



## Council Report

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<b>Report Number:</b>	<b>CLK2022-006</b>
<b>Meeting Date:</b>	April 19, 2022
<b>Title:</b>	<b>PHIPA Delegation Policy Update</b>
<b>Description:</b>	Updating Existing Policy Number C 130 SS 027 named Designation of Contact Persons under the Personal Health Information Protection Act Policy
<b>Author and Title:</b>	Joel Watts, Deputy Clerk

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### Recommendation(s):

**That** Report CLK2022-006, **PHIPA Delegation Policy Update** be received; and

**That** the policy entitled Delegation of Authority under the Personal Health Information Protection Act Policy, attached as Appendix B to Report CLK2022-006, be adopted and numbered for inclusion in the City's Policy Manual, replacing all predecessor versions including Council Policy C 130 SS 027.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

At the Council Meeting of April 20, 2021, Council adopted the following resolution:

CW2021-095

**That** Report CAO2021-003, **Proposed Council Policy Review Program**, be received;

**That** the Council policies listed in Appendix B to report CAO2021-003, and substantially in their current form, be confirmed, renumbered and approved;

**That** the Council policies listed in Appendix C to report CAO2021-003, be rescinded; and

**That** the Council policies listed in Appendix D to report CAO2021-003, be referred to staff for review, with recommended changes brought back to Council for consideration and policy approval before end of Q4 2021.

**Carried**

This report addresses that direction. As this policy required consultation from several different departments dealing with Personal Health Information, the Office of the City Clerk has organized and consolidated comments to update Council Policy C 130 SS 027 which has not undergone a significant update since drafted in 2006.

This report deals with the City's responsibilities under the [Personal Health Information Protection Act](#), and the Act may be referred to throughout this report as PHIPA.

## **Rationale:**

PHIPA recognizes personal health information as one of the most sensitive types of personal information that is frequently shared for a variety of purposes within the health care sector. The Act applies to all health information custodians operating within Ontario, and it sets out rules for the collection, use, disclosure, and destruction of personal health information.

The general purpose of the Act is to balance an individuals' right to privacy with respect to their own personal health information and the legitimate needs of persons and organizations providing health care services to access and share this information in the delivery of health care services.

The City has four areas of operation where PHIPA applies:

- Human Services (Victoria Manor)

- Paramedic Services
- Corporate Services (Human Resources)
- Community Services (Parks and Recreation)

To comply with the Act, the City appoints and designates a 'contact person' under the Act to deal with requests to access personal health information. Ultimately, these contact persons are accountable to their respective Director, the CAO and Council to achieve compliance with the Act. The City's current policy appointed the contact persons.

To update the existing policy, it is proposed to update the terminology of the titles to reflect the current department and employment structure within the City.

The policy has also been updated to address the potential where other Departments and Divisions may encounter Personal Health Information, and to delegate those 'contact person' responsibilities to the Office of the City Clerk.

Finally, PHIPA has more recently undergone regulatory changes where Privacy Breach, and Access Request statistical data must be reported to the Information and Privacy Commissioner of Ontario annually. The updated policy proposed to delegate those responsibilities to the Office of the City Clerk, with some specific provisions for Paramedic Services who typically receives the most direct access requests for personal health information.

To demonstrate the proposed changes to the existing policy, a redline version of the policy has been attached as Appendix A. A final version of the proposed policy has been attached for further review and ease of reading as Appendix B.

### **Other Alternatives Considered:**

Council may consider altering specific language in this proposed policy, or recommend that the existing policies be retained. This is not recommended as the City Clerk's Office is proposing these amendments and policy changes to enact clarity where gaps exist, and to update outdated language and organizational structure.

### **Alignment to Strategic Priorities**

Reviewing policies aligns with Council's priority of Good Government. The Plan establishes a goal of "... increasing efficiency and effectiveness of service delivery." To accomplish this goal, the City will:

- develop and document current levels of service; and
- streamline by-laws, policies and processes.

## **Financial/Operation Impacts:**

There are no significant financial or operational impacts associated with the revision of this policy.

## **Consultations:**

- Human Services: Director, and Administrator, Victoria Manor
- Paramedic Services: Paramedic Chief, and Deputy Chief-Professional Standards
- Community Services: Director, and Manager of Parks and Recreation
- Corporate Services: Director, and Manager of Human Resources
- Office of the CAO: CAO, City Clerk, Deputy Clerk

## **Attachments:**

Appendix A – Redline Version of Policy



Delegation of  
Authority under the

Appendix B – Final Version of Policy



Delegation of  
Authority under the

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**Department Head: Ron Taylor, CAO**