**IM 5001-Protection of Personal Information**

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| **Board Approval:** | **April 2019** | **Last Updated:  Creation Date:** | **April 2019  July 17, 2017** |

**Introduction:**

The Canadian Mental Health Association-Wood Buffalo (CMHA-WB)  is an organization under the *Personal Information Protection Act*, but is not a public body for purposes of the *Freedom of Information and Protection of Privacy Act* nor a custodian for purposes of the *Health Information Act.* To the extent that CMHA-WB is, by virtue of contracts for services with Alberta Health Services, an affiliate of Alberta Health Services as a custodian under the *Health Information Act*, CMHA-WB is prohibited from disclosing health information in any manner that is not in accordance with CMHA-WB’s duties to Alberta Health Services [s. 43 of HIA]. From time to time, CMHA-WB may provide health services as defined in the *Health Information Act* as an affiliate who is not a custodian*.*

CMHA-WB is committed to protecting the privacy of personal information provided to it by program participants, employees, practicum students, peer leaders, and volunteers. Personal information includes any information that can be used to identify an individual, with the exception of business contact information, that is, information that is typically found on an individual’s business card.

In delivering services, CMHA-WB is committed to confidentiality of personal information.  It restricts access to personal and personal health information to those individuals who require it to carry out their responsibilities for agency and program administration, service provision, supervision, file management and confidential support duties.

It is important that program participants and understand that by accessing our services, they are consenting to the collection, use, and disclosure of their personal information for the purpose of enabling the provision of accommodation, services, and programs to them.  CMHA-WB employees, practicum students, peer leaders, and volunteers are also deemed to consent, as above.  In every case, CMHA-WB intends to respect confidentiality and privacy as required by law and by the effective, respectful delivery of CMHA-WB’s services.

CMHA-WB recognizes and acknowledges that mandated bodies and their agents might have legal access to CMHA-WB records under specific circumstances and orders

**Purpose for the Collection and Use of Personal Information**

In order to provide quality services, CMHA-WB collects and uses a broad range of personal information about program participants, employees, practicum students and volunteers.  Such collection may be in writing, in person, on the telephone, or by electronic communication and may include sensitive employment, financial or health-related information. On occasion, CMHA-WB’s collection or use of particular information is permitted by legislation, authorized by contract with other entities, or required by order of a court.

Most personal information about program participants that is held by CMHA-WB is obtained from them when they seek housing or services and subsequently as such housing or services are provided to them, in which case they are informed, in writing or orally, of the purpose for which the personal information is being collected.  In cases where a person has not provided explicit consent, CMHA-WB collects and uses that person’s personal information only if it is reasonably clearly in the interests of the person or for other reasons permitted by law [s. 14 of PIPA]

In addition to from program participants and peer leaders, CMHA-WB collects and uses personal information from potential employees, employees, practicum students, and volunteers and those who provide support services.  Personal employee information is information relating to an individual who is an employee or a potential employee that is collected, used, or disclosed for the purposes of establishing, managing or terminating an employment relationship, including a volunteer work relationship.

**Procedure:**

1. **Disclosure of Personal Information**
2. It may be necessary to disclose personal information about program participants, employees, practicum students, peer leaders, or volunteers to others in certain circumstances.
3. Disclosure of personal information about program participants, employees, practicum students, peer leaders, or volunteers may take place in situations permitted or required under the Personal Information Protection Act or the Health Information Act.  Personal information may be provided to others, such as government agencies or private service providers, who give advice or services to program participants.
4. In the case of employees, personal information may be provided to payroll administrators and third party benefit suppliers when necessary in the administration of payroll and benefits. Reasonable effort is taken to ensure that a comparable level of protection of personal information is provided by third parties to whom personal information is disclosed.
5. Beyond these circumstances, the personal information collected by CMHA-WB is for internal use. To ensure that personal information collected by CMHA-WB is secure, access to areas or databases where paper and/or electronic data are held is restricted to authorized staff.  CMHA-WB staff is to appreciate the importance of privacy and confidentiality of personal information and to ensure that the security of personal information is maintained by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction [s. 34 of PIPA].
6. All CMHA-WB staff shall ensure that personal information, including program participant, peer leader, employee, practicum student, and volunteer files are kept in secure locations and that computerized workstations are shut down and equipment rooms and files are locked in non-working hours.  Personal information must not be left unattended in public areas.

1. **Obtaining Consent**
2. Except where permitted or required by law, personal information is collected, used and disclosed only with the express written or electronic consent of the person involved and with the authorization of both the individual and other information provider.
3. A person may withdraw or vary consent for CMHA-WB’s collection, use, and disclosure of their personal information at any time with prior written notice to CMHA-WB, except in such cases where withdrawal or varying consent would frustrate the performance by CMHA-WB of a legal obligation owed between the person and CMHA-WB.  In all cases, the individual is informed of the likely consequences of withdrawing or varying consent. [PIPA, s. 9(5)]

1. **Retention of Personal Information**
2. CMHA-WB retains personal information only for so long as is reasonably required to fulfill the identified purposes, but long enough to permit access.
3. When services to a peer leader or program participant are concluded, any duplicate materials in the file are destroyed and the file is closed. As there is no limitation on the period during which an individual may request access to their personal information, program participant files are maintained for a reasonable period beyond the conclusion of CMHA-WB’s relationship with that individual.
4. Personal information about program participants, employees, practicum students, peer leaders, and volunteers is retained for at least three (3) years or for as long as is reasonable after the individual ceases association with CMHA-WB.
5. Personal information which is provided as part of the recruitment process will only be retained for a reasonable period in the event that a prospective program participant, employee, practicum student, or volunteer is not accepted, hired or otherwise associated with CMHA-WB.

1. **Access to and Verification of Personal Information**
2. Under privacy legislation, individuals have a right of access to their personal information.  Subject to certain legal restrictions, CMHA-WB will, on request, inform individuals what personal information about them is held by CMHA-WB. If requests are complex and require extensive or detailed searches, a search charge may apply.
3. Access requests for personal information are to be directed to CMHA-WB’s Privacy Officer. All access requests are to be in writing and shall set out in sufficient detail the scope of the request.
4. If there is an error or omission in personal information held by CHMA-ER for which a request for correction has been received, that information will be corrected as soon as reasonably possible or annotated to say that a requested correction was not made, unless it is an opinion, including a professional or expert opinion, to which by law a correction may not be made [s. 25(5) of PIPA]
5. The Privacy Officer will make every reasonable effort to assist an individual with the access request and to respond as accurately and completely as reasonably possible within time limits as set by privacy legislation.  The Privacy Officer will tell the applicant whether or not they they are entitled or will be given access to all or part of their personal information and explain the reasons for the refusal, if any part of the access request is refused, pointing out the sections of the legislation on which the refusal is based.  The Privacy Officer will also inform the applicant that they may ask the Information and Privacy Commissioner to review the decision.

1. **Further Information**
2. Further information is available on the website of Alberta’s Information and Privacy Commissioner at [www.psp.gov.ab.ca](http://www.psp.gov.ab.ca/)