



Confidentiality and Information Sharing Guidelines for Early Childhood Programs

A. Confidentiality

Parents/guardians should be aware that they have the authority to grant permission, or to refuse to grant permission, for the sharing of relevant information regarding their child. Clear procedures for ensuring confidentiality and the appropriate sharing of information in your policy statements or parent handbook will help establish trusting relationships. Procedures should be carefully explained and consistently followed, including a description of the measures that may be taken if there is a breach of confidentiality or inappropriate information sharing.

Procedures for ensuring confidentiality and the appropriate release of information should be reviewed with all staff and be part of the personnel policy and/or staff handbook (sample Staff Confidentiality Agreement attached). In addition, potential measures or disciplinary repercussions if confidentiality is breached should be reviewed with staff to assist them to understand their role and the expectations of their employer. This will underline the seriousness of their responsibility and will help ensure breaches are limited.

When required by law, there may be instances when staff are required to share information without parent permission (e.g. duty to report suspected child abuse, police investigations etc.)

B. Informed Consent

Informed consent implies that when parents/guardians give consent to share information about their child, they are aware of the following:

1. Who the information will be shared with
2. What specific information will be shared
3. The purpose of sharing the information
4. How the information will be used

When making a request to formally share information about a child (in a scheduled meeting, reports etc), staff will review the above with parents and then ask them to sign a consent form that allows for the sharing of information (sample Consent for the Release of Information attached).

In addition to these more organized situations, it is beneficial to have parental consent (sample Consent for Informal and Ongoing Sharing of Information attached) to allow less formal information exchanges (e.g. attendance, illness, behaviour) between staff if children attend multiple programs (school, child care, family support).

In the case of a family who is unable to understand the consent form(s) it is strongly recommended that an interpreter is used. An interpreter may be defined as another family member, a family friend or another individual agreed upon by the parent. If a parent is unable to read the consent, it is acceptable to read the document and ensure they understand the information prior to signing.

The signed original consent will be given to the parents for their records. A copy will be given to the third party named in the consent form and a copy will also be retained in the child's file. Parents/Guardians have the right to cancel or change their consent. It is recommended that this request be made in writing.

In all cases written information (Reports, Assessments etc) must be shared directly by the parents/guardians or by the agency that provided the original report.

C. Legal Obligations and Government Policy:

It is essential that staff working with children are aware that maintaining confidentiality and obtaining consent prior to sharing information about children is a legal requirement as well as ethical practice.

1. PIPEDA: The *Personal Information Protection and Electronic Documents Act* is a new law that protects personal information in the hands of private sector organizations and provides guidelines for the collection, use and disclosure of that information in the course of commercial activity.

As of January 1, 2004, all Canadian businesses, including child care centres, are required to comply with the privacy principles set out by PIPEDA. The Act covers both traditional, paper-based and on-line business. PIPEDA defines personal information as "information about an identifiable individual" that includes any factual or subjective information, recorded or not, in any form.

The legislation also covers *sensitive personal information*, which may include health or medical history, racial or ethnic origin, political opinions, religious beliefs, trade union membership, financial information and sexual preferences. PIPEDA requires notification to customers that information is being collected and will be protected (sample PIPEDA Notice with Respect to the Collection of Personal Information attached).

The Act is overseen by the Privacy Commissioner of Canada and the Federal Court and is based on principles developed by the Canadian Standards Association:

- **Accountability:** An organization is responsible for personal information under its control
- **Identifying Purposes:** The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
- **Consent:** The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except when inappropriate (i.e., when required by law).
- **Limiting Collection:** The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
- **Limiting Use, Disclosure, and Retention:** Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by the law.
- **Accuracy:** Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- **Safeguards:** Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
- **Openness:** An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.
- **Individual Access:** Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- **Challenging Compliance:** An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals for the organization's compliance.

2. MFIPPA: The *Municipal Freedom of Information and Protection of Privacy Act* applies to all local government organizations, including municipalities, school boards, public utilities, transit and police commissions, fire departments, conservation authorities, boards of health and other local boards.

As of January 1, 1991 all municipal institutions are required to protect the privacy of an individual's personal information existing in government records. The Act includes rules regarding the collection, use, disclosure and disposal of personal information in the custody and control of a municipal institution.

The Act also gives individuals the right to access municipal government information, including most general records and records containing their own personal information, subject to very specific and limited exemptions. As well, the Act provides individuals with the right to request a correction of their personal information which they believe to be false or inaccurate and/or to attach a statement of disagreement to their records.

3. PHIPPA: The *Personal Health Information Protection Act*, sets out rules for the collection, use and disclosure of personal health information for Health Information Custodians operating within the province of Ontario, and also allows individuals to request access to their own personal health information held by these Custodians.

As of November 1, 2004 health information custodians are required to obtain consent in most circumstances before they collect, use and disclose personal health information. Health information custodian are defined as persons or organizations who have custody or control of personal health information as a result of the work that they do or in connection with the powers and duties they perform (e.g., Toronto Preschool Speech and Language, Hospital for Sick Children).

Please Note – Community Child Care and Family Support Programs are not required to comply with MFIPPA/PHIPPA

STAFF CONFIDENTIALITY AGREEMENT

Guiding Principles:

1. Confidentiality is important in establishing and maintaining trusting and lasting relationships among parents/legal guardians and professionals.
2. Confidentiality is the cornerstone to ensuring that privileged information is accessible only to those authorized to have access.
3. Confidentiality acknowledges respect for an individual's right to privacy.
4. Confidentiality assumes that those who pledge to safeguard confidential information will do so.
5. When using open/shared space (staff rooms, hallways, cubicles, etc), privileged information that may be inadvertently shared or overheard is respected and kept confidential.

As a _____, (position/role) I will receive and have access to confidential information about children and families. Except when required by law, this information will be kept in the strictest confidence.

I understand that the discussion of personal information about children and families without authorized consent is unethical.

I will abide by this Confidentiality Agreement to ensure respect for the privacy of children and families at _____

Name of School/Child Care/Family Support Program

Name of Staff Member (Please print)

Signature of Staff Member

Witness

Date (DD/MM/YY)

CONSENT FOR THE RELEASE OF INFORMATION

Guiding Principles:

1. It is the right of parent or legal guardian to determine what information can be shared and with whom.
2. Consent acknowledges the parent or legal guardian has the authority to grant permission for the sharing of relevant information with another party regarding their child for an identified purpose.
3. Parents and legal guardians retain the original signed Consent for the Release of Information for their own records.
4. It is the Parent or legal guardian's right to cancel or change their consent for the release of information at any time. This request should be confirmed in writing.
5. Parents and legal guardians should be made aware that limiting access to pertinent information can make it difficult to meet a child's individual needs appropriately.

Informed Consent:

Informed consent ensures that the parent or legal guardian is making informed decisions. Parents or legal guardians must be aware of the purpose for sharing personal information, how the information will be used and by whom.

1. Specific information to be disclosed must be identified:
 - Attendance, Psychological, Psychiatric, Physiotherapy, Occupational Therapy, Medical, Developmental, Social Work and/or Speech-Language information
 - Parents and legal guardians have the right to determine which pieces of information can be released, except when required by law.
2. Who the information is being released to must be identified:
 - Includes School, Child Care, Family Support Program, Agency and/or Individual who will be in receipt of the information.
3. The purpose for releasing the information must be identified:
 - The information may be used for educational planning, service coordination and/or service provision
 - Other purposes can also be specified

CONSENT FOR INFORMAL & ONGOING SHARING OF INFORMATION

Guiding Principles:

1. Consent for information sharing among professionals involved in a child's day enhances educational, child care and family support experiences.
2. Consent for information sharing is a necessary legal and ethical practice and must be obtained prior to the sharing of any information.
3. Consent for information sharing acknowledges the parent or legal guardian as having the authority to grant permission for the sharing of relevant information with another party regarding their child for an identified purpose.

In order to best serve children's needs, there are times when it is appropriate for the School, Child Care Centre and/or Family Support Program to exchange information about children participating in two or more of the above mentioned programs.

The kind of information shared may include, but is not limited to, matters involving attendance, illness, transportation or behaviour. Procedures for sharing information are explained to parents and are followed consistently.

In the event that it is necessary to refer to clinical records, developmental reports and/or Ontario Student Record (OSR) documents, parents will be asked sign appropriate consent forms before such information is disclosed.

Your consent will give permission for the exchange of information between the School, the Child Care and/or the Family Support Program while your child is registered in these programs.

I/we give permission to _____
Name of School/Child Care/Family Support

and _____ and _____
Name of School/Child Care/Family Support Name of School/Child Care/Family Support

for the reciprocal exchange of information about my child:

Name of Child (Please print)

Date of Birth (DD/MM/YY)

Name of Parent/Guardian * (Please print)

Signature of Parent/Guardian

Witness

Date (DD/MM/YY)

Copy to: School, Child Care, Family Support Program*

Authorizing person(s) may cancel or change the above authorization in writing at any time prior to the expiry date, unless action has already been taken on the basis of the authorization.

NOTICE WITH RESPECT TO THE COLLECTION OF PERSONAL INFORMATION

Guiding Principles:

1. An organization is responsible for personal information under its control and this information shall be protected by safeguards appropriate to the sensitivity of the information.
 2. Knowledge and consent of the individual are required for the collection, use or disclosure of personal information.
 3. Personal information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.
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Personal information is collected by _____ . The information
Name of School/Child Care/Family Support Program

will be used for the purpose of delivering high quality children's services. Questions about
this collection can be directed to _____

Name and contact information of Supervisor / Principal /Program Administrator

I, _____ have read the above
notice with respect to the collection of personal information.

Signature of Staff/Parent/Guardian

Date (DD/MM/YY)