

# Fleming College

<b>Policy Title:</b>	Collection of Personal Health Information Procedure
<b>Policy ID:</b>	#1-112B
<b>Manual Classification:</b>	Section 1 – College Policies
<b>Linked to Policy:</b>	Information Practices Related to Personal Health Information
<b>Approved by Board of Governors:</b>	Original: March 25, 2020
<b>Revision Date(s):</b>	N/A
<b>Effective Date:</b>	March 25, 2020
<b>Next Policy Review Date:</b>	March 2023
<b>Contacts for Policy Interpretation:</b>	Policy and Privacy Coordinator Privacy Officer (to be hired) Manager of Operations - President's Office

## 1.0 – Purpose

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The purpose of this procedure (the “**Procedure**”) is to set out instructions for members of the College Community on how to collect Personal Health Information in accordance with the College’s policy #1-112 Information Practices Related to Personal Health Information and the *Personal Health Information Protection Act, 2004* (“**PHIPA**”).

Under PHIPA the College is a Health Information Custodian in respect of the following 3 health services: (1) Counselling Services (2) Student Health Services and, (3) the Massage Clinic (each a “**College Health Service**” and collectively the “**College Health Services**”). Capital terms not defined in this Procedure have the same meaning found in the College’s policy about Information Practices Related to Personal Health Information.

## 2.0 – General Information

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**Purposes.** The College will collect your PHI for the purposes of providing patient care, administration and management of our programs and services, patient billing, evaluating and improving the quality of services, research, teaching, statistical reporting, fundraising, marketing, meeting legal obligations and otherwise, as permitted or required by law. A College staff member or Agent, of any of the services identified above, may collect your name, birth date, medical and health histories, family medical history, Ontario Health Card number, and information to permit billing. Such collection may occur via an in-person visit, over the telephone or via electronic communication.

**Consent.** The College will handle your PHI only with your consent however, in some cases, we may collect, use or disclose your PHI without consent, but only as permitted or required by law. For consent to be valid, you must have capacity to consent and give consent directly. The consent must be voluntary, knowledgeable, and must relate to the information in question. The College will only collect your PHI directly from you, unless the law permits indirect collection

from third parties. Consent must be obtained from your substitute decision-maker, as defined under PHIPA, if you are not able to consent.

### **3.0 – Collection of PHI**

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- a) Members of the College Community will only collect your Personal Health Information with your consent or if the law permits or requires collection without your consent.
- b) The College Community will only collect your Personal Health Information if other information will not suffice to meet the purposes of the collection.
- c) The College Community will only collect as much Personal Health Information as it needs to meet the purposes of the collection.
- d) The members of the College Community that operate the Services described above may collect Your Health Card Number for the purpose of providing you with provincially funded health care services.
- e) If the College Community wishes to use your Personal Health Information for marketing purposes, it requires your expressed written consent.
- f) The collection of PHI occurs only with your consent. Your consent must relate to the information that will be collected, be freely given by you, and be knowledgeable and not obtained through deception.
- g) A consent is knowledgeable if you understand that consent may be given or withheld and you are aware of the purposes for the College's collection and handling of your Personal Health Information.
- h) The College may presume that your consent is knowledgeable if it has posted, or makes readily available, a notice of the purposes of the College's collection and handling of your personal health information where it is likely that the notice will come to your attention.
- i) To remain accountable and transparent, the College will make available to you a written statement identifying:
  - o Its information practices;
  - o How to reach the College Privacy Coordinator if you have questions or concerns;
  - o How you may obtain access to or request correction of a record of your personal health information; and
  - o How to make a complaint to the College, the Patient Ombudsman or to the Information and Privacy Commissioner of Ontario about the College's information practices.
- j) Members of the College Community will only collect Personal Health Information directly from you unless,

- You consent to indirect / third party collection by the College;
  - The information is necessary for the College to provide you with health care and direct collection is not reasonably possible;
  - The Information and Privacy Commissioner of Ontario has authorized the collection without your consent;
  - The information is needed for an investigation, proceeding or a function of the College set out in the statute law;
  - The College collects the information from a person who is not a custodian, for research purposes;
  - The College collects the information from a person who is not a custodian, for planning and management of the health care system and the College is authorized by regulation to do so;
  - The College collects the information from a person who is permitted or required by law to disclose it to the College; or
  - The law permits indirect collection by the College.
- k) The College may use an Agent to handle PHI on its behalf. The Agent can only do what the College authorizes and may not use the PHI for the Agent's own purposes.
- l) The College may enter into agreements with third parties to collect Personal Health Information on the College's behalf as long as the agreement requires the third party to protect the privacy of the Personal Health Information it collects on behalf of the College in accordance with *PHIPA*.
- m) If the College enters into agreements with an electronic services provider, there are special requirements for the College to meet and it is recommended that the Privacy Officer or legal counsel be consulted. If the College enters into an agreement with a Health Information Network Provider (an electronic services provider that facilitates the electronic sharing of PHI between two or more Health Information Custodians), there are special requirements for the College to meet and it is recommended that the Privacy Officer or legal counsel be consulted prior to the College entering into such agreements.
- n) If you have questions about this Collection of Personal Information procedure please contact the College Privacy Coordinator.
- o) You may complain to the Information and Privacy Commissioner of Ontario about the College's privacy practices by writing to: 2 Bloor St E, Toronto, ON M4W 1A8

#### **4.0 – Responsibility for this Procedure**

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The respective Department Head(s) are each responsible for implementing this procedure, the Information Practices Related to Personal Health Information policy and for developing and maintaining internal departmental procedures that are consistent with these documents and *PHIPA*.

The Privacy Coordinator is responsible for advising Department Heads on the interpretation and implementation of this procedure and the related policy on Information Practices Relating to Personal Health Information.

### **5.0 – History of Amendments & Reviews**

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<b>Section(s)</b>	
<b>Date / Creator</b>	