


Client Confidentiality and Information Sharing Policy			 Canadian Mental Health Association Prince George & Quesnel
Policy #	Clinical	Date Created	March 3, 2016
Authority	Executive Director	Date of Last Review	June 24, 2019

CMHA will protect and respect the personal information of its clients, employees, volunteers, customers, partners, in accordance with all applicable regional and federal laws. Staff agree that if confidential information is not effectively protected, the operations of CMHA may be threatened, and the well-being and privacy of our clients may suffer irreparably.

Clients have the right to stipulate who will have access to their information and as such can withhold, limit or withdraw their consent to the collection, use or disclosure of personal information. The request can cover all or a specific part of a clients' record. When this happens staff will record the written and verbal instructions and inform all relevant staff of the client request.

Guidelines

- Clients will be informed of rights to privacy/confidentiality and consent to release personal information.
- Any and all sharing of client information will be done only as required by law or with the express permission of the client (verbally and in person in urgent situations or in writing for ongoing or pre-approved situations).
- When a person served informs his / her worker they wish to review their file, the process will be as follows:
 - The client is advised that full access to their file will be provided within 5 working days if there is no third party info in file. The immediate supervisor and Executive Director will be informed of the request.
 - In the case of Bounce Back clients, the Executive Director of CMHA is informed of the request and CMHA BC Division is responsible to respond to the client and provide the information.
 - Any confidential third party information contained in such reports must be blackened or whitened out prior to sharing the record and any question about third part reporting may require shipping the file to FOIPOP for thorough vetting prior to release to client

Requirement of Confidentiality

- In accordance with the Privacy Act and PIPEDA (Personal Information Protection and Electronic Documents Act), CMHA requires all employees to handle sensitive personal client information in a confidential and appropriate manner. It is understood that employees of CMHA will become aware of confidential information regarding our clients through the course of their employment. Employees of CMHA are required to keep all confidential information and relevant medical knowledge regarding both the organization and our clients confidential both during and after their term of employment.
- Client confidentiality does not include keeping client information from supervisors, as this undermines supervision and leaves the client, worker, and CMHA vulnerable.
- All information of a child protection nature must be reported to the Ministry of Children and Family Development, by law, as soon as possible.

- The use of any client information for education or training purposes must be discussed and approved by the Manager of Projects and Education in advance. All client based information shared must be altered to such an extent that no one could recognize client if shared under an educational format with client approval.
- Clients may access any reports or documents we write about them and, as a matter of good practice, CMHA will routinely share reports with the clients about whom they are written

Confidentiality Agreement

The following is classed as Confidential Client Information:

- Client lists
- Client medical histories
- Client personal information such as addresses and phone numbers
- Any information pertaining to (CMHA's) clients, clients and visitors

Nondisclosure

- In working for CMHA, employees shall not divulge, disclose, provide or disseminate confidential Information to any third party not employed by CMHA at any time, unless CMHA gives written authorization. Furthermore, Confidential Information shall not be used for any purpose other than its reasonable use in the normal performance of employment duties for CMHA.
- Requests for CMHA held information, from other agencies are to be forwarded to the supervisor for consideration. Access to files is limited to: the worker(s) providing the client the direct service, the Program Supervisor or Executive Director, the client, and anyone client has signed consent for.
- Access to file information by other non-CMHA professionals is limited to those who provide signed written consent of the client, or if applicable, the child or youth's legal guardian. When clients are referred from one CMHA program to another, information will be shared between workers / supervisors on a need to know basis and in most circumstances all reports / files will be shared.
- Where confidential information is requested, employees must state that they are not authorized to release any information concerning clients, and refer the individual to the Executive Director or appropriate supervisor.

Third Party Records

CMHA will not share personal information or records obtained in confidence from a third party as that third party is solely responsible for determining release of their records or information. Such information is to be appropriately documented to ensure that inadvertent release is unlikely to occur.

Company Property

Upon termination of employment with CMHA, employees shall promptly return (without duplicating or summarizing), any and all material pertaining to CMHA business in their possession including, but not limited to: all client information(charts, lists, etc.), physical property, documents, keys, electronic information storage media, manuals, letters, notes and reports.

Legal

- This agreement will not supersede legal obligation to disseminate information when required by a court of law.
- Staff will cooperate with Police and provide relevant information if a client is a danger to self and others, or has been reported as a missing person. Staff are not required to report client for criminal activity.

- Staff must remain aware that any written information pertaining to specific clients or the overall functioning of a program could be utilized in an investigation or subpoenaed as evidence in court.
- Medical Health Officer may need confidential information when individual has a serious communicable disease.
- Sharing of information can be required to the Ombudsperson under the Ombudsperson's Act.
- Sharing of information can be required to the Coroner under the Coroners Act.
- Sharing of information can be required under the Child, Family and Community Service Act
- Sharing of information can be required under the Representative for Child and Youth Act
- Sharing of information can be required under the Public Guardian and Trustee Act, the Patients Property Act the Power of Attorney Act, the Adult Guardianship Act, Health Care and Care Facility Act and the Representation Agreement Act.

Breach of this policy may result in discipline up to and including termination *for volunteers, employees, or management.*