



AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL

CONFIDENTIALITY POLICY

AIDS Community Care Montreal (ACCM) respects the individual's right to privacy and honours the confidentiality of all those who use its services and/or who work as volunteers or paid employees.

As a general rule, confidential information is only available on a need to know basis with persons having access to such information only where required in the performance of their duties at ACCM.

1. CONFIDENTIAL INFORMATION

Confidential information includes but is not limited to the following:

- 1.1 Any information provided to ACCM in any form (whether verbal, written, graphic, taped, filmed, computerized or other) which relates to a client and which allows that client to be identified including:
- name
 - the fact that an individual is a current, former or prospective client of ACCM
 - diagnosis or medical condition
 - personal history
 - family relations
 - behaviour
 - sexual orientation
 - phone number, address, e-mail

Photographs of activities at ACCM that do not allow the viewer to determine the status of the individuals in the picture (i.e. client, volunteer or employee) are not considered confidential information. The use of such a photograph to identify an individual to a staff member does not transform it into confidential information. Every individual has the choice whether or not to be photographed.

A client is any individual who provides information to ACCM or consents to a third party providing such information to ACCM in connection with services received or anticipated to be received. Client includes prospective, current, former and deceased clients. Clients may also be employees or volunteers; information concerning each role is kept separately.

- 1.2 Employee information and personnel matters
1.3 ACCM business issues, e.g. media launches, financial information.
1.4 Information regarding volunteers

2. CONFIDENTIALITY STATEMENTS

- 2.1 All employees, volunteers, students, Board members and other individuals with access to confidential information are required to sign a confidentiality statement (see Appendix A) before commencing duties at ACCM. The obligation to maintain confidentiality applies to the duration of the contact with ACCM and continues indefinitely after the relationship with ACCM has ceased.
- 2.2 Clients and visitors are also required to sign a confidentiality statement stating that they will not disclose, outside ACCM, the identity of others at ACCM. This obligation continues indefinitely after the relationship with ACCM has ceased.

3. GATHERING INFORMATION AND ESTABLISHING A FILE

- 3.1 ACCM establishes files containing confidential information on all clients. The purpose of such a file is to:
 - reflect recognized standards of practice;
 - maintain a record of current contact information;
 - provide contact information in case of emergency;
 - document the assessment and progress of clients;
 - assist in summarizing, organizing and guiding the delivery of services; and
 - communicate effectively with internal staff and other professionals as required
- 3.2 ACCM establishes files containing confidential information on all volunteers and employees. The purpose of such a file is to:
 - ensure the good character of the volunteer/employee in order to protect the interests of clients and the organization;
 - provide contact information in case of emergency;
 - document the volunteer/work history of the volunteer/employee;
 - in the case of employees, to provide information for income tax purposes and facilitate in administrative tasks relating to the employment of persons as required by law.
- 3.3 When gathering information for a file, ACCM can collect only information **which** is necessary for the purpose of the file.
- 3.4 Confidential information may be collected only from the person to whom such information relates unless:
 - 3.4.1 that person consents to collection from **a third party**;
 - 3.4.2 there is a serious and legitimate reason to do so and the information is collected in the interest of the person concerned and/or relates to his or her use of services and cannot be collected from him directly;
 - 3.4.3 the law authorizes it.

4. STORING INFORMATION

- 4.1 Client, volunteer and employee files are the property of ACCM.
- 4.2 Those with access to files are to:
 - 4.2.1 ensure that confidential information is kept safe and secure from physical damage and unauthorized access;
 - 4.2.2 ensure that all electronic files are secured with passwords. These passwords must be changed every time there is a change in persons with access to electronic files; if there is no such change, then every six months. Back-up copies of all electronic files must be maintained and kept secure.
 - 4.2.3 keep existing paper files in lockable filing cabinets. Staff are responsible for ensuring that filing cabinets are locked at the end of each working day. Staff requiring access to files after hours are responsible for locking cabinets after use. Keys for cabinets are to be kept in a secure location in each area. When necessary to transport a file, the file must be enclosed in a sealed envelope and transported in a secure manner while on route to destination, e.g., in a locked trunk or on person. When a file is removed from its ordinary location, a file marker indicating the date, person responsible and the purpose for its removal must be put in its place.

5. ACCESS TO INFORMATION

- 5.1 STAFF AND VOLUNTEER ACCESS TO CLIENT INFORMATION
 - 5.1.1 Access to paper files is limited to the Coordinated Case Management Team (Case Manager, the Drop In/Resource Centre Director, Support Services Assistant and Executive Director).
 - 5.1.2 Access to the client database is limited to the Coordinated Case Management Team and the Office Coordinator.
 - 5.1.3 Confidential information may be shared among employees, Board members and/or volunteers of ACCM, but only on a “need to know” basis.
- 5.2 ACCESS TO VOLUNTEER FILES
 - 5.2.1 Access to volunteer files is limited to the Director of Volunteers, Executive Director, and employee supervising the volunteer.
 - 5.2.2 Access to the volunteer database is limited to the Director of Volunteers, Executive Director and the Office Coordinator.
 - 5.2.3 Confidential information may be shared among employees, Board members and/or volunteers of ACCM, but only on a “need to know” basis.

5.3 ACCESS TO EMPLOYEE PERSONNEL FILES

5.3.1 Access to employee personnel files is limited to the Executive Director and those people that require access to such files for the performance of their duties at ACCM. In cases that call for discipline of the employee, the information may also be shared with the Administration and Personnel Committee of the Board.

5.4 DISCLOSURE/RELEASE OF INFORMATION TO THIRD PARTIES

5.4.1 Confidential information may be disclosed only with the explicit informed consent or waiver of the person concerned. Whenever possible, this consent should be obtained in writing. Care must be taken to ensure that the means of communicating with individuals does not itself breach their confidentiality.

5.4.2 a) When ACCM refers a person to other service agencies, that person's written consent is required before personal information is shared with personnel of the other agency.

b) When a person is referred to ACCM by another service agency, that person's written consent is required before personal information may be shared with that referral source.

5.4.3 When a person would benefit from the services of another agency and a referral is made, ACCM may, with that person's verbal consent, follow-up with that agency to ascertain the outcome of the referral.

5.4.4 Confidential information may be disclosed without the consent of the person concerned in a situation that threatens his or her life, health or safety or in a situation which requires immediate action to prevent harm such as preventing a harmful criminal activity.

5.4.5 ACCM may disclose confidential information to the extent necessary to defend the agency, its officers, employees or volunteers from any claim or lawsuit instituted against ACCM, its officers, employees or volunteers, by or on behalf of a client or the client's heirs, executors or assigns, including any claim brought by a client's insurers.

5.4.6 ACCM may disclose confidential information where required by law to do so.

5.5 USE OF INFORMATION FOR STATISTICAL PURPOSES

5.5.1 Statistical information or data may be disclosed, without the consent of the person concerned, provided no identifying data is supplied.

5.6 RELEASE OF INFORMATION TO THE PERSON CONCERNED

5.6.1 Clients, employees and volunteers have the right to know what confidential information ACCM has received, collected and maintained about them and to have access to such information, subject to the restrictions listed below. A request for information must be responded to with diligence.

5.6.2 The person concerned will be provided with a copy of the requested information within two working days.

5.6.3 ACCM may restrict access to confidential information:

- 5.6.3.1 when such information was received from a third party on the condition that it not be disclosed to the person concerned;
- 5.6.3.2 if the information would result in serious harm to the person's health;
- 5.6.3.3 where disclosure of the information would be likely to hinder an inquiry the purpose of which is the prevention, detection or repression of a crime or statutory offence;
- 5.6.3.4 where required by law.

5.6.4 ACCM must restrict access to confidential information:

- 5.6.4.1 where disclosure would be likely to reveal personal information about a third person and the disclosure may seriously harm that third person.

6. BREACH OF CONFIDENTIALITY

It is a breach of confidentiality for an employee, volunteer, Board member or any client to:

- 6.1 discuss any confidential information within or outside ACCM where individuals who are not authorized to have access to that information may hear it;
- 6.2 provide confidential information or records to unauthorized individuals;
- 6.3 leave confidential information in written form or displayed on a computer terminal in a location where unauthorized individuals may view it;
- 6.4 identify someone as a client of ACCM outside ACCM;
- 6.5 fail to follow the provisions in this policy.

7. RECOURSES

- 7.1 If confidential information has been used in a manner contrary to any of the above provisions the aggrieved party may file a complaint in accordance with ACCM's Grievance Resolution Policy.
- 7.2 If a breach of confidentiality has occurred, appropriate disciplinary measures will be taken with respect to the offending party and corrective measures will be taken to prevent future occurrences.

- 7.3 A person with a complaint regarding the access to or rectification of confidential information may file a complaint with the Commission d'accès à l'information for the examination of such a disagreement. In the event that such a complaint is filed with both ACCM and the Commission d'accès à l'information, ACCM will stop its process of review.

Adopted 21 July 2003