

Guidelines for Maintaining Confidentiality and Personal Privacy

Section 5 of the Sunshine Coast Hospice Society's Human Resources Policy and Procedures Manual

(Approved by the SCHS Board of Directors January 23, 2018)

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In compliance with the *Personal Information Privacy Act* of British Columbia (PIPA) the following Guidelines shall apply to the handling and protection of personal information obtained from any person including members of the Board, employees, volunteers, members, donors, and clients of the Sunshine Coast Hospice Society (SCHS).

1.1 Authority of Vice President

The Vice President of the SCHS shall:

- Be the SCHS Board of Directors' (the Board) liaison with the Privacy Officer.
- Undertake, with input from the Privacy Officer, an annual review of personal information retained by the SCHS to ensure that personal information is retained in compliance with these Guidelines and PIPA, and instruct the Privacy Officer to take any corrective action that may be required
- Review and update these Guidelines as required in consultation with the Privacy Officer and Board.
- Act as arbiter for resolution of any conflict or disagreement that may arise from a decision by the Privacy Officer. On behalf of the SCHS, the Vice President's decision, in consultation with the President where necessary, and appropriate, shall be final. All complaints received and resolved, shall be reported annually to the Board.
- In the absence of the Privacy Officer, liaise with the Office of the Information Privacy Commissioner for BC, where necessary and appropriate.

1.2 Appointment and Role of the Privacy Officer, Access, and General Responsibility

The Privacy Officer shall be appointed by the SCHS Board and shall be either the Manager Hospice Services or the Associate Manager Hospice Services, or in their absence, another person approved by the Board of the SCHS.

The Privacy Officer shall be responsible for the collection, retention and handling of personal information under these Guidelines.

The Privacy Officer of SCHS shall have full access to all personal information records and confidential information of SCHS, including all personal information in accordance with these Guidelines. Access by any other SCHS Board member, officer, employee, contractor, volunteer or member, or by any person outside the SCHS, to such records and confidential information, shall only be allowed with the prior written approval of the Privacy Officer. Requests to access personal information shall be made to the Privacy Officer, providing sufficient detail to identify the personal information being sought and the purpose. A written record

of requests, and the outcomes of such requests for access, shall be kept by the Privacy Officer. The Privacy Officer may, with notice, revoke earlier granted permission.

The protection of personal information, as defined by these Guidelines, shall be the shared responsibility of all volunteers, employees, contractors and members of SCHS who may be collecting, using or providing personal information related to the SCHS. They should all be familiar with the confidentiality and personal privacy sections of the SCHS Human Resources Policy and Procedures manual (Section 5). Upon request, such individuals shall:

- Participate in personal information privacy instruction that may be offered by SCHS;
- Report concerns, complaints and requests for information to the Privacy Officer.

1.3 Collection and Use of Personal Information

Unless the purposes for collecting personal information are obvious and an individual voluntarily provides his/her personal information for those purposes, SCHS will communicate with such individual the purposes for which personal information is being collected, either orally or in writing, before or at the time of collection.

The SCHS shall only collect personal information that is necessary to fulfill the following purposes:

- To verify identity and eligibility for services;
- To identify client preference;
- To understand the needs of SCHS clients;
- To enroll a client in a service or program;
- To provide services and supports to SCHS clients
- To communicate with other service providers of SCHS
- To maintain a high standard of service to SCHS clients;
- To issue tax receipts;
- To maintain a donor data base
- To contact and thank volunteers and supporters;
- To organize employee personnel information and payroll;
- To screen volunteers and determine compatibility with clients, programs and services.
- To schedule volunteer activity;
- To elect Board members;
- To keep volunteers and general members informed and up to date on SCHS activities, special events and opportunities;

- To register individuals for workshops and conferences; and
- To meet legal and regulatory requirements.
- To collect, collate and distribute non-identifying statistical information to support funding, advocacy and resource allocation.
- To maintain SCHS membership data.

1.4 Consent and Withdrawal of Consent

Where possible, the SCHS shall obtain written consent from individuals to collect, use or disclose their personal information (except where, as noted in these Guidelines, it is authorized to do so without consent.) An authorized representative who has been directly named by an individual, or who can prove the source of his/her authority, may provide that individual's personal information and his/her consent.

Consent may be implied in the following circumstances:

- where the purpose for collecting, using or disclosing the personal information would be considered obvious and the individual voluntarily provides personal information for that purpose.
- where an individual has been given prior notice by SCHS, and a reasonable opportunity to opt-out of allowing use of his/her personal information for mail-outs or the promulgation of new services, and the individual does not opt-out.

Where consent is implied or provided orally, the SCHS shall keep a detailed written record thereof.

Subject to certain exceptions (e.g. the personal information is necessary to provide a service, or the withdrawal of consent would frustrate the performance of a legal obligation), individuals can withhold or withdraw consent for the SCHS to use their personal information at any time upon providing written notice to SCHS. An individual's decision to withhold or withdraw or limit consent to certain uses of personal information may restrict that individual's ability to receive or provide a service to SCHS. If so, the SCHS shall explain the significance of such actions in order to assist the individual.

In accordance with Section 12 (Collection of Personal Information Without Consent), Section 15 (Use of Personal Information Without Consent) and Section 18 (Disclosure of Personal Information Without Consent) of PIPA, the SCHS may collect, use or disclose personal information without the individual's consent or knowledge in the following circumstances:

- When the collection, use or disclosure of personal information is permitted or required by law;

- In an emergency that threatens an individual's life, health, or personal security;
- When a reasonable person would consider that **it** is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- When the personal information is available from a public source;
- When the information is used to decide whether an individual is suitable for an honour or award;
- To contact next of kin or a friend of an injured, ill or deceased individual;
- For employment purposes;
- In certain circumstances, for research or statistical purposes;
- When SCHS collects, uses, or discloses information from or on behalf of another organization (to which the individual previously gave consent), as long as it's for the purpose for which it was originally collected and is to assist SCHS in carrying out its work on behalf of that organization.

1.5 Retention

SCHS may retain personal information for as long as necessary to fulfill the purposes given for, and specific to its collection, or as may be required by law or by procedures and guidelines of SCHS.

1.6 Accuracy of Personal Information

The SCHS shall make reasonable efforts to ensure that personal information is accurate and complete in accordance with these Guidelines.

Individuals may request correction to their personal information in order to ensure its accuracy and completeness. A request to correct information shall be made in writing to the Privacy Officer and shall provide sufficient detail to identify the personal information and correction being sought.

If the personal information is determined to be inaccurate or incomplete by the Privacy Officer, SCHS shall correct the information as required. If the correction is not made, SCHS will note the individual's correction request in their file along with the reason(s) for not making such correction.

1.7 Security of Personal Information

The SCHS is committed to ensuring the security of personal information in order to protect it from unauthorized access, collection, use, disclosure, copying, modification or disposal, or similar risks. In that regard, SCHS shall comply with the following physical, administrative and technical safeguards:

Physical Safeguards:

- Personal information shall be stored in a locked filing cabinet or a secure, password protected or encrypted database;
- Only those employees, contractors and volunteers of SCHS as authorized by the Privacy Officer shall have access to personal information under these Guidelines;
- Files and documents containing personal information shall not be left unattended on desks or other locations where others may access same;
- Files containing personal information shall not be removed from the SCHS offices with the exception of volunteer contact information (with the consent of such volunteers) for communication purposes outside of regular office hours of SCHS, and only by the Manager or Associate Manager Hospice Services, or by another individual authorized by the Privacy Officer.
- Where files containing personal information need to be transported, they shall be safeguarded and remain in the possession of the individual mandated to remove those files.

Administrative Safeguards:

- SCHS shall provide a copy of these Guidelines to those employees and volunteers authorized to have access to personal information;
- Only employees and volunteers who have executed the SCHS's confidentiality agreement shall have access to personal information;
- Access to personal and confidential information shall be strictly on a "need to know" basis;

Technical Safeguards:

- Those persons authorized to have access to personal information under these Guidelines shall use password-protected computer screen savers to prevent unauthorized persons viewing or accessing personal information;
- SCHS will protect its computer and network systems through use of firewalls and antivirus software;
- Strong and secure passwords shall be utilized to ensure that only authorized persons have access to computer storage devices or to SCHS's network. Such passwords shall be changed on a regular basis;
- Only the Privacy Officer, or an individual to whom he/she has granted permission, is authorized to remotely access any personal information;
- No personal information shall be stored on mobile devices, such as USB flash drives;
- All mobile devices, such as laptops or mobile phones, that contain personal information must lock automatically and be password protected;

- No personal information shall be transmitted via e-mail unless password protected or other appropriate security measures are taken;
- SCHS will securely wipe all personal information from hard drives if any computer is to be discarded, sold or donated;
- Secure databases that contain personal information shall require password login;
- SCHS shall use appropriate security measures when destroying or removing any individual's personal information from any SCHS system or records, including shredding of hard copy information and deleting electronically stored information.

1.8 Access by Individuals to Their Own Personal Information

Individuals shall have the right at any time to access their own personal information retained by SCHS (except in accordance with Section 23 (Access to Personal Information) of PIPA). Access requests shall be made in writing to the Privacy Officer and shall be made during regular SCHS office hours.

The Privacy Officer shall make reasonable efforts to provide the requested information to the individual requesting access within 30 business days. The Privacy Officer shall provide written notice where additional time is required to fulfill the request. If a request is refused in whole or in part, the Privacy Officer shall notify the individual in writing, providing the reasons for refusal.

Upon request, the Privacy Officer shall inform an individual how the SCHS utilizes his/her personal information and with whom it has been shared, unless to do so would deny others' rights to privacy, or contravene the law.

1.9 Complaints

Clients, volunteers, donors and employees should direct any complaints, concerns, or questions regarding the SCHS's compliance with PIPA, in writing to the Privacy Officer. The Privacy Officer shall ensure that a copy of these Guidelines, along with procedures and contact information for addressing complaints or concerns is posted to SCHS's website. If the Privacy Officer is unable to satisfy any such complaint, concern or question, the query shall be forwarded to the Vice-President. If the Vice-President's response is unsatisfactory, the client, volunteer, donor or employee may write to the Information and Privacy Commissioner of British Columbia in accordance with PIPA. The Privacy Officer shall keep a written record of any such complaints, resolutions or actions taken.

In the event that the Privacy Officer, the Vice-President, or their respective designates, receive a subpoena arising from an externally initiated PIPA

complaint, they shall immediately notify the Board, which shall take all steps required to protect and support these individuals and the SCHS.