

AGENCY POLICIES AND PROCEDURES

1.0 Agency

1.0.6 Privacy

Created: August 19, 2010

Reviewed: Oct 4, 2017

Revised: Oct 4, 2017

Policy

The Agency recognizes the sensitivity of personal information and is committed to protecting the privacy and personal information of its clients, board members, staff, interns, volunteers, donors, and other stakeholders as required by provincial and federal privacy legislation

This Privacy Policy applies to the Agency's board members, staff, interns, volunteers, agents, stakeholders, and contracted employees. As well, KW Counselling Services ensures that all third parties sign confidentiality agreements prior to any transfer of an individual's personal information (except under circumstances listed below).

Definitions

"Personal Information" is defined as any information that can be used to distinguish, identify or contact a specific individual. This information includes, without limitation, information relating to identity, nationality, age, gender, address, telephone number, e-mail address, date of birth, marital status, education, employment, health, social status, religion, political affiliation, financial records or activities, credit records, criminal record as well as to beliefs and opinions.

Procedure

Collection of Personal Information

The Agency collects personal information in a variety of ways and for a variety of purposes, including for employment purposes, when services are provided to individuals and when fundraising activities are conducted. Personal Information is only collected as required for specific purposes and the use of that personal information is limited to the purposes for which the information was provided.

Employees, Interns, Volunteers

For policy and procedures on the collection, use and storage of the personal information of staff, interns and volunteers refer to their respective sections in this manual.

Clients

Client information typically collected includes:

- Name, date of birth, address, e-mail address, telephone number and other contact information
- Income, employment information, personal, medical and social history
- Information on presenting problems, medical information

Information will only be collected indirectly, that is, from other family members or professionals, if necessary to the provision of services, with an individual's consent or if permitted/required by law.

Donors/Event Registrants/Event Participants

The Agency collects personal information in order to process donations, track donation history, conduct fundraising activities, process event registrations and track event attendance. Personal information is only collected as required for a specific purpose. All communications with donors and events participants/registrants shall comply with Canadian Anti-Spam Legislation.

The personal information typically collected includes:

- Name, date of birth, address, e-mail address, telephone number and other contact information
- Donation/fundraising details and/or history of giving
- Event registration details and/or history of event attendance

General Public

The Agency operates websites that provide information about the Agency, programs and services and other topics of interest to the general public. Through these websites, individuals can request more information about the Agency, provide feedback, comments and inquiries, and participate in on-line forums and chat lines. Unless an individual chooses to provide personal information to us (e-newsletter subscription, website registration, e-mail messages, online event registration, photos, or online donations) no identifying information is collected. Our internet servers may passively and automatically collect certain information about website traffic, which may be linked to a visitor's Internet Protocol (IP) address (a unique Internet "address" assigned to all Internet users by their Internet Service Providers). Servers may record statistical information—such as visitors' IP addresses, types of operating systems, time and duration of visit, pages requested—and identify categories of visitors by items such as domains and browser types. These statistics are gathered and used collectively; no individuals are identified.

Consent

There are various ways for individuals to give their consent to the Agency to collect, use and disclose personal information. Types of consent include:

- "*Express consent*" means the individual signs a consent form, or other forms containing personal information, authorizing KW Counselling Services to collect, use, and disclose the individual's personal information for the purposes set out in the application and/or forms.
- "*Implied Consent*" means the organization may assume that the individual consents to the information being used, retained and disclosed for the original purposes, unless notified by the individual.

An individual's express, written consent will be obtained before or at the time of collecting personal information. An individual's implied consent is assumed for the collection of personal information if an individual verbally requests service before express consent can be obtained (i.e. a telephone intake). The purposes for the collection, use, or disclosure of and who will have access to the personal information will be provided to the individual at the time of seeking consent. Once consent is obtained from the individual to use information for those purposes, the Agency has the individual's implied consent to collect or receive any supplementary information that is necessary to fulfill the same purposes. Express consent will also be obtained if, or when, a new use is identified.

Consent may be given by an individual's authorized representative (such as a legal guardian or a person having a power of attorney). Generally, by providing personal information it is assumed that individuals consent to

collection, use and disclosure of that information for the purposes identified in this privacy statement or otherwise at the time of collection.

Withdrawal of Consent

Individuals may withdraw consent to collection, use and disclosure of personal information at any time, subject to contractual and legal restrictions and reasonable notice. If consent is withdrawn to certain uses of personal information, the Agency may no longer be able to provide certain services.

Use of Personal Information

The Agency generally uses personal information for the following purposes:

- Providing services or information to clients, prospective clients and community members
- Providing information to third parties for which clients have consented
- Contacting clients to evaluate services provided
- Contacting individuals with respect to events and/or fundraising activities
- Providing receipts for services or donations
- Providing information about KW Counselling Services' activities
- Providing the public and funders with information about the Board of Directors

Personal Information may also be used for quality assurance, evaluation, accreditation, auditing and licensing processes. Individuals accessing personal information for these purposes are required to sign confidentiality agreements. This privacy policy does not cover statistical data from which the identity of individuals cannot be determined. The Agency retains the right to use and disclose statistical data as it determines appropriate.

Disclosure of Personal Information

Personal information will be disclosed to only those staff members, interns, volunteers, agents and board members who need to know the information for the purposes of their work.

The Agency is permitted to use and disclose personal information to third parties *without* the individual's knowledge and/or consent, where:

- The Agency's staff, interns and volunteers believe a client or someone else is in imminent danger of physical harm and information we have might prevent it (suicide or homicide)
- The Agency's staff, interns and volunteers suspect a child under 16 may be in need of protection (abuse, neglect, abandonment, and/or witnessing violence)
- The Agency's staff, interns and volunteers are subpoenaed by a court of law
- The Agency's staff, interns and volunteers are presented with a search warrant
- A client is experiencing a medical emergency (only relevant information will be provided to ensure client safety)
- A client discloses inappropriate behaviour by an allied health professional or other professional that affects clients
- The Agency's staff, interns and volunteers have reasonable grounds to believe a resident of a long term care home or retirement home has experienced abuse or is at risk of harm

For further information please see KW Counselling Services policy *1.0.16 Confidentiality & Release/Receipt of Client Information*.

Retention of Personal Information

Personal information will be retained for such periods of time as may be prescribed by applicable laws and regulations.

Accuracy

The Agency endeavours to ensure that any personal information provided by the individual in active file(s) is accurate, current and complete as is necessary to fulfill the purposes for which the information has been collected, used, retained and disclosed. Individuals are requested to notify the Agency of any change in personal or business information.

Information contained in inactive files (files with no activity for one year or more) is not updated.

Safeguards

The Agency will use physical, organizational, and technological measures to safeguard personal information. Only Agency board members, staff, interns, volunteers, agents or third parties who *need* to know personal information, for the purposes set out in this Privacy Policy, will have access.

All board members, staff, interns, volunteers, agents or third parties are required to sign a Statement of Confidentiality binding them to maintaining the confidentiality of all personal information to which they have access.

All personal information no longer required is shredded prior to disposal (or deleted in the case of electronic records) to prevent inadvertent disclosure to unauthorized persons.

In the event the Agency discovers that personal information in its custody or under its control has been stolen, lost or accessed by an unauthorized person, it will notify the affected individual.

For further information on client files, please see KW Counselling Services policies: *1.0.5 Confidentiality, 2.1.8 Confidentiality & Release/Receipt of Client Information, 2.1.7 Security & Retention of Records.*

Access, Correcting or Updating Personal information

An Individual who wishes to review or verify what personal information is held by the Agency, or to who the information has been disclosed (as permitted by law), may make the request, in writing, for access to the:

Chief Privacy Officer
KW Counselling Services
480 Charles St. East,
Kitchener, ON N2G 4K5
privacyofficer@kwcounselling.com

Upon verification of the individual's identity, the Chief Privacy Officer will respond within 30 days in writing. KW Counselling Services will provide access to personal information at no cost.

If the individual finds that the information held by the Agency is inaccurate or incomplete, the Agency will make the required changes to the individual's active file(s) promptly, upon the individual providing documentary evidence to verify the correct information, .

For further information see KW Counselling Services policy *2.1.9 Client Access to Records*.

Complaints and Concerns

If an individual has a concern about the Agency's personal information handling practices, a complaint, in writing, may be directed to the Chief Privacy Officer.

Upon verification of the individual's identity, the Chief Privacy Officer will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.

Where the Chief Privacy Officer makes a determination that the individual's complaint is well founded, the Chief Privacy Officer will take the necessary steps to correct the offending information handling practice and/or revise the Agency's privacy policies and procedures.

Where the Chief Privacy Officer determines that the individual's complaint is *not* well founded, the individual will be notified in writing.

In the event the complainant is not satisfied with the response, they may choose to follow the Agency's policy *1.0.11 Complaints and Appeals from Clients or Members of the Public*.

Updating of Policy

The Agency regularly reviews privacy practices for various activities, and updates policy and procedure as necessary. The Agency's Privacy Policy is available on the Agency's website for clients and the public to view.