

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p><b>POLICY</b></p>	<p><b>REGIONAL</b></p> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		Level: <b>1</b>
	Policy Name: <b>Disclosure of Information to Affiliated Foundations</b>	Policy Number: 10.40.145	Page 1 of 5
	Approval Signature: <i>Original signed by R.Cloutier</i>	Section: General Administration	
	Date: April 2019	Supercedes: April 2010	

Language used within this Policy, particularly discretionary language, is reflective of the terms used in *The Personal Health Information Act*.

1.0 **PURPOSE:**

- 1.1 To ensure that the confidentiality of an Individual's name and mailing address is protected during Disclosure for the purpose of fundraising to foundations affiliated with Trustees, as set out under *The Personal Health Information Act*.
- 1.2 To detail the conditions and restrictions on the ability of hospitals and personal care homes to Disclose information to affiliated foundations.

2.0 **DEFINITIONS:**

- 2.1 Access: means the right of an Individual, or a Person Permitted to Exercise the Rights of an Individual, to examine (view) and receive a copy of the Individual's Personal Health Information Maintained by the Trustee in accordance with the Trustee's established policies and procedures.
- 2.2 Disclosure or Disclosed: means revealing Personal Health Information outside the Trustee.
- 2.3 Health Care: means any care, service or procedure provided to diagnose treat or Maintain an Individual's health; provided to prevent disease or injury or promote Health Care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
- 2.4 Health Care Facility: means a hospital, personal care home, psychiatric facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which Health Care is provided and that is designated in *The Personal Health Information Act* regulation.
- 2.5 Health Professional: means a person who is licensed or registered to provide Health Care under an Act of the legislature or who is a member of a class of persons designated as Health Professionals in *The Personal Health Information Act* regulation.

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- 2.6 Health Services Agency: means an organization that provides Health Care such as community or home-based Health Care pursuant to an agreement with the Trustee.
- 2.7 Individual: means a patient, client or resident receiving Health Care services within the WRHA Health Care Facility. For the purpose of Access, correction, Use and Disclosure of Personal Health Information includes Persons Permitted to Exercise the Rights of an Individual.
- 2.8 Maintain: means in relation to Personal Health Information, to have custody or control of the information.
- 2.9 Personal Health Information: means Recorded Information about an identifiable Individual that relates to:
- the Individual's health, or Health Care history, including genetic information about the Individual;
  - the provision of Health Care to the Individual; or
  - payment for Health Care provided to the Individual;
- and includes:
- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an Individual; and
  - any identifying information about the Individual that is collected in the course of, and is incidental to, the provision of Health Care or payment for Health Care;
- and for further clarity includes:
- personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the Individual which have been Disclosed to the Trustee;
- and for the purpose of the Confidentiality of Personal Health Information Policy #10.40.020:
- any Personal Health Information exchanged verbally about an identifiable Individual.
- 2.10 Personal Representative: means:
- an Executor/Executrix or joint Executor/Executrix named in a deceased Individual's will; or
  - a court appointed Administrator or joint Administrator of an Individual's estate.
- 2.11 Persons Permitted to Exercise the Rights of an Individual: means:
- 2.11.1 (a) any person with written authorization from the Individual to act on the Individual's behalf;
- (b) a proxy appointed by the Individual under *The Health Care Directives Act*;
- (c) a committee appointed for the Individual under *The Mental Health Act* if the committee has the power to make Health Care decisions on the Individual's behalf;

- (d) a substitute decision maker for personal care appointed for the Individual under *The Vulnerable Persons Living with a Mental Disability Act* if the exercise of the right relates to the powers and duties of the substitute decision maker;
- (e) the parent or guardian of an Individual who is a minor, if the minor does not have the capacity to make Health Care decisions; or
- (f) if the Individual is deceased, his or her Personal Representative.

2.11.2 If it is reasonable to believe that no person listed in 2.11.1 exists or is available, the adult person listed first in the following who is readily available and willing to act shall exercise the rights of an Individual who lacks the capacity to do so:

- (a) the Individual's spouse, or common-law partner, with whom the Individual is cohabiting;
- (b) a son or daughter;
- (c) a parent, if the Individual is an adult;
- (d) a brother or sister;
- (e) a person with whom the Individual is known to have a close personal relationship;
- (f) a grandparent;
- (g) a grandchild;
- (h) an aunt or uncle; or
- (i) a nephew or niece.

**Ranking:** The older or oldest of two or more relatives described in 2.11.2 is to be preferred to the other(s) of those relatives.

2.12 PHIA: means *The Personal Health Information Act* (Manitoba).

2.13 Privacy Officer: means an employee designated by the WRHA or the Health Care Facility whose responsibilities include dealing with requests from Individuals who wish to examine, receive a copy or make a correction to Personal Health Information Maintained by the Trustee and facilitating the Trustee's compliance with *The Personal Health Information Act*. The definition is intended to mean the Privacy Officer and or their delegate.

2.14 Record or Recorded Information: means a Record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces Records.

2.15 Site: means a Health Care Facility, community health centre, community office within the WRHA.

2.16 Trustee: means a Health Professional, Health Care Facility, public body, or Health Services Agency that collects or Maintains Personal Health Information. For clarity, the WRHA as a public body is the Trustee of the Personal Health Information collected and Maintained within Health Care Facilities and Sites owned and/or operated by the

WRHA and includes community health services. The other hospitals and personal care homes within the region are Trustees of the Personal Health Information collected and Maintained at each Health Care Facility.

2.17 Use: means any activity involving Personal Health Information within the Trustee. Use includes accessing, looking at and sharing the information collected by the Trustee for the purpose of providing Health Care. Use also includes, but is not limited to, processing, reproduction, transmission and transportation of Personal Health Information.

### 3.0 **POLICY:**

- 3.1 An employee or agent of a Trustee shall only disclose Personal Health Information in accordance with *The Personal Health Information Act* and shall only provide the minimum amount necessary to those that are authorized to have it.
- 3.2 Hospitals and personal care homes may only Disclose an Individual's name and mailing address to a charitable fundraising foundation affiliated with the Health Care Facility.
- 3.3 All Disclosures of names and mailing addresses to the affiliated foundation shall be coordinated with the Site's Privacy Officer or delegate.
- 3.4 Hospitals may Disclose to the foundation the names and mailing address of an Individual who has been a hospital in-patient, or Individuals who are not a hospital in-patient who are or have received services from the hospital, except in the following circumstances:
  - The Individual has objected to the Disclosure of their name and mailing address to the foundation;
  - The Individual has died while in the hospital; or
  - The Individual is under the age of 18 (for the purpose of this policy only).
- 3.5 Personal care homes may Disclose to the foundation the name and mailing address of an Individual who is or has been a resident of the personal care home, except in the following circumstances:
  - The Individual has objected to the Disclosure of their name and mailing address to the foundation; or
  - The Individual has died while in the personal care home.
- 3.6 Notice shall be provided to Individuals, advising that their names and mailing addresses might be provided to the fundraising foundation affiliated with the Health Care Facility.
- 3.7 Individuals shall be given a reasonable opportunity to object to the Disclosure of their information.
- 3.8 If an Individual objects to the Disclosure of their information, their name and mailing address shall not be Disclosed to the foundation.

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- 3.9 When an Individual objects to the Disclosure of their name and mailing address to the foundation, the person receiving the objection shall notify the Site's Privacy Officer.
- 3.10 Hospitals and personal care homes shall enter into a written agreement with an affiliated foundation acknowledging that the foundation agrees to protect the information against such risks as unauthorized Access, Use, Disclosure, or destruction.

#### 4.0 **PROCEDURE:**

##### 4.1 **Disclosure to a foundation affiliated with a hospital**

Names and mailing addresses of Individuals with the exception of those listed in 3.3, shall be provided to the foundation on a quarterly basis. For example names and mailing addresses of Individuals who are or have received services in the first quarter (April to June) shall be provided to the foundation at the end of the following quarter (September).

##### 4.2 **Disclosure to a foundation affiliated with a personal care home**

Names and mailing addresses of Individuals with the exception of those listed in 3.4, who have been admitted to a personal care home, shall be provided to foundations on a quarterly basis. For example, names and mailing addresses of residents of a personal care home in the first quarter (April to June) shall be provided to the foundation at the end of the following quarter (September).

4.3 The processes to Disclose the information to a foundation shall be customized by each Health Care Facility.

4.4 The Site's Privacy Officer who has been advised of an Individual's objection shall ensure the information is withheld from the foundation.

#### 5.0 **REFERENCES:**

- 5.1 *The Personal Health Information Act (Manitoba).*
- 5.2 *The Personal Health Information Act regulation.*
- 5.3 Confidentiality of Personal Health Information Policy #10.40.020

**Policy Contact:** *Christina Von Schindler, Chief Privacy Officer*