

Your Rights

- You can read or get copies of your health records at any time, although you may need to pay a fee to access them.
- You cannot remove or change information in your file. However, if your health record is inaccurate, you can ask to have it corrected or to have a note added if you disagreed with an opinion.
- You can decide who can and cannot see your health information, and can withdraw your consent to have others see this information at any time.
- You can put your record in a “lock box”, meaning you can make your file private. We can override this lock if necessary, to provide care, but we need a good reason to do this.
- As a parent, you are the decision-maker for your child/ren who are less than 16 years old, until they are capable of making decisions for themselves. This means you can access your child’s health records or consent to the collection, use and disclosure of this information, unless your child refuses. Note that if one parent has custody of the child, the other parent does not necessarily have the right to make information decisions for the child; this would be spelled out in the separation agreement.
- If you have a complaint about how your health information is collected, stored, or used, you can contact the:

Information & Privacy Commissioner
of Ontario
www.ipc.on.ca

Your Child’s Rights

This law applies equally to children and adults. This means that as long as they are capable of making the decision, children have all the rights listed above, including, if they wish, the right to request their parents do not see their health information.

There is no specific age at which children are considered capable of consent. To be considered capable, the child must be able to understand what is involved in collecting, using and sharing health information, and must be able to appreciate what might happen if they refuse consent. Children can understand some of these aspects at quite a young age and, in general, they should become more involved in discussions about their health care as they grow older.

In Conclusion

Your health information and that of your child’s, is some of the most personal information there is. You have the right to know how it is being used, who is seeing it and what it says. If you have questions about the privacy of your health information, contact the Information & Privacy Commissioner of Ontario www.ipc.on.ca.



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ONTARIO’S PRIVACY LAW and ITS IMPACT ON YOUR CHILD’S CARE

The Personal Health Information Protection Act (PHIPA) came into effect on November 1, 2004. This law clarifies and standardizes the privacy rules surrounding the collection, use and disclosure of your health information. It covers all information about your health or health history, including your Ontario Health Card number, family medical history, doctor’s notes, diagnoses, prescriptions and so on. It applies to health care providers and agencies like Vanier Children’s Services, known as “Health Information Custodians”, as well as to other people who may receive personal health information from a custodian.

Most of the law is common sense. However, it is important to be aware of how it affects your care and that of your children.

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Who can see your Health Information?

Whenever a doctor, nurse or other health care provider (Vanier) collects records or uses your health information, their goal should be to provide you with the best possible care. The privacy law tries to strike a balance between ensuring your health information is protected and ensure the people involved in you/your child's care have all the information they need. It does this by defining situations where your information can be shared without checking with you first, and situations where we must ask for your permission to share information with others.

Implied Consent

The law allows health care providers to share your personal health information within a "circle of care". For example, if your family doctor referred you to a specialist at a hospital, the information collected at the hospital can be shared with your family doctor without asking your permission. This is called "implied consent" and is meant to lower the barriers to effective health care. In general, only health care providers who are involved in your care, are allowed to see your health information.

If you do not want aspects of your health information shared with other members of a health care team, you need to make this clear to your health care providers.

Express Consent

Health care providers are not allowed to give your personal health information to people who do not provide you with health care, unless you specifically give them your permission. For example, Vanier staff must have your permission to share information with your child's school/teacher. This is called "express consent".

When Consent is not Required

In certain situations, Vanier may provide some of your health care information to someone who is not involved in your care without your consent. These situations include processing payments through OHIP, reporting suspected child abuse as required by law; concerns about harm to self or to others, etc.

In these cases, the information is still considered sensitive and is only available to certain people who have a legitimate need to see it. Your information can also be used without your consent in certain research projects (if approved by a research ethics board), during agency accreditation processes, etc. You can request your information not be used for these purposes.

Vanier Children's Services Obligations

- Have a written statement about our information and privacy practices available.
- Collect only the information that is necessary and relevant to your care.
- Tell you how the information will be used when we collect it and only use the information for that purpose.
- Ensure our record information is accurate and correct it, if necessary.
- Have safeguards in place to ensure your health information is secure and that only those involved in your care can see it. Safeguards include secure storage of records; computer systems password protection, and, having clear practices for staff to follow.
- Ask for your express consent to use or share information when necessary
- Let you know if your health information is lost, stolen, or accessed by someone who should not have seen it.
- Designate a contact person that you can speak to if you have questions about the privacy of your health information.