

COVID-19 PRIVACY AND CONFIDENTIALITY FOR INDIVIDUALS SUPPORTED DIRECTIVE

Purpose

In order to ensure the safety and well-being of people supported by Community Living Toronto (CLTO) and our workers, during the COVID 19 pandemic period and any subsequent infectious disease outbreak, CLTO will be carrying out increased screening procedures and collecting additional personal information.

The privacy of the people in our care is important to us. During the Pandemic Period and any subsequent infectious disease outbreak, CLTO may collect, retain, use and disclose personal information for the purposes of protecting the health and safety of people supported and its workers. More specifically, these purposes include but are not limited to: preventing an outbreak in our residences, reducing the spread of COVID-19, isolating people supported and workers, facilitating necessary medical testing and treatment, and contact tracing.

The purpose of this Directive is to inform how CLTO will collect, retain, use and disclose personal information and protect the privacy of people supported during the Pandemic Period.

Scope

This Directive sets out the screening, data collection and information disclosure protocols CLTO is implementing during the Pandemic and any subsequent infectious disease outbreak. This Directive affects all people supported by CLTO. This Directive also sets out the roles and responsibilities of CLTO staff relating to the privacy of people supported and maintaining confidentiality.

Related Policy Statements

CLTO has committed itself to privacy principles that are consistent with best practice privacy measures and its legal obligations under applicable privacy legislation. CLTO's Privacy Principles can be found under Related Documentation.

Upon hire each CLTO staff member must signed a pledge of confidentiality to maintain the strictest confidentiality of all information they receive, at all times, subject to legal requirements. This applies to people supported, their families and in all matters relating to CLTO activities.

PROCEDURES:

The following procedure applies for the duration of the Pandemic Period and any subsequent infectious disease outbreak.

1. Consent

In accordance with legal obligations and CLTO's Privacy Principles, an individual's knowledge and consent (express or implied¹) is required for the collection, use or disclosure of personal information by CLTO. A person may withdraw consent at any time. However, during the Pandemic Period and any subsequent infectious disease outbreak, CLTO may be required or permitted by law to disclose personal information without a person's consent for health and safety reasons where there is a risk of contracting or spreading of infectious disease.

Where a person supported is not capable of providing consent, CLTO will seek consent from a person's Substitute Decision Maker (the "SDM") or other designated person, in accordance with privacy legislation and existing consent forms.

1.1 Consent Forms

CLTO will act in accordance with existing consent forms signed by people supported or their SDMs and will seek consent for any matter not covered by these forms. For the current Pandemic Period, CLTO has asked people supported to sign a consent form relating to COVID-19 testing and test outcomes.

If a person supported or their SDM withholds consent to be tested or to disclose test outcomes, CLTO will address these circumstances on a case by case basis. *As a result, and depending on the circumstances*, CLTO may consider temporarily withdrawing the provision of services and supports.

1.2 Children and Youth Supported

For people supported who are under the age of 16, CLTO will act in accordance with existing consent forms and will continue to seek consent from parents (or other authorized persons) and liaise with them when necessary.

Consistent with its legal obligations, CLTO will only collect, use and disclose personal information that is reasonably necessary in the circumstances. Information may be collected directly from the person supported or disclosed without their consent for the purpose of reducing or eliminating a risk of serious harm to people supported and staff.

The procedures below apply to children and youth as well as to adults supported by CLTO.

- CLTO staff have and will continue to communicate with people supported about the COVID-19 virus and screening practices.
- Staff will monitor and observe people supported daily for possible symptoms.
- Staff will also be conducting **active screening** of people supported based on established practices.

2. Access and Collection of Personal Information

¹ CLTO may rely on implied consent when consent has previously been provided or if personal health information is being provided to a health care custodian for the purposes of providing health care or assisting in providing health care, unless a person supported withdraws or withholds their consent.

This Directive applies to both the paper-based (hard copy) and electronic collection, use, disclosure and storage of information. CLTO is shifting to electronic collection and storage of personal information obtained during the Pandemic Period and for subsequent infectious disease outbreak. Paper collection processes are being converted to digital processes. To ensure the health and safety of people supported and workers, information will be collected for the following purposes:

- To guide the implementation of isolation and outbreak prevention and response measures as necessary (including screening, contact tracing, and testing).
- To meet reporting obligations to Toronto Public Health and the Province of Ontario.
- To monitor and track cases and hospitalizations.
- To track impact on services.

Information accessed and collected may include details about:

- Symptoms of a person supported (including the person's temperature).
- Location where person supported lives.
- Any underlying medical or health conditions, medications being taken.
- Any treatment and/or hospitalizations relating to COVID-19.
- Test dates and results disclosed to CLTO by Toronto Public Health.

In accordance with the CLTO's Privacy Principles and confidentiality policy, access to this information will be restricted to CLTO staff, people supported and/or their designate (a SDM and/or a person identified by the individual in service to receive their personal information), and as required, to individuals who maintain the computerized information systems and public health officials.

3. Disclosure of Information

During the Pandemic Period and any subsequent infectious disease outbreak, there is a greater risk of disease outbreak and a greater health risk to people supported and staff. CLTO has a legal obligation to report suspected and positive cases of COVID-19 to public health officials.

Where possible, CLTO will limit disclosure of personal information and information will be anonymized and disclosure of sensitive information will be communicated through a secure medium. Where it is reasonably necessary for health and safety reasons, personal information about a person supported may be disclosed to their SDM and/or an individual authorized by the person supported to receive their personal information, health professionals, and other people supported who live in the same residence and staff that work in the same residence.

Consistent with relevant laws, public health directives and common practice in the developmental services sector, general, non-identifying information about suspected and/or positive COVID-19 cases may be shared with CLTO staff, people supported, families of people supported and other agencies.

4. Storage and Security

All completed hard copy visitor logs are to be scanned and stored electronically. Hard copies of the visitor logs are to be destroyed within 24 hours of scanning. Information is to be stored electronically

and kept confidential under secure password. Information is stored and retained for as long as necessary to fulfill the purpose(s) it was collected for (e.g. contact tracing), and in accordance with privacy legislation and direction from the Ministry.

Procedure in the Event of a Confidentiality Breach

CLTO will act in accordance with its Privacy Principles and Code of Ethics in addressing any confidentiality breach.

Related Documentation

06-27-01 Privacy of Information

03-03-01 Confidentiality

Appendix 12 Pledge of Confidentiality (Under Forms library on SharePoint)06-27-01 Privacy of Information

Screening Protocol

Community Living Toronto's Code of Ethics

Outbreak Management Protocol

DISCLAIMER: The information in this document is for educational and informative purposes only, does not constitute legal or professional advice, and is not guaranteed to be accurate, complete or up-to-date. Community Living Toronto makes no representations or recommendations as to the accuracy of the information and you should not rely on this document without seeking professional advice. Use of and reliance on any information in this document is at your own risk.