

**TORONTO REFUGEE COMMUNITY NON-PROFIT
HOMES AND SERVICES - ROMERO HOUSE**



**CONFIDENTIALITY & PRIVACY –
DEALING WITH PERSONAL INFORMATION**

Approved by the Board of Directors:

Date

Chair of the Board:

Signature

BE IT ENACTED as a by-law/Policy of the Romero House to repeal and replace
previous Policy of November 24, 2008

**CONFIDENTIALITY & PRIVACY -
STORAGE PERSONAL INFORMATION
POLICIES**

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I. Purpose of Policy

- To protect the privacy of individuals with respect to personal information held by Romero House.
- To ensure that personal information remains confidential.
- To set out clear guidelines regarding the collection, use and release of personal information.
- To ensure that Romero House operational requirements can be met while keeping in mind our obligations to respect and protect the rights to personal privacy.
- To ensure Romero House's compliance with the PIPEDA (Privacy Information Protection and Electronic Documents Act), the HSA (Housing Services Act) and O. Reg. 367/11.

II. Protection of Privacy

Residents of Romero House are required to provide extensive personal information during the application process and throughout the duration of their tenancy in order to establish eligibility for rent-geared-to-income assistance, determine rent, verify suitability for accommodation, and support them through their refugee process. With the collection of this information comes the responsibility of the organization to use best efforts to protect the confidentiality of its residents.

Romero House is committed to respecting the right to privacy of applicants, walk-in clients and tenants. This means Romero House will limit the amount of personal information it collects about applicants, tenants and walk-in clients and will safeguard personal information once it is collected. Generally, the client must have given written permission (either in a general or implied way or for specific disclosure) before personal information can be released. General consents will be requested from tenants and applicants in relation to the operational requirements of the Non-Profit which must release some information to funders and others.

Access to such personal or other confidential information by staff, board members, members of committees, interns, volunteers and individuals at Romero House is only granted after this policy is thoroughly examined and a declaration of confidentiality has been signed, witnessed by the Director.

Inappropriate release of personal information is not only a breach of trust and of Romero House commitment to confidentiality, but it could inadvertently place lives, livelihoods and status at risk.

The Board of Directors of Romero House have approved the following policy to be followed by directors, staff, volunteers and interns at Romero House, and the attached Declaration of Confidentiality. These documents comply with the House Services Act, 2011 and its regulations. They also comply with the federal Privacy Information Protection and Electronic Documents Act (PIPEDA).

III. Personal Information

For the application of this policy "Personal information" means:

Any recorded information about an identifiable individual. This includes for instance an individual's name, home address and phone number, age, sex, marital or family status, sexual orientation, national or ethnic origin, religion, medical, criminal or employment history

Personal information does not include:

- Name, position and business phone number of employees
- Statistical data which is summarized in such a way as not to identify individuals;
- Business contact information and certain publicly available information such as the name, address and telephone as published in telephone directories.

IV. Appointment of Privacy Officer

The Director of Romero House or his/her proxy is the appointed Privacy Officer for the organization. He/She is responsible for the organization's compliance with all privacy legislation. He/She has the authority to review existing procedures, make changes and implement procedures.

Responsibilities:

- Review and document policies and procedures with regard to personal information solicited from individuals.
- Establish purposes for which Romero House collects personal information.
- Determine to whom personal information collected by Romero House will be revealed.
- Provide written contracts regulating the relationship of Romero House with these third parties.
- Review written contracts (tenant-lease agreement) to ensure that contracts are in compliance with obligations under the law
- Have procedures in place for the safeguarding of personal information and to determine its sensitivity and accessibility:
 - How information is stored; is it protected from such destructive elements as computer viruses, fires, floods, etc.?
 - For what duration is information retained?
 - How is the appropriate retention time determined?
 - Who has access to information; do all of these persons require access (list)
 - If information is collected electronically is it encrypted? Does it need to be?
 - How is information disposed of?
 - Is it vulnerable to unauthorized access?
 - Are electronic media to be wiped clean?
 - Are paper documents to be shredded?

V. Collection of Information

Personal information will be collected for the following purposes only:

- To support any refugee claim or associated claim, request or advocacy;
- To approve tenancy and determine appropriate unit type and size;
- To determine income and assets for rent calculation;
- To demonstrate compliance with funding requirements;
- To protect the health and safety of the resident(s);
- To ascertain service levels required in special needs housing;
- To conduct reference and employment checks;
- To retain relevant information on employees for government reporting purposes.

Interns, staff and volunteers must not seek out personal information about residents or applicants unless it is relevant to their work at Romero House.

All documents used for the collection of personal information on residents, staff, interns or volunteers shall reasonably state:

- The purpose or purposes for which the information is being collected;
- The reasons for gathering the data, including in the case of residents, the fact that the information may be shared as necessary for the purpose of making decisions on or verifying eligibility for assistance under: the Housing Services Act of 2011; the Ontario Disability Support Program Act of 1997; the Ontario Works Act of 1997 or the Child Care and Early Years Act, 2014; or as authorized under section 171 or 172 of the Housing Services Act of 2011;
- The name, title, business address and business telephone number of the Privacy Officer, who can answer questions and respond to complaints about the collection, use or disclosure of the information collected;
- A consent form to be signed by the staff member, intern, volunteer, applicant or resident authorizing the collection, use, verification and disclosure of the information.

Personal information must only be used for purposes for which consent has been given, whether expressed or implied, and all employees engaged in its collection must be aware of these purposes.

VI. Protection of Confidential Information

- All Board Members, staff, interns and volunteers are required to sign a confidentiality agreement.
- The day-to-day administration of applicant, tenant and employee files must be safeguarded against unauthorized access.
- All applicant/tenant information must be stored in a locked filing cabinet. Secure storage facilities must be provided for archived applicant/tenant/employee information.

- Records are available only to those with legitimate access to them for work-related purposes.
- All confidential electronic files and database information must be password protected and screen-savers used to afford privacy in open areas. When working on sensitive documents a screensaver must be activated to “hide” files from view.
- All staff and interns have a responsibility to ensure that unauthorized individuals do not have access to areas where confidential files are kept and stored
- When communicating resident issues to the Board, staff should use non-identifying information when possible or appropriate.
As much as possible, paper documents will be scanned and stored electronically.
- Best efforts will be used to shred paper-based personal information and to purge electronic information.

The board and staff should be aware that information provided to Provincial Ministries, CMHC or the Municipality for funding purposes could be obtained by the public through the Freedom of Information and Protection of Privacy Act. This act gives the public a right of access to certain information held by the government. The act applies to the federal, provincial and municipal governments and to municipal non-profits, but does not apply directly to private non-profits. However, it may affect a non-profit indirectly because of information it sends to the government, such as operating records and audit reports. Some limitations on access include information involving solicitor-client privilege and financial or labour relations information supplied in confidence. Regional government offices can advise further if there are concerns.

Members of the public could apply to the appropriate level of government for information about Romero House. There are certain exemptions which allow the government to refuse access to some information, but these exemptions are very limited and members of the public may obtain information such as operating records and audits.

As part of its responsibilities to the Co-ordinated Access System, Romero House will provide the Access System with information about tenants who have left in arrears. This information will be used by the Co-ordinated Access System as part of their screening process for applicants for Non-Profit housing.

VII. Release of Confidential Information

Romero House shall not use personal information in its keeping except:

- Where the person to whom the information relates has identified that information in particular and has consented, whether expressed or implied to its use;
- For the purpose for which it was obtained or compiled or for a consistent purpose;
- For statistical analyses, provided that such analyses do not identify individuals or disclose other personal information;
- When there are operational requirements to release information and where the release of the information would be consistent with the provisions of this policy

No personal information may be released to third parties without the written consent of the individual. Examples of circumstances in which confidential information may be released include:

a. The Board

When communicating tenant issues to the Board, staff should use non-identifying information as much as possible.

b. Funders and Auditors

Romero House, in order to be in compliance with funding program application requirements, must release information to funders and auditors. People doing these jobs have their own professional codes and are required to maintain confidentiality. Their access to files should be facilitated.

c. Law Enforcement Agencies

Romero House is obligated to protect the privacy of our clients and to act in their best interest. However, Romero House may be legally required to disclose information to law enforcement agencies (police, Canada Border Services Agency, Canadian Security Intelligence Service etc.) in particular situations. Romero House is compelled to provide personal information about clients if law enforcement agencies provides a subpoena, warrant or a court order.

Confidential information *may*, but are not required to, be released to the police under the following circumstances:

- The disclosure is made to a government institution that has requested the information, identified its lawful authority to obtain the information, and indicated that disclosure is for the purpose of enforcing, carrying out an investigation, or gathering intelligence relating to any federal, provincial or foreign law; or suspects that the information relates to national security, the defense of Canada or the conduct of international affairs; or is for the purpose of administering any federal or provincial law, or of communicating with the next of kin of an injured, ill or deceased individual; (PIPEDA, section 7 (3)(c.1).)
- The disclosure is made for purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial law (PIPEDA, section 7 (3)(d)).

Protocol if Romero House is approached by a law enforcement agency about a client:

1. If approached by an enforcement agency about a client, Romero House will respond that they cannot answer until they have consent from the person, and ask for the officer/agent's name and contact information. Depending on the staff level, the person originally contacted might need to ask the agent to contact the Director directly.

2. Romero House will document the approach, including recording details of how/where they were approached (at the office or outside of the office) and what questions were asked.
3. Romero House will report to clients any inquiries made by enforcement agencies concerning them.
4. If a client wishes Romero House to disclose information to the enforcement agency, the client will be asked to sign a consent clarifying what information is to be disclosed and to whom. Romero House may then disclose the information specified.
5. Romero House will seek legal counsel if the law enforcement agency argues that there is a legal obligation to provide information.
6. If an intern/staff member believes that there are exceptional circumstances and it is in the best interest of a client to disclose information but consent cannot be obtained in a timely manner, they will consult with the Director. Extreme caution will be exercised in concluding that an exception should be made. In the event that information is disclosed, this will be reported to the client as soon as possible.
7. Any staff, interns or volunteers of the organization approached by an enforcement agency will report the approach to a designated person within the organization (e.g. Director).
8. Staff, interns and volunteers will be assured of the support of the organization in the event of being approached to assist law enforcement agencies, taking into account the stress caused and the particular insecurity felt by persons who are not Canadian citizens. This may include supporting a complaint if warranted.

d. Protecting Health and/or Well-being

Personal information will be provided to outside agencies, individuals and institutions in exceptional circumstances when it is clearly in the client's best interest and consent cannot be obtained in a timely manner (e.g. a medical emergency). In such cases, the client will be informed as soon as possible afterwards of the information disclosed. Extreme caution will be used as it may difficult for Romero House to guess at whether disclosure is in the person's best interest.

If Romero House becomes aware or has a suspicion that the wellbeing of a minor is at risk, legal responsibility lies with Romero House to report it to the police or Children's Aid society. This is in adherence to the Duty to Report in the *Child and Family Services Act*, Section 72.

e. Providing References

When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry.

f. Outside Researchers

Romero House may be asked to assist a researcher who may be from an academic institution or who may be independent. Authorization for such people to have access to files requires the consent of both the person(s) to whom the file relates and of the Director after an assessment of the credentials of the researcher and the goals of the research. Romero House will take into account the guidelines that are being developed by the Canadian Council for Refugees when it comes to doing research with/on refugees.

VIII. Access to and Correction of Personal Information

The Privacy Officer will respond to all requests for access to or correction of personal information.

An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.

A tenant or applicant's own personal information may be refused by the Privacy Officer only if it might prejudice the mental or physical health, security or status of any person.

An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement shall be filed with the original information.

IX. Complaints Procedure

The Privacy Officer will respond to all reasonable complaints about collection, use, disclosure, storage and disposal of personal information within **(30) thirty days** of the request being made, and advise the complainant as to the action that has been taken (For the Romero House Complaints Procedure please see appendix B).

Each complaint will be assessed to determine whether:

- Correction of personal information is necessary;
- Information was collected, used, released or disposed of inappropriately;
- Romero House's policies and procedures need to be adjusted;
- Disciplinary or other action needs to be taken with respect to a breach of confidentiality.

Where necessary the Privacy Officer will make the necessary recommendations to the Board of Directors in connection with the resolution of any complaint so assessed.

Romero House provides a clear procedure for investigating, processing, addressing and remedying complaints.

X. Breach of Confidentiality

It is a breach of confidentiality to:

- Unreasonably discuss any confidential information within or outside the organization where it may be heard by individuals who are not authorized to have access to that information;
- Provide confidential information or records to unauthorized individuals;
- Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.

A breach of confidentiality may be grounds for disciplinary action or termination of the person's position within Romero House.

A breach of the confidentiality obligation of a Board member may be grounds for removal of that member as a director of Romero House.

XI. Retention and Disposal of Personal Information

PIPEDA requires the disposal of information no longer needed. The HSA requires that household records be kept for at least **(5) five years** after the tenant has moved out and that Romero House financial records be kept for at least **(7) seven years**. Romero House abides by the HSA procedure and the Canada Revenue Agency regulations.

All personal information and financial records that are disposed of will be done so through shredding to ensure that the information is destroyed. Electronic records that are no longer needed will be permanently removed from the Romero House server.

Appendix A – Declaration of Confidentiality



1558 Bloor Street West
Toronto, ON
M6P 1A4
t. 416-763-1303
f. 416-763-2939
info@romerohouse.org
www.romerohouse.org

DECLARATION OF CONFIDENTIALITY

I hereby acknowledge that I understand that in the course of carrying out my duties at **Romero House**, I will be dealing with information, files and records that are privileged and confidential and that I realize the importance of not disclosing any such information regarding refugees, tenants, walk-in clients and any private and administrative information of Romero House to anyone outside the organization without approval of the Privacy Officer, except where required by law to disclose knowledge of abusive behavior to the appropriate civil authorities. I acknowledge that any breach of this trust could have serious consequences for the people concerned and for the organization.

I understand that I may have access to personal information on applicants, residents, employees and walk-in clients and that the Housing Services Act and the Privacy Information Protection and Electronic Documents Act (PIPEDA) place legal restrictions on how Romero House disposes of, collects, uses, and stores this information. I confirm that I have read the Romero House Confidentiality and Privacy Policy which outlines these restrictions.

I agree to use all reasonable efforts to implement these Policies and Procedures, and adhere to them as required by Romero House.

Name of Personnel: _____

Signature: _____

Witnessed by Coordinator: _____

Dated this _____ day of _____, of _____

Appendix B - Procedure for Making a Complaint

The procedure for a person served by Romero House to make a complaint is the following:

Step One

- A. A person may make a complaint to any Romero House staff/intern/volunteer in writing or verbally. When a complaint is received in writing and the complaint is not dated, the staff/intern/volunteer must indicate on the complaint the date that it was received.
- B. The staff/intern/volunteer who receives the complaint must forward it to the Director within 24 hours of receiving it. If the complaint is made about the Director, it must be directed towards the President of the Board of Directors.
- C. Where a staff/intern/volunteer receives a complaint verbally, then he/she shall write down the complaint, and verify the substance of the complaint with the person who has made the verbal complaint. He/she shall offer the person the choice of having the complaint recorded on the Romero House Client Complaint Form, or transcribe the person's account of the complaint. The staff member must indicate on the complaint the date that it was received.

Note: A person may withdraw a complaint in writing in Step One; however, Romero House reserves the right to continue investigating the complaint.

Step Two

- A. The Director must appoint a committee of no more than three Romero House staff/board members to investigate and respond to the complaint. The following staff members may be part of the committee appointed by the Director: the Director, an administrator, the founder, or other future staff positions. In no case shall a person who is directly implicated in a complaint be appointed to the committee.

Note: A person may withdraw a complaint in writing at Step Two; however, Romero House reserves the right to continue investigating the complaint.

Step Three

Within a no more than 2 weeks, the committee shall review the complaint. The Director will then meet with the person who made the complaint and review the committee's decision with the person.

Step Four

- A. If the person does not agree with the decision of the committee, he or she can appeal the decision in writing or verbally to the Director.

Step Five

- A. If a person does not hear from the Director or receive a written decision within 30 day from the date of the complaint, he/she, or someone who is lawfully authorized to make a decision on his or her behalf, may appeal the original decision or the lack of a timely decision, to the Director.

Within 30 days after receiving a complaint, the staff member that received the complaint shall also provide the person, or someone who is lawfully authorized to make a decision on his or her behalf, with the contact information for the Legal Clinic (Ontario) or another community legal clinic so they can advise the person of his or her right to seek legal advice about his or her rights.

Appendix C – Consent to Release Information Form



1558 Bloor Street West
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M6P 1A4
t. 416-763-1303
f. 416-763-2939
info@romerohouse.org
www.romerohouse.org

Consent to Release Information

Name of Individual: _____

IRCC Case ID Client #: _____

Date of Birth: _____ Place of Birth: _____

Current Address: _____

I hereby authorize your office to release information from my records, concerning my case to _____ (print name) of Romero House (Toronto Refugee Community Non-Profit Homes & Services) and also to any Romero House staff. These staff members are knowledgeable of my interests and are able to speak on my behalf.

Signed _____

Printed Name: _____

First Name

Family Name

Dated at Toronto _____

Witness Signature: _____

Printed Name: _____