
Collection, Use and Disclosure of Personal Health Information

This guideline sets out the Simcoe County District School Board's (SCDSB) practices with regard to the collection, use and disclosure of personal health information of students.

What is "personal health information"?

Personal health information is health care information that is gathered through observation, conversation, examination, assessment treatment, etc. that pertains to an individual's physical or mental health, or health care history. This could include information about a student's intellectual ability, cognitive and language skills, and behavioural or emotional functioning. Personal health information includes health care history of the individual's family.

When does the Board collect and use personal health information?

The SCDSB collects and uses personal health information only as is reasonably necessary for the purpose of planning and delivering educational programs and services which best meet student needs directly from the student and/or parent or guardian of the student or on the basis of a signed consent form.

The SCDSB employs health professionals (e.g. speech language pathologists, social workers, psychologists and nursing). Based on a referral from the school and the subsequent consent of the parent/guardian or where appropriate the student, these professionals are required to collect and use personal health information in accordance with the *Personal Health Information Protection Act, 2004* and applicable professional standards in providing health care to students.

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 if the individual 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. Normally, parent(s)/legal guardian(s) provide consent for the collection, use and disclosure of personal health information prior to the delivery of service. However, in those cases where students 12 years of age and older demonstrate "capacity" to understand and consent to counseling services, and do not want their parent(s)/guardian(s) notified that they are obtaining such services, such students can provide consent for service as well as the collection, use and disclosure of health information.

With whom will the information be shared?

Personal health information (subject to the limitations set out in any consent form) may be shared with SCDSB who are working directly with, or have responsibility for, the student, for example, the school principal, vice-principal, classroom teacher(s), special education staff, guidance staff on a limited "need to know" basis. A summary report compiled at the end of the service will be provided to the parent/guardian or student as appropriate and will be filed in the student's Ontario Student Record on the basis of a signed consent form for the purpose of supporting the student needs at school. This information will not be shared with any other party (e.g. physician, community agency) without written consent by the parent/guardian or student, if appropriate.

There are some exceptions to this as follows:

- If the person collecting the information has reason to suspect that the student is in need of protection, this information must be reported to the Children's Aid Society;
- Where there is evidence the student may be at risk of harming him/herself or others;
- Where it is learned that a member of a regulated health profession may have engaged in sexual abuse of the student; and
- Where records are ordered to be produced by as required by law.

Where will the personal health care information be kept?

Personal health information is stored in a Student Health File and managed by the Regulated Health Professional that provided the service. Files are stored securely in a variety of formats including electronic and hard copy files at the Education Centre of the SCDSB.

Any personal health information used by teachers or other non-health staff pursuant to signed consent will be filed in the student's Ontario Student Record and retained in accordance with the provisions of the *Education Act* and the *Ontario Student Record Guideline*. For more information about the Ontario Student Record, please refer to the school handbook contained in the student agenda.

How long is the Student Health File kept?

The information will be kept for a minimum of 10 years from the last contact, or until the student turns 31. At that time, the material may be destroyed. Personal health information in the Ontario Student Record will be retained in accordance with the requirements of the Ontario Student Record guideline.

Whom can I contact to request access to personal health information?

The request to access the Student Health File should be made to the Regulated Health Professional that collected the information and is responsible for its use and retention. Should that person be unavailable or no longer employed at the school board, the requests should be made to the SCDSB Senior Psychologist (705) 734-6363 ext. 11674.

Please note that some personal health information in the Student Health File is exempt from the right of access including raw scores from psychological and speech and language-tests. If releasing the information could cause risk of significant harm to either the individual or others, access may be denied. Where a restriction on access exists, that part of the record may be severed from the part of the record that is accessible.

What if I disagree with something that is in the Student Health File?

All reasonable attempts are made to ensure that all personal health information collected is accurate. If however, you disagree with its accuracy, you may request a correction to the record.

Where it is demonstrated that the record is incomplete or inaccurate it will be corrected. However, health professionals are not required to change a professional opinion or observation made in good faith, a record that was not originally created by the staff member, or where the staff member has 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 may I appeal if I am not satisfied with the decision?

If you are not satisfied with any matter pertaining to your personal health information, you may appeal to the Superintendent responsible for Special Education by mail at 1170 Highway 26, Midhurst, Ontario L0L 1X0 or by phone at (705) 734-6363 ext. 11244.

An appeal may also be made to the Ontario Government's Information and Privacy Commissioner at:

Phone: (416)-326- 3333

Web: www.ipc.on.ca

Email: commissioner@ipc.on.ca