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1.0 POLICY

As a Purchased Service Provider for Manitoba Family Services, The Freedom of Information and Protection of Privacy Act (Manitoba) and The Personal Health Information Act (Manitoba) concepts and procedures are expected of Hearthstone Community Group Inc. (HCG). These obligations are detailed in the Family Services Purchase Service Agreement, Appendix 3.

2.0 Table of Contents (see original policy)

3.0 BACKGROUND

## 3.01 The Freedom of Information and Protection of Privacy Act (Manitoba) ("FIPPA")

HCG upholds the principles of and follows FIPPA which was proclaimed on May 4, 1998 and was extended to local public bodies, including non-profit organizations under purchased service agreements with the Province of Manitoba.

The Board appointed the Chair as the designated head under the Act. The Chair in turn delegates her/his duties and obligations under FIPPA as necessary to the General Manager or Office Manager.

FIPPA applies to all records in the custody or control of HCG. A record is defined as information recorded in any form such as written and printed records, maps, plans and audio-visual recordings, as well as information stored and retrieved electronically, such as emails. FIPPA does not cover teaching or training materials.

The purposes of FIPPA are:

1. to allow any person a right of access to records in the custody or under the control of HCG, subject to the limited and specific exceptions set out in FIPPA
2. to allow individuals a right of access to records containing personal information about themselves in the custody or under the control of HCG, subject to the limited and specific exceptions set out in FIPPA
3. to allow individuals a right to request corrections to records containing personal information about themselves in the custody or under the control of HCG
4. to control the manner in which HCG may collect personal information from individuals and to protect individuals against unauthorized use or disclosure of personal information by the organization
5. to provide for an independent review of certain decisions of HCG under FIPPA

3.02 The Personal Health Information Act (Manitoba) ("PHIA")

HCG is also committed to FIPPA's companion act PHIA. PHIA came into effect on December 11, 1997.

Personal health information is defined in PHIA as recorded information about an identifiable individual relating to that person's health or health care history, the provision of health care to the individual or payment for health care provided to that individual.

Access to personal health information about someone else must be dealt with under FIPPA (unless the request is made by a person authorized to act on behalf of the other person under section 60 of PHIA). PHIA outlines rules for the collection, use and disclosure of personal health information.

The designated head under PHIA shall be the same as under FIPPA, and delegates her/his duties and obligations under PHIA as necessary.

The purposes of PHIA are:

1. to provide individuals with a right to examine and receive a copy of personal health information about themselves subject to the limited and specific exceptions set out in PHIA
2. to provide individuals with a right to request corrections to personal health information about themselves
3. to control the manner in which the organization may collect personal health information
4. to protect individuals against the unauthorized use, disclosure or destruction of personal health information by HCG
5. to control the collection, use and disclosure of an individual's personal health identification number
6. to provide for an independent review of certain decisions of HCG under PHIA

4.0 ACCOUNTABILITY

4.01 The Chair is the designated head under FIPPA and PHIA as appointed by the Board. The Chair in turn delegates their duties and obligations under FIPPA and PHIA as necessary to the General Manager or Office Manager.

4.02 As HCG is a service provider to the Province of Manitoba Family Services, all requests for disclosures under PHIA or FIPPA shall be vetted by the Province of Manitoba Family Services (through CSW) and HCG shall be compliant with their direction.

4.03 Should any of HCG’s policies conflict with FIPPA or PHIA, the provisions of FIPPA or PHIA shall prevail unless otherwise expressly provided for by law.

4.04 RELATED DOCUMENTS

[The Freedom of Information and Protection of Privacy Act (Manitoba)](http://www.gov.mb.ca/chc/fippa/)

[The Personal Health Information Act (Manitoba)](http://www.gov.mb.ca/health/phia/)

5.0 OPENNESS AND TRANSPARENCY

5.01 HCG values participants’ privacy and shall act to ensure that it is protected.

5.02 This policy shall be updated every three (3) years at minimum to capture our current practices and to respond to federal and provincial requirements for the protection of personal health information as detailed for Service Providers to Family Services and Licensing.

5.03 This policy details how HCG collects, protects, uses and discloses the personal health information of participants and the rights of participants with respect to their personal health information.

5.04 HCG shall make staff available to answer any participants’ questions regarding our privacy practices.

6.0 PROTECTION

6.01 HCG is ultimately accountable to take steps for the protection of the health records in our possession.

6.02 Participants’ information is sensitive by nature. Employees and all others in this organization who assist with or provide care (including students and locums) are required to be aware of and adhere to the protections described in this policy for the appropriate use and disclosure of personal health information.

6.03 All persons in this organization who have access to personal health information must adhere to the following information management practices.

6.03.1 Organization information management practices:

1. Access is on a need to know basis
2. Access is restricted to authorized users
3. Contractual privacy clauses/agreements with third parties (including cleaning and security personnel, landlords, data processors, etc.) shall be enacted if applicable

6.03.2 This organization employs strict privacy protections to ensure that:

1. We protect the confidentiality of any personal health information we access in the course of providing participants care
2. We collect, use and disclose personal health information only for the purposes of providing care and treatment or the administration of that care, or for other purposes expressly consented to by the participants
3. We adhere to the privacy and security policies and procedures of this organization
4. We educate and train staff on the importance of protecting personal health information

7.0 COLLECTION, USE AND DISCLOSURE OF PERSONAL HEALTH INFORMATION

7.01 HCG collects the following personal health information:

7.01.1 Identification/Contact information, including

* 1. name
	2. date of birth
	3. personal contacts

7.01.2 Provincial Medical Care information, including

* 1. Manitoba Health (health card) numbers (Family and PHIN)
	2. private medical insurance details
	3. Health information, which may include medical history
	4. Diagnosis as required to provide care
	5. Medications purposes and dosage

7.02 Limits on collection:

7.02.1 We will only collect the information that is required to provide care, administrate the care that is provided, and communicate with participants. We will not collect any other information, or allow information to be used for other purposes, without the participants' express consent - except where authorized to do so by law.

7.02.2 These limits on collection ensure that we do not collect unnecessary information.

7.02.3 We share information with other service providers only if the person or decision maker signs a release to permit sharing.