

Privacy of Personal Information Policy

Policy

All employees, volunteers, and students must adhere to the organization's policy on the privacy of personal information and sign a confidentiality agreement prior to their work with the organization in any capacity. In addition, employees are required to sign a consent to Disclose Personal Information.

It is a breach of confidentiality when a person fails to adhere to procedures, outlined in this policy, related to the collection of information, the protection of information, the access to information or the release of information.

Where a person believes s/he may have breached the policy, it is his or her responsibility to alert his/her supervisor.

Where the supervisor becomes aware of a breach of policy by an employee, volunteer or student, s/he works with the Privacy Officer to determine the next course of action which may include discipline up to and including termination.

Overview

Home Base Housing collects personal and sensitive information on clients during the application process and throughout the period of service or duration of tenancy. We also have personal information on staff, board members and volunteers.

Home Base Housing must comply with the Federal *Privacy Information Protection and Electronic Documents Act (PIPEDA)*, which applies to the standards for personal information with respect to commercial activity.

Home Base Housing must also comply with the **Housing Services Act** regulations that set the standards for the collection, use, disclosure and safeguarding of privacy of personal information and the individual right of access of their own information as it applies to rent-geared-to-income tenants.

This policy meets the requirements of the **Housing Services Act** and the Privacy Information Protection and Electronic Documents Act. The collection and storage of personal information should be treated in a manner that is respectful of the individual.

Privacy Officer

The Executive Director is the Privacy Officer. He/she will be responsible for the organizations compliance with all privacy legislation.

The Privacy Officer's duties are to:

1. review the organization's policies and practices with regard to personal information **to ensure compliance with the legislation and makes revisions to the organization's policies as required;**
2. implement the necessary changes to guarantee that the collection and retrieval of personal information follow the organization's policies;
3. ensures employees, volunteers, students, clients and the public are informed of the policies and practices related to the organization's management of personal information including the handling complaints;
4. **inform clients on their rights to access their personal information and how to make corrections to the record**

Definition of Personal Information

For the application of this policy, personal information means:

1. The personal address, telephone number or email address of the individual
2. Any identifying number assigned to an individual which can lead to their identification (e.g. Social Insurance Number)
3. Information about an individual's income and assets
4. Bank account and credit card information
5. Information about rent payment history
6. Information relating to the race, national or ethnic origin, citizenship status, colour, religion, age, sex, sexual orientation, marital or family status of the individual
7. Information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual
8. Credit and rental history reports
9. Financial information for the purposes of establishing Rent-Geared-to-Income Assistance
10. An individual's blood type or fingerprints
11. Information about an individual's personal or political opinions
12. Correspondence sent to Home Base Housing that is of a private or confidential nature, and any replies from Home Base Housing that would reveal contents of the original correspondence
13. The individual's name if it appears with other confidential information (e.g. rental arrears reports)
14. Employee information including résumés, salary and benefits, disciplinary action, bank account information, tenant or client complaints about the individual, and problems between staff.
 - Personal information does NOT include the name, position and business phone number of employees.

- Personal information does NOT include statistical data, which is summarized in such a way as to not identify any individuals.
- Business contact information and certain publicly-available information such as name, address and telephone number (as published in telephone directories) are not considered personal information.

15. Information related to an employee, volunteer, student or client and his or her family that may be available on social media sites such as Facebook

With regard to applicants, tenants, and clients, information may include: income, credit history, subsidy, arrears, personal circumstances, health, conflicts between tenants, requests for transfers for personal reasons and any requests from tenants that are personal in nature.

With regard to staff, personal information includes: hiring, terminating, disciplining, salary negotiations, tenant complaints and problems between staff members.

Collection of Information

- Personal information will be collected only for the following purposes:
 1. to approve tenancy and determine appropriate unit type and size
 2. to determine income and assets for rent calculation
 3. to demonstrate compliance with funding requirements
 4. to protect the health and safety of the tenant, **employees, students, or volunteers**
 5. to ascertain service levels required in special-needs housing
 6. to conduct reference and employment checks
 7. to retain relevant information on employees for government reporting purposes
 8. to assist staff in determining what support clients require in order to attain their goals
- Staff must not seek out personal information about tenants/clients or applicants unless it is relevant to their work **as defined by the above purposes.**
- All documents used for collection of personal information shall state:
 - a. the purpose or purposes of the collection;
 - b. the reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility for assistance under the **Housing Services Act**; or as authorized by an agreement under section 163 or 164 of the **Housing Services Act**;

- c. the name, title, business address and business telephone number of the Privacy Officer who can answer questions and respond to complaints about the collection, use or disclosure of the information;

and will include:

- d. a consent form to be signed by the applicant, tenant or client authorizing the collection, use, verification and disclosure of the information being collected

Protection of Information

- All staff and board members will be required to sign a confidentiality agreement.
- Employees, students, and volunteers including members of the Board, are authorized to access records containing personal information only if required in order to fulfil their duties and only to the degree that is necessary.
- Applicant, tenant and employee files (including information on databases) must be safeguarded against unauthorized access. **Unauthorized access refers to access by persons who do not require the information to do their work.**
- **For client or tenant files, unauthorized access refers to access by an employee, student or volunteer who is not a member of the client's support or administrative team unless an emergency situation necessitates access. Where this occurs the supervisor is informed immediately.**
- Applicant and client information and employee information must be stored in a locked filing cabinet. Secure storage facilities must be provided for the following archived information: applicant, tenant/client, employee and accounting. **Confidential documents should not be left in an open place, such as desk top, where others may have access.**
- When communicating applicant/ client issues to the Board, staff should use non-identifying information as much as possible. For example, arrears report should use codes in place of the actual names of tenants.
- Databases containing files with personal information, and other confidential electronic files must be password-protected against unauthorized access. **Passwords are not to be shared under any circumstances. It is a breach of this policy to do so.**
- Screen-savers or other protective action will be used to protect confidentiality of personal information on computer monitors.
- All staff have a responsibility to ensure that unauthorized individuals do not have unsupervised access to areas where **paper and electronic** files are kept and used.

- Personal information will be disposed of at the end of the required storage period: for five (5) years for client records after the tenant has moved out; for seven (7) years for financial records after the end of the fiscal year.
- Paper-based personal information must be shredded prior to disposal. Electronic media must be purged prior to disposal.
- Employees, students, and volunteers including members of the Board, should not leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.
- Employees, students, and volunteers including members of the Board, should not discuss any confidential information within or outside the organization where individuals who are not authorized to have access to that information may overhear the conversation
- Employees, students, and volunteers including members of the Board, should not provide confidential information or records to unauthorized individuals.
- Employees, students, and volunteers including members of the Board, should not may not access a client's or their immediate family's social media site or permit a client to have access to their personal social media site for a period of 2 years post discharge and no possibility of returning as a client to Home base Housing. Students and volunteers are not permitted to share social media sites while in their role with Home base Housing.

Release of Information

No personal information will be released to third parties without the written consent of the individual (for example: credit references, tenant or personal references). When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry.

- It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, or for an Ontario Rental Housing Tribunal or Small Claims action.
- Staff will take reasonable care to confirm the identity of the people to whom information is released.

Personal information may be released to the following:

1. The Board of Directors: When communicating tenant issues to the Board, staff should use non-identifying information as much as possible. For example, arrears reports should use codes in place of actual names of tenants. There may be

potentially contentious issues where the Board shall be provided with the names and/or other personal information.

2. **Funders and Auditor:** Home Base, in order to be in compliance with funding program requirements, must release information to funders and auditors. People doing these jobs have their own professional code of ethics and are required to maintain confidentiality. Staff should confirm that the person concerned is seeking access legitimately.
3. **Social Housing Registry:** As part of its responsibilities to the Social Housing Registry, Home Base Housing may provide the Registry with information about tenants who have left in arrears. This information will be used by the Registry as part of their screening process.
4. **Researchers:** Occasionally, Home Base Housing may be asked to assist a researcher who may be from an academic institution or who may be independent. Authorization for such people to have access to files will depend on their credentials and the nature of their research. The Board of Directors must approve all such requests for personal information.
5. **Credit Bureaus:** Information on orders or judgements for money owing will be provided to any credit bureau of which Home Base Housing is a member.
6. **Law Enforcement:** While Home Base Housing has a responsibility to protect the rights of applicants and tenants to privacy, this responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about applicants, tenants, employees, board members or volunteers, will be required to provide a written request or “warrant” before information will be released.

Personal information may be released to the police under these circumstances:

- i. In the context of reporting criminal activity, staff with personal knowledge should report theft, damage or fraud.
- ii. With respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the police so that charges can be laid. Domestic violence is a criminal offence and should be reported to the police.
- iii. To report suspected criminal activity. If there is good reason to believe that there is a drug problem or other illegal activity in the building, this should be reported to the police.
- iv. Victims of crimes are responsible for reporting the crime directly to the police. However, if the victim is a child or a person with a disability that renders them incapable of making the decision to report, the legal responsibility lies with Home Base Housing to report the crime to the Police or Children’s Aid Society, if it has relevant information.

- v. In the case of suspected child abuse, information will be provided to the Children's Aid Society. (This duty to report is required under the *Child and Family Services Act*, Section 72.)
7. Health and Safety Officials: Personal information will be provided to outside agencies, individuals and institutions when it can be clearly identified as contributing to the applicant or tenant's benefit, for example, information about an individual's medical condition to the fire department.
8. Next of Kin or Emergency Contacts: It may be appropriate to use personal information to contact a community service agency or a designated relative in exceptional circumstances, such as, when using an emergency contact provided by a tenant and held on file, or contacting medical support services when a tenant is unable to function and maintain his/her tenancy.

Access to and Correction of Personal Information

- The Privacy Officer **or designate** will respond to all requests for access to or correction of personal information.
- An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.
- If the Privacy Officer believes that releasing personal information to an individual would prejudice the mental or physical health or security of any person, he or she will not release the information.
- An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement will be filed with the original information.

Procedure for Handling Complaints

The Privacy Officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information within thirty (30) days of the request being made, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- Correction of personal information is necessary.
- Information was collected, used, released or disposed of inappropriately.
- Home Base Housing's policies and procedures need to be strengthened.
- Disciplinary or other action needs to be taken with respect to a breach of a confidentiality agreement.

Where necessary, the Privacy Officer will make the necessary recommendations to the Board of Directors in connection with resolution of the complaint.

Breach of Confidentiality

It is a breach of confidentiality when the requirements under this policy are not adhered to. This relates to the collection of information, the protection of information, the access to information and the release of information.

A breach of confidentiality may be grounds for an employee to be disciplined or terminated. Volunteers and students who breach confidentiality may be asked to leave their placement. A breach of confidentiality may be grounds for a Board member to be removed as a director of the corporation. A Board member who breaches confidentiality may not be covered by Home Base Housing's insurance if he or she is sued for libel.

Modified January 2012

Confidentiality of Information Agreement

This agreement is signed by all persons prior to their involvement with Kingston Home Base Non-Profit Housing in the capacity of an employee, student or volunteer.

I, _____, understand that in the course of conducting my responsibilities as a _____ of Kingston Home Base Non-Profit Housing Inc., I may have access to personal information about applicants, clients and /or employees of the corporation. I acknowledge that I have read and understood in full the organization’s Privacy of Personal Information Policy and agree to abide by the policy.

If in my role, I have access to client records whether electronic or paper, I will only access those records where I have direct involvement unless an emergency situation requires me to access an otherwise unauthorized file. In the later case, I will alert my supervisor to the unauthorized access including the reason why.

I also acknowledge that I will alert the privacy officer immediately if I believe I may have breeched this policy in any other manner.

_____ Print Name

_____ Signature

Dated this _____ day of _____, 20__.