

# YOUR GUIDE TO THE PERSONAL HEALTH INFORMATION PROTECTION ACT

## ►What is Personal Health Information?

Personal Health Information (PHI) is information which is gathered through observation, conversation, examination, assessment, treatment, etc., that pertains to an individual's physical or mental condition. This could include information about a student's intellectual ability, cognitive and language skills, behaviour and emotional functioning. An individual's consent is required for the collection, use and disclosure of his or her Personal Health Information.

## ►To Whom Does the Personal Health Information Protection Act (PHIPA) apply?

PHIPA sets out the rules that health care providers (or 'health information custodians') must follow when collecting, using, sharing, and disclosing personal health information.

Although Dufferin-Peel is a non-custodian as defined under PHIPA, some examples of Health Information Custodians working within Dufferin-Peel, include the following Special Services staff

- Psychology staff
- Speech-Language Pathologists
- Social Workers
- Audiologists
- (Child and Youth Workers)

## ►Who may consent to the collection, use or disclosure of Personal Health Information?

A capable individual, regardless of age, can consent to the collection, use and disclosure of their own personal health information. That is, anyone who has the ability to understand the information that is relevant to deciding whether to consent, and has the ability to appreciate the consequences of that decision may provide consent. Where a person is deemed not capable of

giving informed consent, a substitute decision-maker is allowed. Normally, in a school setting, the parent or legal guardian of a student under the age of 16 years consents on behalf of the student.

## ►Why is information being collected and how will it be used?

Information is being collected to assist the student with his or her educational program. The information collected is used by teachers and others to plan and deliver educational programs and services which best meet the students' needs.

## ►With whom will the information be shared?

The information collected may be shared with other staff of Dufferin-Peel, who are working directly with, or have responsibility for, the student; For example, the school Principal, Vice-Principal, classroom teacher(s), special education and guidance staff, and/or other Special Services staff. The information will also be made available to the student's parent/guardian, as well as the student, when appropriate.

It is important to note that only with the written consent of the parent/guardian, and the student, if appropriate, will the information be disclosed by the person holding it (the "Health Information Custodian") to anyone else (for example: a physician or community agency).

There are, however, some exceptions to the above, as follows:

- a) if the person collecting the information has reason to suspect that a student about whom the information is being collected is in need of protection. This information must be reported to the Children's Aid Society;
- b) where there is evidence that the student may be at risk of harming him/herself or others;

- c) where it is learned that a member of a regulated health profession may have engaged in sexual abuse of the student; and
- d) where records are ordered to be provided as required by law.

## ►Where will the personal health information be kept?

Personal health information is stored under locked, secure conditions, in the Special Education and/or the board-assigned storage areas for active and non-active files.

## ►How long will the information be kept?

The personal health information collected about an individual student will be kept for a minimum of ten (10) years from the student's date of retirement from the school, or permanently if required under other statutes.

## ►Who will have access to personal health information collected by the Board?

Personal health information retained by Special Services staff is accessible only to them for their use and to other Dufferin-Peel employees involved in your child's educational program. If you or your child's information has been accessed by an unauthorized person, stolen or lost, or if there is a privacy breach, you will be notified.

The information kept in a student's Ontario Student Record may contain a copy of any report produced by Special Services staff. It is accessible to the person about whom the report is written, the parent/guardian and the school staff members who are directly involved in the education of that student.

School staff may not release this information to anyone without the consent of the person about whom the information has been collected or his/her parent/guardian.



► **Who do I contact to request access to my personal health information?**

The request to access your own personal health information, or that of your child, is made to the Chief of Service, at the Catholic Education Centre.

Please note that some information is exempt from the right of access, including raw data from psychological tests. As well, if releasing the information could cause risk of significant harm to either the individual or others, access to that information may be denied. Where a restriction on access exists, that part of the record may be severed from the part of the record that is accessible.

► **What if I disagree with some Personal Health Information reported?**

All reasonable attempts are made to ensure that the information collected about you or your child, is accurate. If, however, you disagree with its accuracy, you may request the Special Services staff member, who has the information, to make a correction to the record. Where it is demonstrated that the record is incomplete or inaccurate for the purposes for which the staff member uses the record, it will be amended to be factually correct. However, staff are not required to change a professional opinion or observation made in good faith, a record that was not originally created by the staff member, or where the staff member has insufficient knowledge or authority to make the correction.

If the request to correct a record is refused, the individual making the request will be informed of the refusal, be provided with reasons for the refusal and informed of the right to appeal the refusal and the right to attach a statement of disagreement to the original record.

► **To whom do I appeal if I am dissatisfied with the decision?**

If you are not satisfied with the decision of the Special Services staff member regarding the collection, use, or disclosure of the personal health information, your access to it, or your request to have incorrect information corrected, you may appeal to:

Dufferin-Peel Catholic District School Board's Access and Privacy Co-Ordinator and PHIPA contact at:

(905)890-0708 X24443 or by mail at:

40 Matheson Boulevard West, Mississauga, Ontario L5R 1C5

An appeal may also be made to the Information and Privacy Commissioner/Ontario at:

(416) 326-3333

Web: [www.ipc.on.ca](http://www.ipc.on.ca)

The brochure is produced in accordance with the requirements of the *Personal Health Information Protection Act, 2004* (November 2006)

Practices of the Dufferin-Peel  
Catholic District School Board's  
Health Information Custodians  
Regarding the Collection, Use and  
Disclosure of Student's Personal  
Health Information

Your Guide to the  
Personal Health  
Information  
Protection Act  
(PHIPA)

