

## LETHBRIDGE FAMILY SERVICES

Policy Name: <b>4.13 Client Confidentiality</b>		Section: 4. Client Services
Effective Date: May 23, 2019	Replaces/Date: L.4.13 March 16, 2016	Board Approval: 

### I. Policy


- A. Lethbridge Family Services (“LFS” or “the organization”) protects the privacy of client confidential information, including the collection, use, storage and disclosure of personal information.
- B. LFS shall treat client information with the strictest confidence and shall manage confidential information in accordance with the organization’s applicable policies, and all applicable laws and legislation.

### II. Definitions

- A. **Client confidential information** includes any recorded information in any form about an identifiable individual.
- B. **Recorded information** includes information recorded in any format, including paper records, electronic records, digital photographs, images, videos, recordings, etc.
- C. **“Need to know”** is the restriction of information with access only allowed if it is necessary to complete one's official duties.
- D. **Legal Guardian** is a person who has legal responsibility for the care and management of a person incapable of administering their own affairs.
- E. **Personnel** refers to all individuals engaged in any work with LFS, including those classified as salaried, hourly, casual, temporary, contract, and volunteer.

### III. Policy Application

- A. This policy applies to all personnel.

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#### **IV. Procedure**

- A. Clients have a right to privacy and protection of personal and confidential information. As such, recognition of this right requires adherence to the following confidentiality practices:
1. LFS personnel shall sign and adhere to an Oath of Confidentiality.
  2. Client information shall be revealed only to those personnel who “need to know” in order to provide a service. In addition, only those LFS personnel who have reason to place or obtain individual client information may access individual client files.
  3. At intake or first meeting and annually thereafter, clients and/or legal guardians shall be informed of the Client Confidentiality Policy, the Personal Information Protection Policy, and the exceptions to which information may be disclosed without client and/or legal guardian consent.
  4. In situations where LFS receives a request for confidential client information or the release of information is necessary for the provision of service, the client and/or legal guardian shall sign a release form which shall also identify the reason for the request. This consent will be time limited and valid for not more than 1 year.
  5. Consent shall be obtained from a client and/or legal guardian prior to recording, photographing or filming the client. A consent form must be signed at minimum on an annual basis. Consent may be retracted by the client/legal guardian at any time.
  6. A copy of all client confidentiality consent forms shall be offered to the client and/or legal guardian and a signed copy shall be placed in the client file.
  7. Other agencies and individuals shall be consulted about a client only when client and/or legal guardian consent has been obtained and only within the limits of that consent.
  8. The use of records shall be determined by LFS department function and need, the +this policy.
  9. Information obtained about a client shall be limited to that which is essential to provide service.
  10. All discussions regarding confidential client information shall occur in a private location.
  11. All client files shall be secured in a locked filing cabinet when not in use. If removal of a client file and/or documentation from LFS’ premises is deemed necessary, the file and/or documents must be secured in a briefcase/ backpack /binder, as established by the department. Approval to remove files from the premises shall be granted by the Department Director.
  12. Client files shall not be left in a vehicle unless locked in the trunk or similar out-of-view area of the vehicle. Files should only be left if a vehicle if no other method of securing the documents exists, and only for a very limited time period. No client information shall be left in a vehicle overnight.

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13. All electronic files, including those on devices such as memory devices, must be password protected and accessibility restricted as per the terms of this policy.
  14. Accreditation personnel will have access to client files for purposes of conducting an audit/review.
- B. Client information may be released without the informed, written consent of the client and/or legal guardian when:
1. If the client is at imminent risk of harming themselves or others
  2. If a child, dependent adult or person in care is deemed to be at risk for harm
  3. If the client file is subpoenaed to a court of law.
- C. Further to B. above, client information may be released without the informed, written consent of the client and/or legal guardian to the following legal bodies:
1. The Office of the Information and Privacy Commission – In compliance with request for information under the Freedom of Information and Protection of Privacy Act.
  2. Officers of the Court or Law Enforcement Bodies – after consultation with legal counsel, in response to a subpoena.
  3. Government Bodies or Law Enforcement Bodies – in compliance with mandatory reporting laws (eg. Child, Youth and Family Enhancement Act, Protection for Persons in Care Act.).
  4. Police Enforcement Agencies – in those cases where the client poses a grave danger to themselves or others (eg. suicidal client).
- D. Violations under this policy is grounds for disciplinary action up to and including dismissal.

Policy Review & Revisions			
Date	Reviewed	Revised	Section Changed
May 23, 2019	May 13, 2019		