



Respect, Learning, Independence

POLICY	BREACH OF CONFIDENTIALITY INVESTIGATION
SECTION	INFORMATION MANAGEMENT
ESTABLISHED LAST REVISED	June 2007 April 2011

POLICY

Brain Injury Services has obligations under the law to protect personal information under its ownership. It is the responsibility of every employee to immediately report any known or suspected breach of confidentiality. A prompt and thorough investigation will establish the facts in the best interests of all involved.

Until a conclusion is reached, employees will regard the matter as confidential and not communicate their suppositions to any party outside the agency. If a breach of confidentiality has occurred, the executive director will direct and approve all communications according to the guidelines of the *Personal Health Information Protection Act, 2004*, other pertinent legislation and the Office of the Information and Privacy Commissioner of Ontario.

PROCEDURE

In the event that Personal Health Information is thought to have been disclosed, lost or stolen the following steps must be followed:

1. Any obvious or suspected incident must immediately be reported to the supervisor, who will investigate the matter locally and either corroborate or disprove the concern.
2. If the incident involves criminal activity, such as break in or theft, then the police will be notified immediately.
3. The supervisor will notify and report the incident in writing to the executive director and the privacy officer using the *Preliminary Report of a Possible Breach of Confidentiality* form.

4. The executive director and the privacy officer will further investigate and document the incident within five working days of being notified.
5. Once it is concluded that a breach of confidentiality has occurred, the executive director and the privacy officer will
 - determine the steps necessary to rectify the situation ;
 - manage all communication with the parties concerned;
 - assign remediation tasks and a schedule for their completion to the appropriate supervisor or delegate;
 - receive from the assignee a report that confirms that the tasks have been completed;
 - bring the matter to a close.
6. If a client's report is missing and cannot be located following a thorough investigation, the report will be re-printed on direction of the privacy officer. The report will be not be printed on original letterhead but, rather, a black and white copy. A note will be typed onto the re-printed copy, before the Client Contact Information sheet, indicating the date, that the original report was misplaced, and that the client/DM was notified. The note will also state that the original report was signed by all appropriate parties. The re-printed report will not be signed.
7. The supervisor or delegate will notify the client/DM about a breach of confidentiality. The outcome of this meeting or discussion will be documented in a case note.
8. If the client/DM is dissatisfied with the results of investigation, they may request this matter to be investigated further.
9. Following a breach of confidentiality, a comprehensive internal review will be conducted in order to prevent future re-occurrences.
10. All documentation pertaining to the investigation of breach of confidentiality will be retained by the privacy officer.