

## PHIPA POLICY

### Preamble:

Nipissing University protects the privacy of student personal health information in accordance with the *Personal Health Information Protection Act (PHIPA), 2004*.

Nipissing University is a Health Information Custodian for the purposes of providing the following services: Student Counselling, Case Management Supports, and Athletic Therapy. Nipissing University employees involved in the provision of these services will access, use, and disclose student personal health information as required in performing their duties.

### Collection and Use of Personal Health Information:

These Services may collect and use personal health information for the following purposes:

- For the purpose that a student originally provided the information to Nipissing University
- In contacting a student or providing a student with services
- As a basis for planning and providing support services to students
- For planning, development, delivery, and supervision of programs needed by the University
- For the continuous improvement and evaluation of our services, and the outcomes we achieve
- For the payment of services
- In assessing and mitigating risk to individuals and the broader community

At times, the University may be required to collect or use this information about you without your expressed consent in the course of these duties, or as required by law.

### Disclosure of Personal Health Information:

A student who has received/is currently receiving any of the above services may provide expressed consent for their personal health information to be shared with another health care professional or other third party. All reasonable steps will be taken to ensure that this consent is informed and voluntary. When providing consent to disclose or exchange personal health information, the student may limit what is disclosed. However, if the information the student does not want disclosed is perceived to be needed by the person receiving the information in order to provide the student with appropriate services, the Nipissing University service is required by law to inform the person receiving the information that the student has refused consent to disclose certain necessary information.

When appropriate, these services may rely on the concept of “circle of care” in communicating personal health information about students, for the purposes of coordinating and providing health care. Unless the student expressly indicates otherwise, the above services may share information between them for the purposes of providing health care on the premise of implied consent. Similarly, personal health information may be shared with the following external health care providers, if appropriate: health care practitioners, long-term care homes, community care access centres, hospitals, psychiatric facilities, specimen collection centres, laboratories, independent health facilities, pharmacies, ambulance services, or Ontario Agency for Health Protection and Promotion. These services will make every reasonable effort to obtain expressed consent prior to sharing information between services, or with external health care providers, except in the extreme circumstances of risk mitigation, or where it is not possible to obtain consent in a timely manner.

In some cases, as required by law, or professional practice standards (e.g., OCSWSSW, CRPO, CATA), disclosure of a student's personal health information may be made without their consent. The following list outlines situations wherein disclosure may be made without consent:

- There is reason to believe that there is a significant risk of bodily harm to the student or others
- There is apparent, reported, suspected, or potential child abuse or neglect
- There is a disclosure made of elder abuse in a Long-Term Care Home/Retirement Home
- The student is involved in legal proceedings and the court orders or summons records
- The student reports sexual abuse by a regulated health care professional, in which case, the name of the offending member is reported to the member's governing body, but the student's name is only revealed with written consent by the student
- Regulatory colleges of the registered health care professional require the information
- Contacting a relative, friend, or potential substitute decision-maker if the student is unable to give consent personally
- For the purposes of a legal proceeding, or a contemplated legal proceeding, in which the Nipissing University service, or a current/former Nipissing University health care agent, is expected to be a party or witness. This refers to situations wherein the information relates to, or is a matter of issue relating to the proceeding.

#### Information Access & Correction

Students have the right to request access and correction to records pertaining to their Personal Health Information, and may request to view the contents contained in their record. Such a request must be made in writing and be directed to the Manager of the appropriate service, or Nipissing University's Privacy Officer. Such a request would be granted unless:

- It constitutes quality of care information
- It is raw data that would require interpretation by a professional
- The record or information in the record is subject to legal privilege that restricts disclosure of the record, or the information to the individual; or
- If by granting access:
  - There would be risk of serious harm to the treatment or recovery of the student, or of serious bodily harm to the student or another person
  - Would lead to the identification of a person who provided the information in the record to the service explicitly or implicitly in confidence, and if the Nipissing University service considers it appropriate in the circumstances that the name of the person be kept confidential
  - It is believed on reasonable grounds that a request for access to a record is frivolous or vexatious, or made in bad faith.

These services reserve the right to remove or prohibit the viewing of raw data, any information that discloses confidential information regarding other persons, or information deemed harmful to the student prior to the student viewing the record.

If the request is granted, the student would be provided with an appointment to view the record, where they may be supervised by the primary practitioner and Manager of the Service. Any discrepancy pertaining to the information in the record may be discussed at this meeting.

A student may request a correction to information in the record if the student can demonstrate to the satisfaction of the Nipissing University Service/primary practitioner that the record is incomplete or inaccurate, and provides the information necessary to enable the practitioner to correct the record.

When a correction is made, the original documentation contained within the record will not be removed or edited, rather an addendum stating the error and correction will be added to the file.

The Nipissing University Service may refuse the request for correction if:

- The file was not originally created by the practitioner, and the practitioner does not have sufficient knowledge, expertise, or authority to correct the file; or
- It consists of a professional opinion or observation that the practitioner had made in good faith about the individual.

In such cases, the practitioner/agent will provide the student with a copy of the written reasons for the refusal. The practitioner/agent will inform the student of their right to include a concise statement of disagreement in the file, and to complain to the Information and Privacy Commissioner about the refusal.

#### Record Storage, Retention, and Disposal:

Personal Health Information about students may be stored in both paper and electronic files. Nipissing University will make all reasonable steps to ensure that information is protected against theft, loss, unauthorized use or disclosure, and ensure that the records containing the information are protected against unauthorized copying, modification or disposal. These files will be kept in a secure format, either password protected or under lock and key. This information will be stored by Nipissing University for a minimum of 7 years, after that time, Nipissing University may destroy these paper records via secure shredding. Electronic records may be kept indefinitely under secure provisions. Any unauthorized use, loss of record, or theft will be reported to the Privacy Officer at Nipissing University, and the individual to whom the information pertains.

#### University Privacy Officer:

If a student has questions about the collection, use, or disclosure of personal information by SDS, or if a student would like to obtain access to their record, request a correction to their record, or file a complaint, the student may contact:

Access & Privacy Officer  
Nipissing University  
100 College Drive  
North Bay, ON P1B 8L7  
Email: [fippa@nipissingu.ca](mailto:fippa@nipissingu.ca)  
Phone: 705-474-3450 ext. 4307

Students may also file a complaint with the Office of the Information and Privacy Commissioner of Ontario (IPC) at 1-800-387-0073 or [www.ipc.on.ca](http://www.ipc.on.ca)

**Reference:** *Personal Health Information Protection Act*: <http://www.ontario.ca/laws/statute/04p03>