

Practices of RCCDSB Health Information Custodians Regarding the Use, Collection and Disclosure of Personal Health Information

What is Personal Health Information?

- Any identifying information that is gathered through observation, conversation, assessment, treatment, etc. that pertains to an individual's physical or mental health care history. This includes information such as address, date of birth, health and educational history, cognitive and language skills, behaviour and emotional functioning.
- An individual's consent is required for the collection, use, and disclosure of their Personal Health Information. The individual has the right to withdraw consent at any time.

Who are the Health Information Custodians employed by the School Board?

- Speech-Language Pathologists, Behaviour Analysts, Social Workers and their support personnel (i.e., CDAs, ASA EAs, SACs)

Who can consent to the collection, use or disclosure of one's Personal Health Information?

- A capable person (regardless of age) who understands the information relevant to deciding whether to consent, and can appreciate the consequences of the decision to consent.
- Typically, the parent/legal guardian of a student under 16 consent on behalf of a student.
- The Speech-Language Pathologists, Behaviour Analysts, Social Workers and their support personnel (i.e., CDAs, ASA EAs, SACs) are allowed to collect, use, and / or disclose one's Personal Health Information.

Why is this information being collected and how will it be used?

- The information that is relevant to the student's learning may be shared with school staff and school board personnel to plan and deliver educational programs and support services that best meet the needs of the student.

Who will the information be shared with?

- The information will also be made available to the parent/guardian of the student depending upon age/capacity requirements for student consent.
- The information collected may be shared with other RCCDSB staff working directly with the student or have responsibility for the student (e.g., school administration, resource teacher, student services team).
- Sometimes office staff will be creating and accessing files for our use. These staff understand privacy policies and confidentiality issues.
- The information will not be shared with anyone else (e.g., physician, community partner) without consent by the parent or guardian (and/or the student if appropriate).
- If Personal Health Information has been accessed by an unauthorized person, stolen, or lost, or there is a privacy breach, you will be notified.

There are limits to confidentiality as follows:

1. Where the person collecting the information has reason to suspect that the student about who they are collecting information about is in need of protection - this must be reported to Family and Children's Services (FCS).
2. Where there is evidence the student may be at risk of seriously harming themselves or others.
3. Where it is learned that a member of the regulated health profession may have engaged in abuse of the student;
4. Where records are ordered to be produced as required by law or court order; and
5. Where it is learned that a student at a school of the Board may have engaged in an activity for which suspension or expulsion must be considered, employees of the Board must report the activity to the principal.
6. For accreditation and auditing purposes.

Where will the information be kept and for how long?

- In a secure site of the RCCDSB respective Regulated Health Professional (RHP).
- Personal Health information (digital and paper records) will be kept for as long as mandated by the college of each RHP by RCCDSB.

Who should you contact to request access to your Personal Health Information?

- Contact the staff member who collected the information and is responsible for its use and retention.
- Should that person be unavailable or no longer employed at the school board, requests should be made to the schools respective Special Education Coordinator.
- Some information is exempt from the right of access, including test questions that are protected by copyright, and raw data assessments
- If releasing the information could result in the risk of harm to the individual or others, access may be denied. Where a restriction on access exists, that part of the record may be severed from the part of the record that is accessible.

What if you disagree with something that is in your Personal Health Information file/report?

Efforts are made to ensure that all information is accurate. However, if you believe that there is an error in the information, you may request a correction from the staff person who initiated the record. This applies to factual information and not professional opinions or judgements. If no changes are to be made the individual making the request will be informed of this and the reasons for the refusal. Individuals will also be provided with information regarding their right to appeal the refusal and their right to attach a statement of disagreement to the original record.

Appeal Process

If you are not satisfied with the decision of the staff member regarding the collection, use or disclosure of your Personal Health Information, your access to it, or your request to have incorrect information corrected, you may appeal to: The Superintendent of Special Education.