

PRIVACY POLICY

De Novo Treatment Centre
("De Novo")

Effective November 1, 2004
Reviewed and revised June 13, 2012
Updated May 21, 2019
Updated September 12, 2019



De Novo's Board of Directors and Trustees may revise this Privacy Policy, without notice, if De Novo changes its information practices, is required by law to make certain revisions, or for any other reason.

A. Privacy Statement

De Novo Treatment Centre is committed to protecting the privacy of its clients. Maintaining the confidentiality of personal information and personal health information is fundamental to the way we operate.

The terms of this Privacy Policy accord with Ontario's *Personal Health Information Protection Act* (PHIPA) and also with the Federal *Personal Information Protection and Electronic Documents Act* (PIPEDA), to the extent that it may apply to De Novo.

B. Application of De Novo's Privacy Policy

This Privacy Policy applies to the collection, use, disclosure, retention and disposal of personal information and personal health information by:

- De Novo Board of Directors and Trustees
- De Novo agents, that is, individuals and organizations, who are authorized to act for or on behalf of De Novo, in respect of personal information and personal health information for De Novo's purposes and not for their own purposes, including:
 - A. De Novo employees, both management and staff;
 - B. De Novo actuaries, consultants, and other professional advisors
 - C. Physicians who are under contract to De Novo and who provide services to De Novo clients; and
 - D. Third parties who provide goods or services that enable De Novo to use electronic means to collect, use, modify, disclose, retain or dispose of personal health information, except for network providers, such as internet service providers.

This Privacy Policy applies to personal information and personal health information about De Novo's prospective, current and former clients, whether living or deceased. It also applies to personal information and personal health information about each client's parents, former or current spouse or partner, and children.

This Privacy Policy does not apply:

- to personal information or personal health information that De Novo collects, uses, or discloses about its employees for personnel or human relations purposes
- to any collections, uses, or disclosures of personal information or personal health information that do not relate to the provision of treatment to De Novo's clients
- to the activities of trade Unions whose members may become De Novo clients from time to time that do not relate to the identified purposes
- to the activities of organizations whose employees may become De Novo's clients from time to time that do not relate to the identified purposes.

C. General Description of De Novo Information Practices

De Novo has in place information practices that comply with the requirement of PHIPA and its regulations and also, with the requirements of PIPEDA, to the extent that it may apply to De Novo.

1. Purposes

- 1.1 De Novo routinely collects, uses, and discloses personal information and personal health information for the purpose of providing inpatient / outpatient treatment services regarding alcohol and drug dependency to De Novo's clients. Related purposes include:
 - to admit clients
 - to assess clients
 - to develop treatment plans, aftercare plans and counseling strategies
 - to provide medical care
 - to assist clients when applying for benefits
 - to refer clients to proper agencies and services, including long term care facilities
 - to comply with legal obligations, for example, the reporting of suspected child abuse under Ontario's Child and Family Services Act
 - to seek treatment related assistance from professionals external to De Novo.
- 1.2 In addition to describing the purposes in the Privacy Policy, De Novo also posts or makes readily available a notice describing the purposes for which it collects, uses, and discloses personal health information.
- 1.3 De Novo does not maintain records that contain personal health information about its employees or other agents primarily for the purpose of providing health care to them.

2. Accuracy

- 2.1 De Novo takes reasonable steps to ensure that information is as accurate, complete and up to date as is necessary for the purposes for which De Novo uses the information.
- 2.2 De Novo clearly sets out for the recipient(s) of personal health information that it discloses limitations on the accuracy, completeness or up to date character of the information, if any.

3. Security

- 3.1 De Novo has taken steps that are reasonable in the circumstances to ensure that personal information and personal health information is protected against theft, loss and unauthorized use or disclosure and that the records containing the information are protected against unauthorized copying, modification or disposal.
- 3.2 De Novo uses administrative, technical, and physical safeguards to protect personal information and personal health information that are appropriate to the sensitivity of the information, including for example:
 - a) client files remain in a locked area accessible by staff only
 - b) employee files are maintained in a locked area accessible by management only
 - c) all files are maintained in lockable fire retardant cabinets
 - d) all computers are password protected
 - e) the computerized client database is Access protected
 - f) staff utilize only the computer allocated to them
- 3.3 De Novo does not collect personal information or personal health information via any website.
- 3.4 De Novo would notify individuals at the earliest opportunity if their personal health information has been stolen, lost or accessed by unauthorized persons.

4 Records

- 4.1 De Novo ensures that its records containing personal information and personal health information are retained and disposed of in a secure manner.
- 4.2 Employee information is maintained in a locked area not accessible by non-management personnel.
- 4.3 Information regarding clients is given to those individuals authorized through the Release of Information form only.
- 4.4 De Novo ensures that its records containing personal information and personal health information are transferred in a secure manner.

- 4.5 Any confidential document is transferred via courier or confidential fax only. Outside agencies are encouraged to utilize these same methods for transmission of confidential information.
- 4.6 All departing faxes include the standard cover letter that states the information included may be privileged, confidential and personal, with direction given regarding unauthorized use or error in receiving; both statements protecting the privacy of the sender and subject matter.

5. **Accountability and Openness**

- 5.1 De Novo's Board of Directors and Trustees is accountable for De Novo's compliance with PHIPA and with PIPEDA, to the extent that it may apply to De Novo.
- 5.2 The Executive Director is De Novo's Contact Person and Chief Privacy Officer ("CPCPO"). S/He can be reached by telephone at 1-800-933-6686 or 1-705-787-0247. His/her mailing address is 87 Forbes Hill Drive, Huntsville, ON. P1H 1R1
- 5.3 De Novo's CPCPO responsibilities include:
 - a) Facilitating De Novo's compliance with the relevant privacy legislation
 - b) Training employees and responding to inquiries about De Novo's information practices
 - c) Responding to requests for access to or correction of information and
 - d) Receiving complaints about De Novo's alleged contravention of the relevant privacy legislation.
- 5.4 De Novo has developed and made available this Privacy Policy, which provides a general description of De Novo's information practices; describes how to contact the CPCPO; describes how an individual may obtain access to or request correction of his or her information; and describes how to make a complaint to De Novo and to the Information and Privacy Commissioner/Ontario.
- 5.5 De Novo permits its agents to collect, use, disclose, retain or dispose of personal information and personal health information on De Novo's behalf only under circumstances when De Novo is permitted to do so and the action is in the course of the agent's duties and not contrary to the limits imposed by De Novo, PHIPA or any other law.
- 5.6 De Novo obtains contractual commitments from each of its agents and from persons who provide De Novo with goods or services for the purpose of enabling De Novo to use electronic means to collect, use, modify,

disclose, retain or dispose of personal information and personal health information, to protect the personal information and personal health information that they deal with on behalf of De Novo in accordance with the relevant privacy laws and privacy policies.

6. Consent

- 6.1 De Novo obtains express consent when De Novo discloses personal health information to a person that is not a health information custodian or when De Novo discloses personal health information to another health information custodian for purposes that do not relate to the provision of health care.
- 6.2 When express consent is required, De Novo generally uses preprinted forms both to obtain consent and to collect information. De Novo may also use these forms to advise members of the use that will be made of the information; to which types of organizations the information may be transferred or disclosed, if any; and of their right to withdraw their consent, together with the consequences of the withdrawal.
- 6.3 When required to obtain the consent of an individual, De Novo obtains consent from the individual that relates to the information, without deception or coercion, if the individual is capable of consenting.
- 6.4 De Novo presumes that an individual is capable of consenting to the collection, use, or disclosure of personal health information unless De Novo or another qualified health information custodian informs De Novo that it has reasonable grounds to believe that the individual is incapable of consenting.
- 6.5 Either De Novo or another qualified health information custodian determines the capacity or incapacity of the individual, as the case may be, in accordance with PHIPA.
- 6.6 If a determination has been made that the individual is incapable of consenting, then De Novo obtains consent in accordance with the relevant legislation.
- 6.7 De Novo does not accept consent from the union to which a client may belong, on behalf of that client or any other individual.
- 6.8 If an individual places a condition on his or her consent to have De Novo collect, use, or disclose personal health information, the condition is not effective to the extent that it prohibits or restricts any recording of personal health information by De Novo that is required by law or by established standards of professional practice or institutional practice.

- 6.9 When De Novo receives personal health information from an individual, the individual's substitute decision maker or another health information custodian for the purpose of providing health care to the individual, De Novo assumes that it has the individual's implied consent to collect, use, or disclose the information for the purpose of providing health care to the individual, unless De Novo is aware that the individual has expressly withheld or withdrawn the consent.
- 6.10 If a client who is a resident at De Novo provides to De Novo information about his or her religious or other organizational affiliation, De Novo may assume that it has the individual's implied consent to provide to a representative of the religious or other organization, the client's name and location at De Novo, after De Novo has offered the resident the opportunity to withhold or withdraw consent and the resident has not done so.
- 6.11 If De Novo collects, uses, or discloses personal information or personal health information in the course of commercial activities, De Novo obtains consent in accordance with PIPEDA. However, as permitted by PIPEDA, De Novo does not obtain consent in circumstances including, but not limited to, the following:
- a) when it is inappropriate to do so;
 - b) where legal, medical, or security reasons may make it impossible or impractical to obtain consent; or
 - c) Where the disclosure is permitted without consent; for example, when De Novo discloses information to its lawyers; is requested to comply with a subpoena, warrant or court order, or makes a disclosure to a person who needs the information because of an emergency that threatens the life, health or security of an individual.

7. Collection, Use and Disclosure of Personal Health Information

a. General Limitations and Requirements

- 7.1 De Novo does not collect, use, or disclose personal health information about an individual unless it has the individual's consent and to the best of De Novo's knowledge, the collection, use and disclosure is necessary for a lawful purpose; or the collection, use, or disclosure is permitted or required by this Policy and PHIPA.

- 7.2 De Novo limits the collection, use, and disclosure of personal information and personal health information to what is reasonably necessary to satisfy the identified purposes.
- 7.3 De Novo does not use personal information or personal health information for fundraising or marketing purposes.
- 7.4 De Novo collects an individual's health number only as reference in the provision for routine/urgent/emergent medical treatment related to the purposes identified in this Privacy Policy.

b) Collection

- 7.5 De Novo collects personal health information **directly** from the client.
- 7.6 De Novo also collects personal health information **indirectly** from the client's family members, employer(s), physician(s), union business agent or business manager, referring union, or lawyer. De Novo may also collect personal health information indirectly from social agencies, such as a community counseling agency and treatment centres (public and private), from employee assistance program workers and from hospitals.
- 7.7 When De Novo receives personal health information from a health information custodian, De Novo does not use or disclose it for any purpose other than the purpose for which the disclosing custodian was authorized to disclose it or the purpose of carrying out a statutory or legal duty.
- 7.8 De Novo collects personal health information indirectly when the client consents; when the information is reasonably necessary for providing health care to the client and it is not reasonably possible to collect directly from the client personal health information that can be relied on as accurate or in a timely manner; and for other reasons permitted or required by law.
- 7.9 De Novo may collect personal health information about an individual from the individual even if the individual is incapable of consenting, if the collection is reasonably necessary for the provision of health care and it is not reasonably possible to obtain consent in a timely manner.
- 7.10 Generally, De Novo collects personal health information about prospective and current clients, their parents, their former and current spouse(s)/partner(s), and their children.
- 7.11 The personal information that De Novo collects includes, but is not limited to: name, address, telephone number, age (date of birth), employment

status- whether working or under suspension, local union number, union status, including whether in arrears, financial situation, education, legal history including present and past prison time, parole or probation, court appearance dates, family status, for example, divorce or separation, and language preference.

- 7.12 The personal health information that De Novo collects includes, but is not limited to, physician's name, medication taken, history of substance (drug and alcohol) use by client and client's family members, primary and secondary addiction, previous treatment, medical condition(s) eg diabetes, seizures, food allergies and medical test results.
- 7.13 De Novo does not collect the client's Social Insurance Number.
- 7.14 De Novo collects personal information and personal health information on pre-printed forms; in person, during interviews and formal face to face sessions; and also, over the telephone. Information is also collected through direct observation of the client's conduct while he is resident at the facility.
- 7.15 Personal information and personal health information can be collected over the Internet, by fax or through e-mail.

c) Use

- 7.16 De Novo uses personal information and personal health information as authorized by PHIPA, including, but not limited to:
 - a) for the purpose for which it was collected or created and for all the functions reasonably necessary for carrying out that purpose, unless the information was collected without the consent of the individual, or the information was collected indirectly without the individual's consent and the individual expressly instructs otherwise;
 - b) for planning or delivering programs and services that De Novo provides, evaluating or monitoring any of them or detecting, monitoring or preventing fraud;
 - c) for risk management; and for educating employees to provide health care.
- 7.17 De Novo's agents, including its employees, only use personal information and personal health information for the purposes for which De Novo is authorized to use it.

7.18 De Novo does not use personal health information about its clients for research purposes.

d) Disclosure

7.19 De Novo discloses personal information and personal health information in support of the identified purposes.

7.20 De Novo does not disclose personal health information about its clients to researchers or otherwise for research purposes.

7.21 De Novo's release of personal information or personal health information to its agents is considered to be a use and not a disclosure.

7.22 De Novo discloses information to health information custodians, including the following: physicians, recovery homes, long term care facilities, social agencies, such as the community counseling agency, other treatment centers (public and private), employee assistance program workers, and hospitals.

7.23 De Novo discloses information to persons who are not health information custodians, including the following: family members, referral agent, insurance companies, client's lawyer, law enforcement agencies, probation and parole officers, Children's Aid Society, employers, and union representative, business agent or business manager.

7.24 De Novo does not disclose the names of individual clients who are, or were, resident at De Novo to their benefit plans or to the plans' third party administrator without the knowledge and consent of the individual client.

7.25 De Novo does not disclose the names of individual clients who are, or were, resident at De Novo to the Board of Directors and Trustees, but rather provides anonymized, statistical reports that list the number of clients by trade union affiliation.

7.26 De Novo may disclose personal health information about an individual for the purpose of contacting a relative, friend or potential substitute decision maker of the individual, if the individual is injured, incapacitated or ill and unable to give consent personally.

7.27 De Novo may disclose to a person the following information about a client who is resident at De Novo, if De Novo offers the client the option, at the first reasonable opportunity after admission, to object to the disclosure and if the client does not object: the fact that the individual is a resident at De Novo, the individual's general health status described as poor, fair, stable,

or satisfactory, or in similar terms; and the location of the individual at De Novo.

7.28 In accordance with the relevant provisions of PHIPA, De Novo may disclose personal health information about an individual to a range of recipients (both health information custodians and persons who are not health information custodians) in support of a range of purposes, including but not limited to:

- a) For the purpose of informing any person that an individual is deceased;
- b) If De Novo believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons;
- c) To a legal representative who is authorized under the Rules of Civil Procedure, or by a court order, to commence, defend or continue a proceeding on behalf of the individual;
- d) For the purpose of complying with a summons or order;
- e) To a potential successor of De Novo, for the purpose of allowing the potential successor to assess and evaluate De Novo's operations, if the potential successor first enters into an agreement with De Novo to keep the information confidential and secure and not to retain it longer than is necessary;
- f) As may be required by other Acts, such as, the Substitute Decisions Act, the Regulated Health Professions Act, 1991, and the Child and Family Services Act; and
- g) If permitted or required by law or by an agreement or arrangement made under an Act of Ontario or Canada.

8. Access to Personal Information

- 8.1 De Novo would respond to written request for access to records containing personal health information that it receives from individuals in accordance with PHIPA. If De Novo has collected, used or disclosed personal information about an individual in the course of commercial activities and that individual requests access to the information, De Novo would respond to written requests in accordance with PIPEDA. Generally, De Novo would not grant an individual access to a record under certain circumstances, including the following: the record is subject to a legal privilege; another Act, an Act of Canada or a court order prohibits disclosure; granting access could reasonably be expected to result in a risk of serious harm to the treatment or recovery of the individual; or granting access would likely reveal personal information about a third party.
- 8.2 De Novo does not make information available to an individual without first taking reasonable steps to be satisfied as to the individual's identity.

9. Correction of Personal Information

- 9.1 De Novo would respond to requests for correction to a record containing personal health information that it receives from individuals to whom it has already granted access in accordance with PHIPA. De Novo would not correct a record containing personal health information if De Novo did not originally create the record and does not have sufficient knowledge, expertise, or authority to correct the record; or the correction relates to a professional opinion or observation that De Novo has made in good faith.
- 9.2 If De Novo has collected, used or disclosed personal information about an individual in the course of commercial activities and that individual requests in writing that De Novo correct the information, De Novo would respond to the request in accordance with PIPEDA.
- 9.3 Subject to the exception noted above, De Novo would amend the record if the individual successfully demonstrates the inaccuracy or incompleteness of the record to De Novo's satisfaction and gives De Novo the information necessary to correct the record.

10. Complaints

- 10.1 De Novo's CPCPO would receive any complaints from the public about De Novo's contraventions of PHIPA or PIPEDA, to the extent that it may apply to De Novo, and respond in accordance with the relevant legislation.

Individuals are advised to contact De Novo's CPCPO for more information about how to file a complaint with De Novo and also, about complaints to the Information and Privacy Commissioner/Ontario for matters related to alleged contraventions of PHIPA.

Aaron Sinclair
De Novo's Contact Person and Chief Privacy Officer
87 Forbes Hill Drive,
Huntsville, Ontario
P1H 1R1

1-800-933-6686 or (705) 787-0247