

Homes for the Aged
Administration Manual

Section	Policy	Page		
Application All Staff	Routine Disclosure of Information under the Authority of PHIPA and MFIPPA (Preliminary)	Day	Month	Year
Approval History New		01	09	06
		Next Review Date		
		01-09-09		

Policy:

Toronto Homes for the Aged shall establish and maintain transparent, easy-to-understand processes for the routine disclosure of certain information, without requiring the requester to make a formal request through the City’s corporate Access and Privacy Office. This will apply to both the *Personal Health Information Protection Act (PHIPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

Purpose:

1. to facilitate the flow of routine personal health information in an efficient, timely and cost effective manner (PHIPA);
2. to ensure that personal health information is released only to the resident/client or his/her legally authorized representative (PHIPA);
3. to facilitate requesters’ access to municipal administrative information held by the City in its Homes for the Aged (MFIPPA);
4. to ensure transparency and ensure accountability in accordance with the provisions of PHIPA and MFIPPA (PHIPA & MFIPPA); and
5. to respond to the City’s policy direction in establishing routine disclosure practices in all City Divisions (MFIPPA).

Preamble:

Routine disclosure occurs when a record is directly released by designated managers within Toronto Homes for the Aged outside of the formal access processes described in PHIPA and MFIPPA or when information is actively disseminated through the Homes for the Aged web site.

Routine disclosure supports the public in being better-served and better-informed, without costly and more time consuming formal processes related to requests and appeals for the release of routine information that the requester is entitled to under the *Acts*.

Historically, Toronto Homes for the Aged had a system in place where there was oral exchange of information through processes such as care conferences. This will continue. A routine disclosure policy will complement the previously established verbal processes.

PHIPA recognized the unique character of personal health information – as one of the most sensitive types of personal information that is frequently shared for a variety of purposes, including care and treatment, health research and managing a publicly funded health care system. The legislation balances the individual’s right to privacy with the legitimate needs to persons and organizations providing care and treatment to access and share this information. With limited exceptions, PHIPA requires the health information custodian to obtain consent before collecting, using or disclosing personal health information.

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PHIPA gives the person or his/her legally authorized representative the right of access to his/her own personal health information, as described in the *Act*. Legally authorized representatives are limited to the person with power of attorney for personal care or (after death) the executor of the estate. In addition, PHIPA sets out when personal health information may be shared with other health care providers, within the circle of care, so that the individual's care and treatment is not interrupted.

MFIPPA gives the public a right to access records held by the City, such as policies, certain reports, financial information, purchasing records, brochures, media releases and notices about events, etc. The *Act* provides for specific exemptions from the general right of access. (e.g. when personal information about an individual is identifiable or the disclosure could reasonably be expected to endanger the security of a building).

Records other than those exempt from disclosure are available to requesters, in accordance with the provisions of PHIPA, MFIPPA and City policy. It is the City's policy to determine which records may be disclosed in a routine manner and to do so whenever possible, as part of each Division's day-to-day business practices.

Routine disclosure includes:

1. allowing the viewing of certain information;
2. providing a copy of certain information; and
3. actively disseminating certain information by posting it on the web site.

When routine disclosure is completed by providing a copy of certain information as outlined in #2 above, a printed copy of the information is to be provided, rather than an electronic version.

Scope of Records released under Routine Disclosure:

Given the nature of the work within Homes for the Aged and the extensive length of time that many residents live in the Homes, some personal health records can be quite extensive. Routine disclosure processes will only be used when the request is limited to 49 pages or less. When requests are for 50 pages or more, then the request should be referred to Paul Wan, Privacy Officer (338-2135) and treated as a formal access request.

Given the nature of the work within Homes for the Aged, the records often include personal information of more than one (1) individual. If extensive severing would be required prior to the disclosure of the information, in accordance with either PHIPA or MFIPPA, then the request should be referred to Paul Wan, Privacy Officer (338-2135). Extensive severing means severing on more than 20 pages.

Fees:

Information that is provided in accordance with policies related to routine disclosure is not exempt from PHIPA and MFIPPA fees. The fees related to routine disclosure are as follows:

Disclosure Application Fee	\$5.00
Photocopying	\$0.20 per page
Severing of personal information	\$1.00 per page (in addition to the photocopying fee)
Search Fees	\$7.50 for every 15 minutes
Other Costs	As specified

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Procedures:

A. Personal Health Information Protection Act (PHIPA):

1. Personal health information shall be disclosed only with the prior approval of the Administrator (for Homes), the Director of Resident Services (for community based programs) or his/her designate;
2. Requests to view personal health information or have questions answered about personal health information may be authorized by the Director of Nursing/Care or his/her designate; viewing and/or verbal explanation will be limited to the resident, the resident's power of attorney for personal care or to another person with the resident's express consent; viewing and explanation must always be done in the presence of a designated staff member;
3. Authorized requesters shall be encouraged to view the personal health information or have the personal health information verbally explained as an alternative to photocopying, in order to reduce costs associated with search and photocopying ;
4. When an authorized requester chooses to request a hard copy of the record, then the authorized requester shall be advised to make the request in writing to the Administrator (for Homes) or the Director of Resident Services (for community based programs);
5. Copies of specific personal health information records shall be disclosed as outlined in **Appendix 1**, by the Administrator or his/her designate;
6. The Administrator shall verify that the photocopied record(s) contain no personal information about any other person prior to the record being disclosed;
7. If the record(s) contains personal information about any other person, then the Administrator shall sever the information about the other person(s) prior to the record being disclosed;
8. The requester shall be advised in advance of the applicable fees; there will be no fees for another facility who requires the information for the purpose of providing ongoing care and treatment; there will be no fees for the Ministry of Health and Long-Term Care; there will be no fees for the production of a record in response to a request from a Coroner's Warrant or a Court Order;
9. All requests for searching, photocopying, severing and disclosing shall be processed in accordance with the established fee guide;
10. In order to reduce costs, all requesters shall be encouraged to view or have the personal health information verbally explained as an alternative to photocopying;
11. If the requester proceeds with a request for the disclosure of photocopied records, then the requester shall be required to be specific regarding which records they wish to have copied;
12. Upon payment of all of the applicable fees, the request shall be initiated and processed;

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13. Upon payment of all of the applicable fees, the request shall be initiated and processed;
14. If the records are located, they will be copied for the requester and the Administrator shall write to the requester providing the records;
15. If the record(s) requested cannot be located, the Administrator shall write to the requester advising of this outcome;
16. The Administrator or Director of Resident Services (as the case may be) shall endeavour to disclose the information within thirty (30) days of the request for routine disclosure, or shall inform the requester that there will be a delay, due to the requirement for a more extensive search or due to the fact that his/her request exceeds to scope of the Homes for the Aged practices related to Routine Disclosure, and the request will need to be referred to the Corporate Access and Privacy Office.

B. Municipal Administrative Records (MFIPPA):

1. Requests for municipal information records held by Homes for the Aged (as outlined in **Appendix 2** and **Appendix 3**) shall be disclosed with the prior approval of the Administrator (for Homes) or the Director of Resident Services (for community based services) or his/her designate;
2. In order to reduce costs associated with search and photocopying, the requester will be encouraged to view the record(s) as an alternative to photocopying;
4. If the requester is not satisfied with viewing, the Administrator or the Director of Resident Services shall determine if the requested record is available on the HFA web site or the City's web site and refer the requester to that source;
5. If the record is not available on a web site and photocopies need to be produced, proceed as outlined in Section A above (re PHIPA) with respect to written request(s), fee(s), photocopying and disclosure.

C. General Procedures:

1. If the Administrator is unsure of the accuracy and/or extent of the information to be released through routine disclosure, he/she may consult with the Manager of Operational & Workplace Planning, Director of Administration & Support Services or the General Manager in advance of the disclosure.

**Personal Health Information
Information Provided through Routine Disclosure
(PHIPA)**

Category	Type of Information	May be Disclosed To	Documentation Required
Identifying Information	Name; Address; Health Number; Social Insurance Number; Info re payment or eligibility for health care; Identity of the person's substitute decision-maker	Resident/client; Attorney for personal care (when resident or client is living); Executor for the estate (after resident or client is deceased); Another facility (HIC) that is providing health care to the resident; Court of Ontario, with a valid Court Order; Designated official of the MOHLTC	Letter in the resident's or client's file that details the specifics of the personal health information disclosed and to whom
Plan of Care	Information about the resident's functional status; Information written on the plan of care	Resident; Attorney for personal care (when resident is living); Executor for the estate (after resident is deceased) Another facility (HIC) that is providing health care to the resident; Court of Ontario, with a valid Court Order; Designated official of the MOHLTC	Letter in the resident's file that details the specifics of the personal health information disclosed and to whom
Health Care Record	Health history records; Admission records; Assessment records; Diagnostic records; Physician's orders; Medication records; Treatment records; Incident records; Progress records; Participation records; Discharge records	Resident; Attorney for personal care (when resident is living); Executor for the estate (after resident is deceased) Another facility (HIC) that is providing health care to the resident; Court of Ontario, with a valid Court Order; Designated official of the MOHLTC	Letter in the resident's file that details the specifics of the personal health information disclosed and to whom
Financial Records	Declaration of Income; Income tax records;	Resident; Attorney for property (when resident is living);	Letter in the resident's file that details the specifics of

	Pre-authorized payment records; Invoice & payment records; Delinquent account records; Deposit & withdrawal records; Supporting correspondence	Executor for the estate (after resident is deceased)	the personal health information disclosed and to whom
Case Coordination Record	Health history records; Assessment records; Service level records; Incident records; Progress records; Discharge records	SH or HMNS client; Attorney for personal care (when client is living); Executor for the estate (after client is deceased) Another facility (HIC) or agency (HIC) that is providing health care to the resident; Court of Ontario, with a valid Court Order; Designated official of the MOHLTC	Letter in the client's file that details the specifics of the personal health information disclosed and to who
Service Delivery Record Note: This information is not held by HFA but by the contracted service provider.	Health history records; Assessment records; Service level records; Incident records; Progress records; Discharge records	SH or HMNS client; Attorney for personal care (when client is living); Executor for the estate (after client is deceased)	Letter in the client's file that details the specifics of the personal health information disclosed and to who Note: This information is not held by HFA but by the contracted service provider. Any requests for disclosure are to be referred to the service provider who is the custodian of the record
General Information to Confirm the Death of a Resident	Confirming that the resident has passed away	Visitor; caller on the telephone	None
General Information to Confirm Residence in the Home	Name of the resident; General health status; The location where the resident lives in the Home	Visitor; caller on the telephone	None
Religious Affiliation	Religious Affiliation, if the Resident has Provided this	Members of the Religious Organization/Community	None

	Information to the Home		
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Appendix 2

**Municipal Administrative Information
Information Provided through Routine Disclosure
(MFIPPA)**

Category	Type of Information	May be Disclosed To	Documentation Required
HFA Description & Services	General Information about HFA; Addresses & phone numbers for Toronto Homes for the Aged	General Public, via web site	None
Brochures & General Information	General information about Homes for the Aged; General Information about Adult Day Programs; General Information about Supportive Housing; General Information about Homemakers & Nurses Services; Just for Families brochures; Just for Residents brochures; Just for Clients brochures; Annual Report Cards General Information about Educational material	General Public, via web site	None
Organization Charts	HFA organization chart	General Public	Letter to requester, in administrative file

Concern & Complaint Process	Policy describing the process to follow when communicating a concern or complaint about resident or client care & service	General Public	Letter to requester, in administrative file
Fee Schedules	Daily Rates for HFA; Daily Rates for Adult Day Programs; Rates for Uninsured Services	General Public	Letter to requester, in administrative file
Advisory Committee on Homes for the Aged	Agendas; Minutes	General Public	Letter to requester, in administrative file
Policy Manuals	Individual Policies or Procedures; Individual Forms	General Public	Letter to requester, in administrative file
Reports	Reports that have been submitted to Committee or Council under HFA signature	General Public	Letter to requester, in administrative file
Purchasing Records	General transactional records held by HFA; all corporate records are held by PMMD	General Public	Letter to requester, in administrative file
Supportive Housing	Supportive Housing Locations; Identification of the contracted service providers	General Public	Letter to requester, in administrative file
Homemakers and Nurses Services	Identification of the contracted service providers	General Public	Letter to requester, in administrative file

Appendix 3

**Municipal Administrative Information
Information Provided through Active Dissemination on HFA Web Site
(MFIPPA)**

Category	Type of Information Actively Disseminated
HFA Description and Services	General Information about HFA; Addresses and telephone numbers for Toronto Homes for the Aged
Brochures and General Information	General Information about long-term care; General Information about Homes for the Aged; General Information about Adult Day Programs; General Information about Supportive Housing; General Information about Homemakers & Nurses Services; Just for Families brochures; Just for Residents brochures; Just for Clients brochures; Annual Report Cards; General Information about Educational Material
Media Releases	Media Releases about Homes for the Aged Media Releases about Fundraising Events
Policy Manuals	Complete Policy Manuals are not available through routine disclosure, but are listed on the HFA Web Site with a price list