

WHAT IS PERSONAL HEALTH INFORMATION?

Personal Health Information (PHI) includes information gathered through observation, conversation, examination, assessment, counselling, intervention, treatment, etc., that pertains to an individual's physical or mental condition. It may include information about a student's cognitive, language, motor, sensory, behaviour, mental health, social and emotional skills, or functioning. It also includes an individual's health number.

WHAT IS THE PERSONAL HEALTH INFORMATION PROTECTION ACT (PHIPA)?

PHIPA is the legislation which sets out the rules that health information custodians and agents must follow when collecting, using, sharing, and disclosing personal health information.

- The Dufferin-Peel Catholic District School Board is the health information custodian for all personal health information collected on behalf of the board for the purpose of providing a health care service.
- An agent is any person who is authorized by the health information custodian to perform services or activities in respect of personal health information.
- The act also applies to any person to whom health information is disclosed by a health information custodian.

The regulated health professionals listed below are agents of DPCDSB and are authorized to collect, use, disclose, retain, or dispose of personal health information in accordance with PHIPA.

- Psychology staff
- Speech-Language Pathologists
- Social Workers
- Audiologists
- Occupational Therapists
- Mental Health Workers



In addition to the staff named above, Behaviour Analysts and Child and Youth Workers are also agents of the Board and are permitted to collect, use, disclose, retain, or dispose of personal health information.

WHO MAY CONSENT TO THE COLLECTION, USE OR DISCLOSURE OF PERSONAL HEALTH INFORMATION?

A capable individual, regardless of age, can consent to the collection, use and disclosure of their own personal health information. That is, anyone 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 may provide consent. Where a person is deemed not capable of giving informed consent, a substitute decision-maker is allowed. We endeavour to engage students and their parents/guardians in decision making about collecting, using, and disclosing Personal Health Information. In DPCDSB schools, the parent or legal guardian of a student under the age of 12 years¹ and the student give consent for the service and the collection, use and disclosure of the student's personal health information.

¹ Parent/Guardian consent is required for the Psychological Assessment of students under the age of 18, per the Education Act.

WHY IS INFORMATION BEING COLLECTED AND HOW WILL IT BE USED?

Information is being collected in a confidential health file to support student well-being and assist with educational programming for the student. The information collected is used to plan and deliver educational programs and services which best meet the students' needs.

WITH WHOM WILL THE INFORMATION BE SHARED?

In some cases, personal health information may be shared with other personnel of Dufferin-Peel who are working directly with, or have responsibility for, the student; for example, the school Principal, Vice-Principal, classroom teacher(s), special education teacher(s), guidance personnel, and/or Support Services Personnel. In some cases, year-end summary reports and/or assessment reports are prepared. These are provided to the parent/guardian and/or student. Copies are filed in the Ontario Student Record (OSR) to assist with educational programming.

Information may be shared with other Health Information Custodians (e.g., physician or community agency) or other third parties only with the written consent of the student and parent/guardian, as appropriate.

There are, however, some exceptions to the above, as follows:

- a) if the person collecting the information has reason to suspect that the student (about whom the information is being collected) is in need of protection, staff have a legal duty to report to the Children's Aid Society;
- b) where there is evidence that the student may be at risk of harming themselves or other(s);
- c) where it is learned that a member of a regulated health profession may have engaged in sexual abuse of the student; and
- d) where records are ordered to be provided as required by law.

WHERE WILL THE PERSONAL HEALTH INFORMATION BE KEPT?

Personal health information is kept in a confidential student file and stored under locked, secure conditions, in the board-assigned storage areas for active, non-active and retired files. Copies of year-end summary reports and assessment reports are filed in the student's OSR unless the principal receives a written request for withdrawal.

HOW LONG WILL THE INFORMATION BE KEPT?

The personal health information collected about an individual student will be kept in the student's file until the student turns 35, except as required under other statutes. For instance, when there is a disclosure of sexual assault, domestic abuse, or sex/human trafficking, the file will be retained until the student turns 100 and will be filed in a separate, secure location. Reports in the OSR will remain in the OSR for 5 years from the date the student retires from secondary school.

WHO WILL HAVE ACCESS TO PERSONAL HEALTH INFORMATION COLLECTED BY THE BOARD?

Personal health information retained in the student's file is accessible to the support services provider that is assigned to the student. Limited personal health information is also shared with other Dufferin-Peel employees involved in the student's educational program for the purpose of supporting the student at school. The student's OSR may contain a copy of assessment or summary reports

produced by Support Services Personnel. The OSR is accessible to the student, parent/guardian, and school staff members as appropriate, who are directly involved in the education of that student. OSR access is tracked at the school, and subject to audit by the records management team.

School personnel may not release Personal Health Information to anyone without the consent of the student or parent/guardian, as appropriate. DPCDSB has developed a comprehensive privacy breach management process, if you or your child's information has been accessed by an unauthorized person, stolen, or lost, or if there is a breach, you will be notified.

HOW DO I REQUEST ACCESS TO MY PERSONAL HEALTH INFORMATION?

A request in writing to access your own personal health information, or that of your child, is made to the appropriate Chief of Service or the General Manager of Clinical Services, 905-890-0708 ext. 24304. A request for access to information may also be submitted to the Manager, Records Management, Access and Privacy at dprecords@dpcdsb.org or dpprivacy@dpcdsp.org or 905-890-0708 ext. 24443.

Please note that some information is exempt from the right of access, including raw data from psychological tests. As well, if releasing the information could cause risk of significant harm to either the individual or others, access to that information may be denied. Where a restriction on access exists, that part of the record may be separated from the part of the record that is accessible.

WHAT IF I DISAGREE WITH SOME PERSONAL HEALTH INFORMATION REPORTED?

All reasonable attempts are made to ensure that the information collected about a student is accurate. If, however, you disagree with its accuracy, you may request the Support Services Personnel who has the information to make a correction to the record. A written request is required. 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 them, or where they have insufficient knowledge or authority to make the correction.

If the request to correct a record is refused, the individual making the request will be informed of the refusal, be provided with reasons for the refusal and 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 I AM DISSATISFIED WITH THE DECISION?

If you are not satisfied with the decision of the Support Services Personnel regarding collection, use, or disclosure of personal health information, access to it, or your request to have incorrect information corrected, you may appeal to:

Dufferin-Peel Catholic District School Board's Manager, Records Management, Access, and Privacy
40 Matheson Boulevard West, Mississauga, Ontario L5R 1C5
dpprivacy@dpcdsb.org or at (905) 890-0708 X24443

An appeal may also be made to the [Information and Privacy Commissioner/Ontario](https://www.ontario.ca/government/information-and-privacy-commissioner), (416) 326-3333.

**THIS INFO SHEET IS PRODUCED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PERSONAL HEALTH
INFORMATION PROTECTION ACT, 2004.**