be permitted to access third party records without the consent of the third party. In such cases, the Family Dynamics service provider will direct the client to obtain the requested information directly from the third party.

Clients wishing to correct information in their file shall provide the correction in writing to Family Dynamics. The written correction will be included in the client's record and, within three weeks of receipt, Family Dynamics will notify the client of its response to the correction.

In instances where clients request a copy of their record, they will be required to sign a form acknowledging that Family Dynamics retains no responsibility for the record once it is released.

Appointment of Privacy Officer

The Privacy Officer for Family Dynamics is the Executive Director (ED). The Privacy Officer is responsible for all client-related inquiries and complaints.

The contact information for the Privacy Officer is available on the Family Dynamics website and in the Client Rights Statement.

The duties of the Privacy Officer include:

- Maintaining knowledge of privacy legislation and regulations
- Ensuring that all employees and volunteers have training on the privacy policy
- Monitoring employee compliance with Family Dynamics' privacy policy
- Responding to privacy related complaints and concerns
- Responding to requests for access and correction
- Responding to inquiries from the public about Family Dynamics' privacy practices
- Liaising with other organizations, the public and government, as necessary, on privacy related issues

Inquiries and Complaints

Questions, comments or complaints about the Family Dynamics privacy policies and procedures or about the collection, use or disclosure of personal information will be directed to the Executive Director.

The Privacy Officer will follow the procedures set out in the Service User and Community Member Complaints policy in responding to, resolving and recording privacy related complaints.

Confidentiality and Privacy Agreement

All Family Dynamics personnel (employees, students and volunteers) will sign a Confidentiality and Privacy Agreement as part of their initial hiring or orientation. The signed Agreement will be placed in the employee, student or volunteer file. Personnel will not have access to any confidential information until after they have signed the Agreement (e.g., will not provide service to clients, access client or personnel records).

Any breach of confidentiality whether real or suspected should be reported as follows:

- if related to clients and donors, the breach should be reported to the relevant supervisor who will involve the Executive Director
- if related to personnel, the breach should be reported to the relevant supervisor who will involve the Executive Director
- if related to financial matters, the breach should be reported to the relevant Manager and/or Director who will involve the Executive Director.

In the event of a suspected breach of confidential records, the following steps shall be taken, in a timely manner.

- Notify a supervisor or manager.
- File a police report if theft is suspected.

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- Notify IT personnel for their input and action in mitigating the risk (i.e. changing user names and passwords, accessing backup data, etc.).
- Contact affected client(s) informing them of a potential breach of confidentiality, steps taken to mitigate the risk and who they can contact for more information.
- Reassess policies and procedures to work toward eliminating future risk, including data protection and building security.

Consent for Recording, Photographing and/or Filming

Employees, volunteers, students as well as all clients and members of the public will be asked to provide their informed and/or written consent prior to any recording, photographing or filming that may be used for promotional, educational or training purposes by the organization. Requests for participation in media conducted interviews or other activities for publication in print, online and/or for broadcasting purposes will be co-ordinated through the Executive Director with specific waivers provided by the media organization.

Family Dynamics Property

Upon termination of employment with Family Dynamics, employees shall promptly return (without duplicating or summarizing), any and all material pertaining to Family Dynamics business in their possession including, but not limited to: all client information (charts, lists, etc.), physical property, documents, keys, electronic information storage media, manuals, letters, notes and reports.

Legal

This agreement will not supersede any legal obligation to disseminate information when required to do so in a court of law.