

ErinoakKids Privacy Policy Summary

(This is a summary of our Privacy Policy. To request the entire Privacy Policy, please call our Health Records department at 905-855-2690 (toll free 1-877-374-6625), extension 2435.

GOVERNANCE AND ACCOUNTABILITY

We are responsible for the protected data under ErinoakKids' control.

To meet our governance obligations and its Agreements with its clients, we have:

- Assigned a Privacy Officer to ensure compliance with legal obligations related to privacy and security.
- Used or developed procedures to:
 - Develop Key Performance Indicators to assess and report on privacy or security metrics.
 - Review the ErinoakKids privacy and security documentation each year to ensure that it complies with applicable legal, contractual, industry, and regulatory requirements and to determine whether it should be updated based on changes in the law.
 - Retain a third party to conduct Privacy Impact Assessments for any new projects.

We are responsible for the protected data that is used by agents acting on our behalf, and for protected data that is transferred by or used by third party service providers to perform services that we are overseeing.

We use contractual agreements to make sure that a comparable level of data protection is in place when protected data is handled by these parties. We require third party organizations to sign a data sharing agreement that binds them to the ErinoakKids Privacy Policy, as well as a confidentiality agreement.

IDENTIFYING PURPOSES OF DATA COLLECTION

ErinoakKids collects protected data for:

- primary purpose(s) such as providing appropriate therapeutic services, and
- secondary purposes such as reporting to funding sources, internal quality improvement reviews, or program planning.

We will inform clients about these purposes before or at the time the client's protected data is first collected.

Depending upon the context of service delivery, we will provide this information verbally or in writing (e.g., via websites, letters, or flyers).

Clients' protected data:

- Will be used and shared on a strict need-to-know basis with members of the healthcare team to provide the necessary care and intervention;
- May be used for health and developmental services system planning and research;
- May be disclosed to fulfill mandatory reporting obligations that are permitted or required by law (e.g., warrants, subpoenas, etc.); and,
- Where possible, protected data may be de-identified or anonymized for any approved secondary purposes (e.g., system planning, research).

We have an agreement in place with the Ontario Ministry of Child and Youth Services. The Ministry can access anonymized data and limited protected data shared by us for the purpose of monitoring and planning for Healthy Child Development programs.

Information regarding donors, prospective donors, school staff, and partners (including fundraising partners) is collected for: communications; requesting and managing donations; sending reminders, thank-you letters, and tax receipts; fundraising and gala events management; compliance; and for validating identity.

CONSENT

At the time of intake, ErinoakKids clients or their families consent to release and share protected data for the purpose of receiving our services. By providing either verbal or written consent, families and clients agree to the collection, use, disclosure, or retention of protected data by us and our agents.

Giving consent to use information is a requirement of service: our services cannot be delivered without consent to use information.

Clients or their families may withdraw consent to the disclosure of their protected data to all or particular third parties by submitting a request to Health Records. ErinoakKids will then cease to disclose the client's protected data (except in situations where it is legally permitted or required to use or disclose without consent). Withdrawal of consent will be recorded in the client's electronic health record.

LIMITING COLLECTION

We will only collect protected data that is necessary for us to provide services to you. We will not collect data that we do not need.

LIMITING DISCLOSURE AND RETENTION

Clients have a right to control the use and further disclosure of their protected data. We will only use and disclose the protected data in our custody as needed to fulfill the purposes identified when you gave it to us.

We will not disclose protected data, except in accordance with ErinoakKids' obligations under its Agreements with funders and service delivery partners. We do not sell protected data to other parties.

ErinoakKids is committed to accurate classification, secure retention, safe transfer, and timely disposal of any protected data.

ENSURING ACCURACY

Our clients have a right to request a correction or update of their protected data contained in our electronic health record system. We will make the correction or addition if it is determined to be appropriate and necessary.

We will ensure that client data is reviewed for accuracy, completeness, and consistency, and that any issues are reported to the health records and data quality team and corrected in a timely manner.

SAFEGUARDS

Appropriate physical, electronic, and operational security safeguards are in place to safeguard protected data, and to ensure that it is collected, accessed, used, and disclosed only as authorized.

We use contractual agreements to restrict the use, transfer, and retention of protected data by our third party service providers, in order to ensure that they have in place protections comparable to our own safeguards.

OPENNESS

ErinoakKids:

- Makes available to each client and to the public this Privacy Policy Summary, which is a plain language description of our Privacy Policy;
- Makes publicly available on this website a [Data Protection Statement](#), a general description of the safeguards implemented by ErinoakKids to ensure the security and confidentiality of protected data.

INDIVIDUAL ACCESS

Clients have a right of reasonable access to any protected data used for their care and treatment. They have a right to request that a correction be made to their health record if they believe something is inaccurate. Please see [Access to Information](#) for further information.

COMPLAINT MANAGEMENT

If clients or families believe that ErinoakKids has not protected privacy in accordance with federal and provincial privacy law, they can submit a written complaint. ErinoakKids has documented procedures, with clear accountabilities, to ensure prompt written responses to such inquiries or complaints.

ErinoakKids will investigate all complaints. If a complaint is found to be justified, ErinoakKids will take appropriate measures, including, if necessary, amending its policies and practices.

Concern or complaints regarding ErinoakKids' information practices may be submitted to the Health Records department:

- via our [Contact Us page](#).
- by mail:
ErinoakKids Centre for Treatment and Development
Health Records Department
10145 McVean Drive
Brampton, ON
L6P 4K7
- by telephone: (905) 855-2690 ext. 2435

HUMAN RESOURCES

ErinoakKids uses and develops procedures to ensure that employees, consultants, or permitted agents who perform services or otherwise have access to protected data will:

- Sign a Confidentiality Agreement and Code of Conduct.
- Be informed of all privacy and security related policies and procedures, and ensure that these policies and procedures are readily accessible to all personnel.
- Obtain a satisfactory background screening.

TRAINING AND AWARENESS

We believe that a culture of privacy and security is necessary to meet the individual and collective responsibilities of our organization, and to this end we deliver comprehensive privacy training and ongoing awareness initiatives. Our staff and agents must handle protected data in compliance with provincial and federal privacy laws, our policy, and best practice guidelines.

AUDITING POLICY AND PROCEDURES

For each service, we will draft policies and procedures for regular audits to ensure that ErinoakKids is complying with partner agreements and applicable laws, and to identify any privacy incidents or breaches.

BREACH RESPONSE PROTOCOL

We will promptly and appropriately respond to, contain, and mitigate the impact of a privacy or security breach or incident. Accordingly, we have a documented breach response protocol to identify, manage, and resolve privacy and security breaches and incidents which occur as the result of loss, theft, unauthorized use, access, disclosure, copying, modification, or disposal of protected data.

BREACH NOTIFICATION

In the event of a data breach, we will take all necessary steps to reduce risks of harm to any affected individuals.

We will notify the Office of the Privacy Commissioner of Canada in the event of a breach of protected data under its control, if it is reasonable in the circumstances to believe that the breach creates a real risk of significant harm to an individual.

We will notify individuals of any breach of security safeguards involving the individual's protected data under our control if it is reasonable to believe that the breach creates a real risk of significant harm to the individual.

RECORDING AND COPYRIGHT

Families may not record any portion of service delivery, whether it takes place at ErinoakKids or elsewhere. The unauthorized use of any device to audiotape, photograph, video-record, or otherwise record any form of intervention or consultation provided by ErinoakKids is prohibited by the *Canadian Copyright Act*. Families requiring an exception due to special needs should communicate with ErinoakKids. Families may only record ErinoakKids staff at special events with staff consent.

COMPLIANCE WITH PRIVACY LAWS

Our data protection practices are governed by the *Personal Information Protection and Electronic Documents Act* (PIPEDA), the federal law that oversees the collection, use, and disclosure of personal information (in all provinces except Alberta, BC, and Quebec). PIPEDA applies to charities, non-profit organizations, associations, and other similar organizations that manage personal information in the course of their activities.

We also collect personal health information, and thus also comply with Ontario's *Personal Health Information Protection Act* (PHIPA). PHIPA protects personal health information by outlining data protection requirements for healthcare professionals and institutions, and their agents and service providers.

We also are governed by the Child, Youth and Family Services Act (CYFSA), an Ontario law that governs certain programs and services for children, youth, and families.

We have practices, processes, and procedures in place to ensure that ErinoakKids meets all applicable requirements of these laws and of its Client Agreements.