

# RHRA Information Access & Privacy Code

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## I. Purpose

The Retirement Homes Regulatory Authority (the "RHRA") is committed to protecting the privacy and confidentiality of information it receives or creates in the course of conducting its business operations and performing its regulatory functions.

The RHRA fulfills this commitment to privacy and confidentiality by complying with its statutory obligations under the *Retirement Homes Act, 2010* (the "Act"), the regulations made under the Act, and the *Personal Health Information Protection Act, 2004*, and by voluntarily adopting the practices set out in this Information Access & Privacy Code (the "Code").

## II. Legislation

The RHRA is subject to the *Retirement Homes Act, 2010* and some aspects of the *Personal Health Information Protection Act, 2004* and has specific obligations under each statute to maintain the privacy and confidentiality of information.

The RHRA collects, uses, discloses and retains information for purposes related to the RHRA's duties or powers, and in compliance with its confidentiality obligations contained in sections 113 and 114 of the Act. Specifically, section 113 of the Act requires that the RHRA, including all officers, directors, employees and agents, preserve secrecy and keep confidential any information, including personal information and personal health information, obtained in the course of performing a duty or exercising a power under the Act. Section 113 contains a number of exceptions, which allow the RHRA and people acting on behalf of the RHRA to disclose information in specific circumstances, including:

- (a) as may be required in connection with a proceeding under the Act or in connection with the administration of the Act and the regulations;
- (b) to a ministry, department or agency of a government engaged in the administration of the Act;
- (c) to a peace officer to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (d) in a criminal proceeding, as required by law;

- (e) with the consent of the person to whom the information relates;
- (f) to the counsel of the person to whom the information relates;
- (g) to the extent that the information is available to the public under the Act;
- (h) as permitted or required by law; or
- (i) under further circumstances that are prescribed.

Section 114 further restricts the RHRA from publishing personal information or personal health information in final inspection reports and mandates that only an edited version of the report, which excludes personal information and personal health information, be made publicly available.

### III. Policy

This Code applies to all information that the RHRA receives or creates while performing its regulatory functions and applies to RHRA employees, contractors, subcontractors and any other individual with access to personal information or personal health information.

#### **Purposes for which information is collected, used or disclosed**

The RHRA may collect, use, disclose or retain information in order to perform its regulatory functions and fulfill its statutory objects or where it is permitted or required to do so by law.

Examples of regulatory functions that may result in the collection, use, disclosure or retention of information include, but are not limited to, acquiring evidence of unlawful practices by operators, receiving and reviewing complaints about alleged contraventions of the Act, and collecting and using personal health information to facilitate investigations into abuse or neglect.

Upon request, the RHRA shall provide the purpose for which it collects, uses or discloses personal information as well as the purpose for which it may need to access personal health information. Personal information is collected, wherever possible, directly from individuals but under certain circumstances and consistent with its duties and powers, the RHRA may also collect personal or personal health information from third parties, including government agencies, who have the authority to disclose the information.

### IV. Consent

The RHRA respects and values an individual's right to provide or withhold consent in relation to his or her information. Except where the law authorizes collection and use of personal information or personal health information without consent, and prior to collecting and using such information, the RHRA will obtain the consent of the individual who supplied the information or from someone duly authorized to act on that individual's behalf.

Where the RHRA requires access to personal information or personal health information in the course of fulfilling its statutory obligations, the duty to obtain consent rests with the individual at the point of collection, such that additional consent will not be obtained by the RHRA.

### V. Accuracy

Accurate information is vital to the RHRA's ability to fulfill its regulatory functions.

In recognition of this fact, the RHRA will take reasonable steps to ensure that the information it collects, uses, discloses and retains is accurate. This may include contacting individuals who have provided the RHRA with information in order to verify accuracy.

### VI. Access to Information

In accordance with the RHRA's legal obligations under the Act and the *Personal Health Information Protection Act, 2004*, the RHRA is obliged to keep confidential all information that it acquires while administering the Act. The RHRA is not permitted to communicate this information to any other person unless a specific statutory exception applies.

The RHRA will provide individuals with access to information that is contained in its public register. Examples of the type of information in the register are as follows:

- names and addresses of applicants for licences and retirement homes;
- information about the status of licence applications, including any decision that the Registrar has made with respect to the application; and
- the care services available in a given retirement home.

Individuals can access the public register through the RHRA's website ([www.rhra.ca](http://www.rhra.ca)) or by contacting the RHRA directly and making a request.

Individuals may request access to their personal information or personal health information that is under the custody or control of the RHRA. The RHRA will disclose or grant access to this information unless there is a compelling reason against disclosure. Examples of situations where the RHRA will not disclose this information are as follows:

- a legal privilege restricting disclosure applies;
- another law prohibits the disclosure;
- the information was collected or created for a proceeding under the Act;
- the information was collected or created during an inspection, investigation or similar procedure; or
- access could result in serious harm to a person.

Requests for access should be made in writing to the RHRA. A small administrative charge may apply for photocopying or production of the document(s).

### **VII. Limiting Collection**

The RHRA only collects personal information and/or accesses personal health information as required to fulfill the purposes identified in this Code, and will do so only by fair and lawful means.

### **VIII. Limiting Use, Disclosure and Retention**

The RHRA shall not use or disclose personal information or personal health information in its custody or control (or to which it has access in the course of fulfilling its statutory duties) except as necessary in the course of performing those duties. The RHRA will only use, and disclose the minimum amount of personal information or personal health information necessary to fulfill the purpose for which it was collected.

The RHRA will not disclose personal information or personal health information to a third party without consent, unless it is required or authorized by law and the disclosure is necessary to fulfill the RHRA's statutory duties.

### **IX. Safeguards**

The RHRA recognizes that appropriate safeguards are fundamental to maintaining the privacy and confidentiality of information.

The RHRA will take reasonable steps to protect the information it receives or creates against theft, loss, misuse, unauthorized access, disclosure, modification or destruction. These steps include using appropriate physical, organizational and technological measures to protect the confidentiality of all personal information and/or personal

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health information that the RHRA retains or collects. Specifically, the RHRA will adopt security measures, including locked cabinets, restricted access, data networks protected by industry-standard firewalls, encryption and password protection systems in order to protect the personal information and personal health information in its possession.

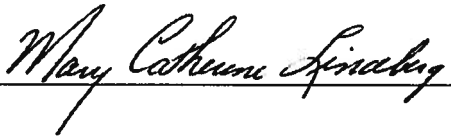
### X. Openness, Accountability and Compliance

The RHRA is committed to implementing the principles described in this Code, and to ensuring that stakeholders, including retirement home operators, residents and members of the public, are aware of the RHRA's privacy practices. Any additional documents or policies that are developed in relation to this Code will be available on the RHRA's website: [www.rhra.ca](http://www.rhra.ca).

The RHRA has appointed a Chief Privacy Officer to oversee compliance with this Code and any related policies and procedures, as well as to receive privacy complaints.

If you have any questions about this Code or have concerns that the RHRA is not abiding by the terms of this Code, please contact us by email at [info@rhra.ca](mailto:info@rhra.ca).

Chair



May 10, 2012

Date

Minister



May 16, 2012

Date