

COVID-19 PRIVACY AND CONFIDENTIALITY FOR VISITORS DIRECTIVE

Purpose

In order to ensure the safety and well-being of people supported by Community Living Toronto (CLTO) visitors, and staff members 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 visitors to our facilities is important to us. During the Pandemic Period and any subsequent infectious disease outbreak, CLTO may collect, use and disclose personal information for the purposes of protecting the health and safety of people supported, staff members, and visitors. 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:

- set out the roles and responsibilities of CLTO staff relating to the privacy of visitors and maintaining confidentiality; and
- inform how CLTO will collect, retain, use and disclose personal information and protect the privacy of visitors to our facilities.

Scope

This Directive sets out the data collection and information disclosure practices that CLTO is implementing for any and all visitors to CLTO facilities during the COVID 19 pandemic period (**the “Pandemic Period”**) and any subsequent infectious disease outbreak

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.

Consistent with the "**CLTO Screening Process**", consent will be sought verbally by the shift charge staff (the "**Screeener**") or when available in the future, via an electronic form (the "**Electronic Form**").

Visitors who refuse to provide consent to the collection, retention, use, and disclosure of such personal information will be denied entry to the CLTO facility.

2. Screening Process

All persons entering CLTO facilities will be screened. The Screening Process is governed by CLTO's Screening Protocol, the Home and Family/Friends Visits Directive, and the Essential Visitors Directive. The Screening Process will adhere to guidance issued by the Ministry of Health and Long-Term Care (MOHLTC) and Toronto Public Health as well as Family/Friend visitor guidance from the Ministry of Children, Community and Social Services (MCCSS) ("**Family/Friend Visitor Guidance**").

3. Access and Collection of Personal Information

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 any subsequent infectious disease outbreak. To ensure the health and safety of people supported, visitors, 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;
- To monitor and track cases and hospitalizations; and
- To track impact on services.

Information accessed and collected may include details about:

- Results of the visitor's screening;
- What CLTO facilities were visited by the visitor; and
- Who the visitor contacted within CLTO facilities.

¹ CL Toronto 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.

In accordance with CLTO's Privacy Principles and confidentiality policy, access to this information will be restricted to CLTO staff and as required, to individuals who maintain the computerized information systems and public health officials.

4. Disclosure of Information

During the Pandemic Period and any 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.

CLTO will make best efforts to limit disclosure of personal information, wherever appropriate.

Where it is reasonably necessary for health and safety reasons or where otherwise required or authorized by law, personal information about a visitor may be disclosed to local public health authorities, other pertinent public authorities, health professionals, people supported, and staff.

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.

5. Storage and Security

All completed visitor logs are to be scanned and stored electronically. Hard copies 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 been 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 in addressing any privacy breach.

Related Documentation

06-27-01 Privacy of Information

03-03-01 Confidentiality

Appendix 12 Pledge of Confidentiality (Under Forms library on SharePoint)

Screening Protocol

Home and Family/Friends Visit Directive

Guidelines for Home and Family/Friends Visits

Essential Visitors Directive

Staff and Essential Visitors Log

Ministry of Health and Long Term Care Resuming Visits in Congregate Living Settings:

http://health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_resuming_visits_congregate_living_settings.pdf