

Whom can I contact to request access to my Personal Health Information?

The request to access your own information or that of your child is made to the psychology/speech-language/audiology/social work staff member who collected that information and is responsible for its safe retention. Should that person be unavailable or no longer employed at the school board, the request should be made to the Chief of that particular department.

Some parts of Personal Health Information are exempt from the right of access, e.g. test question content is protected by copyright, or if releasing the information could result in risk of significant harm to either the individual or others. In these cases, 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 I disagree with something that is in my Personal Health Information file?

All reasonable attempts will be made to ensure that the information collected about you or your child is accurate. If, however, you disagree about the accuracy of the information, you may request the psychology/speech-language social work staff member who has the information to make a correction to his / her record. Where it is demonstrated that the record is incomplete or inaccurate for the purposes for which the staff member uses the record, it will be amended to be factually correct. However, staff are not required to change a professional opinion or observation made in good faith, a record that was not originally created by the staff member, or where the staff member has insufficient knowledge or authority to make the correction. If the request to correct a record cannot be made, the individual making the request will be informed of the refusal, be provided reasons, and be informed of the right to appeal the refusal and the right to attach a statement of disagreement to the original record.

To whom do I appeal if dissatisfied with the decision?

If you are not satisfied with the decision of the psychology/speech-language/audiology/social work 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:

Durham District School Board's Chief Psychologist, Chief Social Worker or Chief Speech/Language Pathologist at 905-666-5500

Superintendent of Human Resources/Freedom of Information and Protection of Privacy Officer at 905-666-5500

An appeal may also be made to the Ontario Government's Information and Privacy Commissioner who may investigate.

Telephone: 416-326-3333

email: Commissioner@ipc.on.ca



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PROTECTING PERSONAL HEALTH INFORMATION

Practices of the District School Board's Psychology, Social Work, Speech-Language Pathology/Audiology staff regarding the Use, Collection and Disclosure of Personal Health Information



This brochure is produced in accordance with the requirements of the Personal Health Information Protection Act, 2004. (PHIPA)



What is Personal Health Information?

Personal Health Information is information, which is gathered through observation, conversation, the review of records, assessment, treatment, etc., that relates to an individual's physical or mental health.

In a school board setting, this could include information about a student's intellectual ability, cognitive, language and academic skills, behaviour and emotional functioning and/or the student's social relationships within the family context as they relate to the student's education. An individual's consent is required for the collection, use and disclosure of his or her Personal Health Information.

Who may consent to the collection, use or disclosure of Personal Health Information?

- A capable individual, that is, anyone regardless of age, who has the ability to understand the information that is relevant to deciding whether to consent, and has the ability to appreciate the consequences of that decision, can consent to the collection, use and disclosure of his or her own Personal Health Information.
- Where a person is deemed not capable of giving consent, a substitute decision-maker (normally the parent or legal guardian) will make the decision. However, the parent may consent for a child under 16 even if the child is capable.

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

Information is being collected and used to provide psychological, social work, speech-language pathology, audiology services, that in turn assist the student with his or her educational program. Only information that is reasonably necessary to provide services is collected.

With whom will the information be shared?

The information collected may be shared with

- other Durham District School Board psychology/speech-language/audiology/social work staff who are working directly with or have responsibility for the student, based on implied consent (assumes permission was provided for these individuals to share information),
- school staff who are directly involved with the student (e.g. principal, vice-principal, classroom teacher(s), special education and guidance staff, etc.) with the expressed consent of the parent /guardian (and the student if appropriate. Expressed consent involves providing your permission for the information to be shared either orally, in writing, or electronically,
- anyone outside of the Durham District School Board (e.g. another school board, a community agency, etc.), only with the expressed written consent of the parent/guardian (and the student if appropriate).

There are some exceptions to this, however, as follows:

- if the person collecting the information has reason to suspect that a child about whom he or she is collecting information is in need of protection, this information must be reported to the Children's Aid Society;
- where there is evidence that the student may be at risk of harming him / herself or others;
- where it is learned that a member of a regulated health profession may have engaged in sexual abuse of the student; and,
- where records are ordered to be produced as required by law.

The parent/guardian giving consent (and the student if appropriate) may limit what information is disclosed. However, the recipient of the information must be notified that the record is incomplete, if the information withheld is necessary for providing care to the student by the recipient of the information.

Who will have access to the information?

- Information retained by Durham District School Board's psychology, social work, speech-language pathology/audiology staff is accessible only to these staff members, and others only if consent has been granted.
- The information will also be made available to the parent or guardian of the student, and the student him / herself when appropriate.
- If Personal Health Information has been accessed by an unauthorized person, or stolen or lost, or if there is a privacy breach, the parent / guardian (and the student if appropriate) will be notified.
- The documentation kept in a student's Ontario Student Record at the student's school may contain with appropriate consent, a copy of any report produced by psychology, social work, speech-language pathology/audiology staff containing Personal Health Information, and is accessible to the student's parent / guardian (and the student if appropriate), and the school staff members who are directly involved in the education of that pupil.
- School staff cannot release this information to anyone without the consent of the student's parent / guardian (and the student if appropriate).

Where will the information be kept?

The Personal Health Information will be stored under locked, secure conditions at the Durham District School Board Administration office or where the parent has consented, in the OSR. As we proceed to electronic files, we have developed organizational and technological safe guards and procedures to protect your personal information against theft and loss. (ie. Security and passwords). Unauthorized access, copying, modification, use, disclosure and disposal of records will be protected by these safeguards and procedures.