

## COVID-19 PRIVACY AND CONFIDENTIALITY FOR STAFF 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 our staff, individuals we support, and essential visitors is important to Community Living Toronto (“CLTO”), including during the COVID 19 pandemic period (the “**Pandemic Period**”) and any subsequent infectious disease outbreak.

The purpose of this Directive is to inform CLTO staff of procedures related to the collection, retention, use, and disclosure of personal information, including personal health information during the Pandemic Period and any subsequent infectious disease outbreak.

### **Scope**

The responsibilities set out in this Directive apply to CLTO employees, contractors, volunteers and persons provided by temporary help agencies to perform work temporarily for CLTO (all collectively referred to herein as “**Staff Members**”).

This Directive sets out the data collection and information disclosure practices for CLTO during the COVID 19 pandemic period (the “Pandemic Period”) and any subsequent infectious disease outbreak. This applies to the information, including personal health information, of CLTO Staff members, visitors and persons supported by CLTO.

### **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, all CLTO Staff Members must sign a *Pledge of Confidentiality* to maintain the strictest confidentiality of all information they receive, at all times, subject to legal requirements. This pledge extends to information received about persons supported (and their families), other Staff Members, and visitors.

### **General Principles**

Information will be collected, used, and disclosed under this Directive for the following purposes (the “**Permitted Purposes**”):

- To ensure the health and safety of staff, individuals served, essential visitors and the continued operations of CLTO during the Pandemic Period and any subsequent infectious disease outbreak;
- To manage the employment relationship with Staff Members;
- To respond to multiple pieces of legislation, alleviate and/or prevent the outbreak of Covid-19 consistent with O. Reg. 121/20: *Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services*; (Legislation includes the Occupational Health and Safety Act, , Ont. Reg. 67/93, the Public Health Health Promotion and Protection Act.
- To guide the implementation of isolation and outbreak prevention, detection and response measures as necessary (including screening, case management, contact tracing, and testing);
- To determine whether Staff Members should self-monitor, self-isolate at home or self-isolate at work;
- To track the impact of the pandemic on CLTO operations (and any subsequent infectious disease outbreak);
- To meet all legal reporting obligations including Toronto Public Health and the Province of Ontario;
- To meet CLTO's legal obligations under O. Reg. 177/20: *Congregate Care Settings* and enforce restrictions thereunder and under CLTO's internal policies and Directives related to employees working for multiple employers during the Pandemic Period and any subsequent infectious disease outbreak (i.e. Emergency Management Civil Protection Act and order #66);
- To monitor and track cases and hospitalization;
- To respond to and address legal challenges such as grievances, human rights complaints, civil claims; and for any other purpose permitted or required by law, including any applicable Emergency Order.

## **PROCEDURES:**

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

### **1. Collection, Use, Disclosure and Storage of 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 information obtained during the Pandemic Period and any subsequent infectious disease outbreak. Paper collections processes are being converted to digital methods. All reasonably necessary measures and safety precautions, including restriction on access to paper and digital information, disclosure, encryption and storage, are being implemented to ensure the security and confidentiality of information collected by CLTO. Further details about these measures are identified below.

#### **1.1 Staff Member Collection, Use, Disclosure, Storage and Retention of Information Related to People Supported**

All Staff Members are required to follow and uphold the principles and procedures outlined in the COVID-19 Privacy and Confidentiality for People Supported Directive, together with the Screening Protocol.

### **1.2 Staff Member Collection, Use, Disclosure, Storage and Retention of Information Related to Visitors**

All Staff Members are required to follow and uphold the principles and procedures outlined in the COVID-19 Privacy and Confidentiality for Visitors Directive, together with the Screening Protocol.

Consistent with the Screening Protocol, consent should be obtained verbally or via an electronic agreement form available to visitors when they attend a CLTO facility.

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

### **1.3 Staff Member Collection, Use, Disclosure, Storage and Retention of Information Related to other Staff Members**

All Staff Members are required to follow and uphold the principles and procedures outlined in this Directive, together with the Screening Protocol.

Staff Members shall not collect, use, disclose or retain the personal information of other Staff Members except as reasonably necessary for the performance of their responsibilities as a Staff Member of CLTO, or as otherwise may be reasonably necessary to achieve the Permitted Purposes.

Consistent with the Screening Protocol, a Staff Member (the “Shift Charge”) responsible for screening a fellow Staff Member, shall do so in accordance with the Screening Protocol. Staff Members who refuse to cooperate with the Screening Procedure will not be permitted entry and will not be permitted to work the shift to which the screening pertains.

The Shift Charge will complete the hard copy Questionnaire and will notify the Entrant if they have passed or failed *or when available*, the Staff Member will complete the Electronic Form. Once the Electronic Form has been completed, the Shift Charge will be notified whether the Staff Member has passed or failed but will not be privy to Staff Member’s responses.

## **2. Collection, Use, Disclosure, Storage and Retention of Staff Member Information**

During the Pandemic Period and any subsequent infectious disease outbreak, Staff Members will be required to disclose and CLTO will collect personal information that is reasonably relevant and necessary to achieve the Permitted Purposes (as set out above).

Refusal to comply with these requirements may result in a Staff Member being denied entry into work, being placed on an unpaid leave of absence for 14 days, and/or corrective action up to and including termination of employment depending on the circumstances.

CLTO will provide access to and disclosure of Staff Member information to personnel within CLTO and to third parties where reasonably necessary to achieve the Permitted Purposes and in other circumstances where the Staff Member consents. Where possible, CLTO will limit disclosure of personal health information, and information will be anonymized. Disclosure of sensitive information will be communicated through a secure medium.

General and non-identifying information about suspected and/or positive COVID-19 cases may be shared with CLTO Staff Members, people supported, families of people supported and other agencies.

### **2.1 General Employment Information Practices**

As per existing practice, CLTO may collect, use, disclose and retain information about Staff Members to manage our relationship with Staff Members, providing services to people supported and as otherwise required for operational purposes. This may include, but is not limited to, personal identifying information that is reasonably necessary for managing payroll, scheduling, communicating with staff members, performance management, investigating and responding to misconduct, ensuring health and safety, maintaining service standards and supports for people supported, ensuring compliance with applicable statutory and regulatory obligations and government Directives.

### **2.2 COVID-19 Specific Information**

Personal information related to COVID-19 status or other personal health information of a Staff Member may be more sensitive than different types of employee information. At the same time, there are heightened safety concerns at play, to which a Staff Members' COVID-19 status/health information is directly related. At all times, CLTO will endeavour to maintain the privacy and confidentiality of Staff Member information to the extent reasonably possible while balancing CL Toronto's legal and ethical obligations, the health and safety interests of other staff, the people we support, and the broader community and our ability to continue to safely deliver service.

The following procedures will apply for certain types of COVID-19 specific scenarios and information gathering:

#### ***a. Screening Information of Staff Members Entering Facilities***

All persons entering CLTO facilities ("**Entrants**"), including Staff Members, essential visitors, and persons supported, will be screened. The screening process is governed by the **Screening Protocol** and this Directive. The process will adhere to guidance issued by the Ministry of Health and Long-Term Care (MOHLTC) and Toronto Public Health.

Screenings will be conducted by the Shift Charge or their designate as determined by the location. Screenings will be performed at the entrance of all locations. All Entrants will have identifying, and visitation information recorded in the facility's Staff and Essential Visitor Log.

#### ***b. Staff Member Information about Work for Secondary Employers***

CLTO requires Staff Members to disclose to CLTO whether they are working in other residential facilities in the Developmental Services Sector (“**DS Sector**”), Social Services sector, or Healthcare sector, or other settings that pose an enhanced risk of COVID-19 exposure or infection e.g. Educational sector (“**Secondary Employment Information**”). This is in accordance with to the CLTO COVID-19 Policy Directive for the Development Services Sector on Shared Workers.

***c. Staff Member Information about Testing, Test Results, Self-Monitoring and COVID-19 Status***

Staff Members may be encouraged to undergo testing for COVID-19 in accordance with the directions of public health officials and/or where directed by CLTO in accordance with the advice, recommendations or orders of appropriate government officials (whether federal, provincial or municipal).

At present, the frequency of testing of Staff Members is set by current MOHLTC’s COVID-19 Provincial Testing Guidance Update and COVID-19 Quick Reference Public Health Guidance on Testing and Clearance. Staff Members will be asked to provide necessary consents to the collection of testing data by executing the Staff Consent Form.

Staff Members are required to self-monitor daily for symptoms of COVID-19 based on the current case definition of COVID-19 or the MOHLTC self-assessment tool. They are required to immediately report to their supervisor if they develop any symptoms consistent with COVID-19 as identified by the Ministry of Health COVID-19 Reference Document of Symptoms.

Staff Members may also be required to provide information relevant to their COVID-19 health and exposure risk.

This information will be collected by CLTO Occupational Health and Safety and only disclosed to the employer as reasonably necessary to achieve the Permitted Purposes

Staff members refusing to comply with these requirements or who are dishonest about their test results will be refused entry and required to take a leave of absence for 14 days and/or subject to corrective action up to and including termination on a case by case basis where appropriate.

**2.3 Information Storage, Security, and Confidentiality**

***Storage of Personal Information***

Consistent with CLTO’s practices for protection of personal information, information will be scanned, stored electronically and kept confidential under a secure password. Access to this information will be restricted to CLTO as described above. Disclosure of the information will only be under the circumstances permitted in this Directive. Certain sensitive information will be solely accessible with authorization of the Site Supervisor/Manager/Director (who will have to provide special password access) and such information will be subject to disclosure and use as described above. This information includes:

- For Visitor Logs: the names, contact information, and reason access was denied;
- For Staff Notice of Occurrence Registry: the names, symptoms, test dates, test results;

- For Persons Supported Notice of Occurrence Registry: for example, names, symptoms, test dates, test results, whether hospitalized; and any underlying medical conditions
- Information collected respecting the employee's health and COVID-19 risk.

### ***Timeline for Retention and Destruction of Staff Member Information***

All completed hard copy Staff and Essential Visitor Screening 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 Permitted Purposes.

### ***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) Staff Consent Form Screening Protocol

COVID-19 Privacy and Confidentiality for People Supported Directive

COVID-19 Privacy and Confidentiality for Visitors Directive

COVID-19 Policy Directive for the Development Services Sector on Shared Workers

Community Living Toronto's Code of Ethics

O. Reg. 121/20: *Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services*;

O. Reg. 177/20: *Congregate Care Settings*

Ministry of Health and Long-Term Care: COVID-19 Provincial Testing Guidance Update

[http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_covid\\_testing\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_covid_testing_guidance.pdf)

Ministry of Health and Long-Term Care: COVID-19 Quick Reference Public Health Guidance on Testing and Clearance

[http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_testing\\_clearing\\_cases\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_testing_clearing_cases_guidance.pdf)

Ministry of Health and Long-Term Care: Case Definition – Novel Coronavirus (COVID-19)

[http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_case\\_definition.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_case_definition.pdf)

Province of Ontario: COVID-19 Self Assessment

<https://covid-19.ontario.ca/self-assessment/>

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