

Council Policy No.:	
Council Policy Name:	Delegation of Authority under the Personal Health Information Protection Act Policy
Date Approved by Council:	
Date revision approved by Council:	

Policy Statement and Rationale:

The Personal Health Information Protection Act (PHIPA) is a provincial law that governs the collection, use and disclosure of personal health information within the health care system. The object is to keep personal health information confidential and secure, while allowing for the effective delivery of health care services.

The City will comply with the Personal Health Information Protection Act, 2004 (the Act) by designating Contact Persons under the Act. (Section 15, subsection 2)

Scope:

This policy is intended to govern the manner in which The Corporation of the City of Kawartha Lakes deals with their responsibilities for personal health information under the Personal Health Information Protection Act.

Definitions:

“**PHIPA**” means the Personal Health Information Protection Act, 2004, S.O. 2004, c.3, Schedule A

“**Personal Health Information**” shall adopt the same meaning as defined in [Section 4 of the Personal Health Information Protection Act](#), 2004.

Policy, Procedure and Implementation:

1.0 Role of the Contact Person

1.01 The Contact Person is authorized to (Section 15, subsection 3):

- a. facilitate compliance with the Act;

- b. ensure that agents of the City are appropriately informed of their duties under the Act;
 - c. respond to inquiries from the public about the City's information practices under the Act;
 - d. respond to requests of an individual for access to or correction of a record of personal health information about the individual that is in the custody or under the control of the City; and
 - e. receive complaints from the public about alleged contraventions of the Act or its regulations.
- 1.02 The Contact Person may delegate duties to other employees of the City, but remains accountable in all respects for fulfillment of such duties.
- 2.0 Authorities Delegated to the Contact Person and the Office of the City Clerk**
- 2.01 The Contact Person is authorized to:
- a. prepare or arrange for the preparation of policies and procedures, for approval by the Director, CAO or Council as the case may be, to promote compliance with the Act by the City and its agents;
 - b. prohibit the signing of any contracts and agreements that, in the opinion of the Contact Person, do not contain adequate safeguards for the protection of personal health information;
 - c. require the attendance of City staff under their responsibilities at educational functions pertaining to the Act; and
 - d. conduct initial investigations with consultation with the appropriate Director or CAO concerning breaches of privacy under the Act, and to require an agent of the City to cooperate in such investigations.
- 2.02 The delegated Contact Person(s) shall report all breaches of personal health information to the Office of the City Clerk
- 2.03 The delegated Contact Persons(s) shall report all access requests of personal health information to the Office of the City Clerk. The Office of the City Clerk shall be responsible for processing all access requests for personal health information with the exception of Paramedic Services who shall have delegated authority for this function, save and except the functions described in Section 7 of this policy.

3.0 Delegation of the Contact Person – Victoria Manor

- 3.01 The Administrator, Victoria Manor, is delegated as the Contact Person for Victoria Manor and is accountable to the Director of Human Services, for fulfillment of the duties described in this policy.

4.0 Delegation of the Contact Person – Paramedic Services

- 4.01 The Deputy Paramedic Chief – Professional Standards is delegated as the Contact Person for Paramedic Services and is accountable to the Paramedic Chief for fulfillment of the duties described in this policy as they pertain to Paramedic Services.

5.0 Delegation of the Contact Person – Community Services

- 5.01 The Manager of Parks and Recreation is delegated as the Contact Person for Community Services and is accountable to the Director of Community Services, for fulfillment of the duties described in this policy as they pertain to Community Services.

6.0 Delegation of the Contact Person – Human Resources

- 6.01 The Manager of Human Resources is delegated as the Contact Person for Human Resources and is accountable to the Director of Corporate Resources, for fulfillment of the duties described in this policy as they pertain to Human Resources of the Corporation.

7.0 Delegation of the Contact Person – All Other City Departments/Divisions

- 7.01 The Deputy Clerk is delegated as the Contact Person(s) for all other City Departments and Divisions not specifically addressed in this policy and is accountable to the City Clerk, for fulfillment of the duties described in this policy as they pertain to all other City Departments and Divisions.

8.0 Delegation of Annual PHIPA Reporting – Office of the City Clerk

- 8.01 The Office of the City Clerk is responsible for coordinating with all delegated Contact Persons and annually reporting to the Information and Privacy Commissioner all statistical information required under PHIPA. This includes but is not limited to all reporting for any personal health information breaches and access requests.

References

1. Personal Health Information Protection Act, 2004.
2. Ontario Hospital Association, Ontario Hospital eHealth Council, Ontario Medical Association, and Office of the Information and Privacy Commissioner Ontario.
Hospital Privacy Toolkit: Guide to the Ontario Personal Health Information Protection Act. September 2004.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1	May 9, 2006	Initial Release	