Newgate 180 Addiction Solutions

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POLICY NAME	PHIPA: Privacy and Security Policy	POLICY NO.	CLINrit 3-3
DATE OF LAST REVISION	August 5th, 2026		

Purpose
The purpose of this policy is to ensure that Newgate 180 is in compliance with relevant privacy legislation including the *Personal Health Information Protection Act (PHIPA),* and the *Personal Information Protection and Electronic Documents Act* (PIPEDA) as these statutes relate to the collection, use and disclosure of personal information including personal health information.

Over and above Newgate 180's statutory obligations, the issues of confidentiality of service and privacy of information have always been central to the services we offer our clients. Both legislation and ethical standards play determining roles in the daily decisions we make regarding the personal and private information Newgate 180 collects, uses and discloses on a daily basis.

I. Introduction
Newgate 180 is regulated by at least two different statutes when it comes to protecting the personal information of our clients.

Any Newgate 180 employee who is regulated under the *Regulated Health Professions Act* is a "health information custodian" under PHIPA, and so is required to meet all of the obligations under that Act. If Newgate 180 receives any personal health information from these employees, or from any other health information custodian from outside of Newgate 180, it must only use and/or disclose that information for the same purpose for which it received it in the first place.

Any personal information collected, used or disclosed by Newgate 180 in the course of "commercial activity" is regulated by PIPEDA. As such, any personal information collected, used or disclosed by Newgate 180 is regulated by PIPEDA.

Both of these laws are all grounded in the same ten (10) privacy principles. This policy is similarly grounded in these ten principles in order to meet Newgate 180's obligations under both pieces of legislation.

II: Guiding Principles

Principle 1 - Accountability for Personal Information:
Newgate 180 is responsible for personal information under its control and has designated the Executive Director as the individual who is ultimately responsible for ensuring the protection of the personal information of our clients, as our Privacy Officer.

The Privacy Officer will work with the Program Management team and the relevant Board committees to ensure:

- That the identity of the Newgate 180 Privacy Officer will be made known to the various Newgate 180 stakeholders.
- That any information that has been transferred to a third party will receive a comparable level of protection from these third parties. This can be achieved through various measures such as new contract language and spot audits.
- That Newgate 180 implements procedures to correspond with this policy in order to protect the personal information of our clients.
- That procedures to receive and respond to complaints or inquiries are established.
- That staff are informed about this policy and that they are trained on its implementation.

All Newgate 180 employees, students and volunteers are responsible for ensuring that the personal information of our clients is protected. Any breach of this Policy is subject to discipline in the normal course, up to and including dismissal for cause.

Principle 2 - Identifying Purposes for Collecting Personal Information:

Newgate 180 must identify the purposes for which personal information is collected, used or disclosed. Newgate 180 collects personal information for the purposes of:

- Provision of counselling services in programs
- Provision of direct care
- Needed statistics
- Complying with legal and regulatory requirements-
- Quality assurance, such as accreditation

Newgate 180 must clearly identify the purposes for the collection of any personal information from its clients prior to or at the time of the collection. This can be done orally or in writing.

When personal information that has previously been collected for a purpose listed above is to be used for a purpose not originally identified, the new purpose must be identified to the client prior to use. Unless this new purpose is required by law, consent of the individual is required before information can be used for the new purpose.

Any Newgate 180 employees, students or volunteers who collect personal information from clients must be able to explain the purposes for which the information is being collected. One or more information sheets can serve this purpose and will be developed as necessary.

Principle 3 - Consent for Collection, Use, and Disclosure of Personal Information:

Consent is required for the collection of personal information and subsequent use or disclosure of this information. Newgate 180 employees, students and volunteers are required to explain the purposes of the collection so that the client can reasonably understand how the information will be used or disclosed. In other words, when a client gives his or her consent for the collection of personal information, it must be 'informed consent.'

- *The form of consent may vary depending on the circumstances and the type of information. Newgate 180 must secure express written consent when the information is considered to be sensitive. Implied consent is only appropriate for non-sensitive information (such as asking for a telephone number to later confirm appointment times over the phone).*

Newgate 180 must not, as a condition of provision of services, require a client to consent to the collection, use or disclosure of personal information beyond that which is reasonably required to fulfill the proposed services. In certain circumstances, however, a service will not be provided if the client refuses to consent to the collection of personal information. When this occurs, the consequences of withholding consent must be fully explained to the client.

Clients can give their consent to the collection of personal information in the following ways:

- An application form may be used to seek consent, to collect information, and to inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and specified uses;
- Consent may be given via email;
- Consent may be given orally in person or when information is collected over the telephone and this may be followed up with written consent in writing; or
- Consent may be given at the time that individuals receive a service or treatment.

If consent is given orally, either in person or over the phone, a notation must be made whether through a note on the client's file, in a database, or by some other means to evidence that the consent was given.

An individual may withdraw consent at any time. Newgate 180 must inform the individual of the implications of such withdrawal.

Individuals may also place reasonable limits on the collection, use, or disclosure of their personal information. Newgate 180 will explain any implications of withholding or limiting consent, including any resulting limits on services, treatment, or eligibility for third-party benefits where applicable.

All information must be collected by fair and lawful means. Consent with respect to collection must not be obtained through deception.

Newgate 180 will only disclose information about a client to a third party if:

- In the case of a client twelve years or older, the client consents;
- Without consent under the following conditions
- Subpoena or if otherwise required to do so by law
- Situations of Life-Threatening harm - see C-04 - Disclosure on Life threatening Harm
- Minors are at risk - "duty to Report" see C-04 Disclosure on Life Threatening Harm

All requests for disclosures of information must be recorded, including the name of the person or institution making the request and the information being requested (CFSA, Sec. 172).
If Newgate 180 discloses any personal information to third parties without their consent, it shall notify the client of the disclosure as soon as possible, unless prohibited from doing so by law.

Only documents created by Newgate 180 will be shared with the person or institution making the request. Documents created by collaterals will not be disclosed.

Principle 4 - Limiting Collection:
Newgate 180 must not collect information indiscriminately, and it must limit the collection of information to only that information which is necessary to fulfill the purposes that have been identified above.

Principle 5 - Limiting use. Disclosure, and Retention of Personal Information:
Personal information must not be used or disclosed for purposes other than those for which it was originally collected, except with the consent of the individual or as required by law. If the information is to be used for a different purpose, this new purpose will be documented.

Disclosures of personal information can be made orally. As such, Newgate 180 employees, students and volunteers must understand that there is no such thing as an "off the record" discussion about a client. Any conversation between Newgate 180 staff or between Newgate 180 staff and collaterals is "official" in nature, and, as such, confidentiality must be respected at all times.

Every effort must be made to keep information about Newgate 180 clients confidential. This information must be shared with as few people within Newgate 180 as is possible, unless the client wishes otherwise. The consent of the client is not required in order to transfer his or her information within Newgate 180. However, information must not to be shared among staff without justification.

Client information must be shared within Newgate 180 on a "need to know basis" only. In any given situation, the staff who regularly need to know the details of a client's personal information are staff who are counselling the client, those who are supervising the counsellor, the Program Director, and possibly the on-call staff and Executive Director. The transfer of personal information to these employees within Newgate 180 may also be limited in scope. Some staff may not need to have access to every piece of personal information about that client in order to fulfill their obligations to that client. For every transfer of personal information within Newgate 180, a judgement call must be made such as "Who needs to know this client's personal information" and "how much do they need to know in order to fulfill the identified purpose(s)"?

Personal information will only be retained for as long as is necessary for the fulfillment of the purposes outlined above. The Newgate 180 has policies and procedures with respect to the retention and destruction of client files: C-08 Retention of Records Policy. Newgate 180 may also be subject to legislative requirements with respect to retention periods.

Personal Information that is no longer required to fulfill an identified purpose will be destroyed, erased, or made anonymous: C-08 Retention of Records Policy.

Principle 6 - Accuracy of Personal Information:
Personal information must be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used; however, Newgate 180 will not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected. Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

Processes to correct inaccuracies are outlined in Principle 9 Individual Access to information.

Principle 7 - Safeguards for Personal Information:

Security safeguards appropriate to the sensitivity of personal information must be used to protect the personal information of our clients.

Newgate 180 must protect personal information regardless of the format in which it is held and has policies in place to safeguard client files and personal information:

- HR-23 Policy on Confidentiality,
- C-04 Policy on Disclosure Of Life Threatening Harm
- C-06 File Management Policy,
- C-09 Client File Security Policy,
- IT-02 Policy on Client Information Systems and Measures,
- IT-04 Policy on Facsimile / E-Mail Usage,
- IT-05 Policy on Telephone, Voicemail and Cell Phone Usage,
- IT-06 Policy on Videotape or Audio Tape Storage

The methods of safeguarding personal information will include:

- Physical measures, for example, locked filing cabinets and restricted access to offices,
- Organizational measures, for example, confidentiality agreements and limiting access on a "need- to-know" basis; and
- Technological measures, for example, the use of passwords, encryption, firewalls, and access controls.

All Newgate 180 employees, students and volunteers must be made aware of the importance of maintaining the confidentiality of personal information.

Care will be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information. In the event of the theft, loss, or unauthorized access, use, or disclosure of personal information that poses a risk of harm, Newgate 180 will notify affected individuals as soon as reasonably possible, in accordance with applicable privacy legislation and organizational procedures.

Principle 8 - Openness About Privacy Policy:

Newgate 180 must make available to its clients specific information about its policies and practices relating to the management of personal information. Generally, employees will explain its privacy and confidentiality policies, the limitation and use of personal information at Newgate 180's first meeting /interview/contact with the client.

Clients must have understandable information on these policies and practices made available to them. This information must include:

- The name, title, business address and other contact information of the person who is accountable for Newgate 180's privacy policies and procedures (Newgate's Privacy Officer),
- The name, title, business address and other contact information of the person to whom complaints or inquiries can be forwarded (Information and Privacy Commissioner of Ontario);
- The means of gaining access to personal information held by Newgate 180;
- The means of correcting the accuracy of personal information held by Newgate 180;
- A description of the types of personal information held by Newgate 180, including a general account of its use;
- Information that explains Newgate 180's policies, standards, or codes.

Principle 9 - Individual Access To Personal Information:
All requests for access must be made in writing to the Newgate 180 Privacy Officer.

If asked, Newgate 180 must inform a client whether or not it holds personal information about that individual, and, if requested, Newgate 180 must allow the individual access to this information.

In the statutes that regulate the personal information collected, used and disclosed by Newgate 180, there are exceptions to the access rights of our clients. For example, PHIPA states that access should be denied if it could result in serious harm to any person or if the identity of a person who was required to provide information by law or who provided the information in confidence would be revealed. Under PIPEDA, Newgate 180 must refuse an individual access to personal information if it would reveal personal information about another individual (unless there is consent or a life-threatening situation) or if Newgate 180 has disclosed the information to a government institution for law enforcement or national security reasons.

Before any access request can be accommodated, Newgate 180 employees, students and volunteers must ensure that no exception applies that would prohibit a client from seeing their personal information.

If clients wish to access a file that contains information on themselves and other persons (i .e. several family members), and the other persons are twelve years of age or older, then the clients making the request must obtain consent from the others to view the information concerning them. Otherwise, they can only view information regarding themselves. This may require the erasure of information about other persons before the request for access to the file can be granted.

Newgate 180 must respond to any client's written request within thirty (30) days and at minimal or no cost to the individual. The requested information will be provided or made available to the client in a form that is understandable to that individual. For example, any shorthand notes or acronyms must be explained.

Generally, this access will be made within the presence of a Newgate 180 representative to allow for interpretation as required, or to provide an explanation of how this information was used or whether it was disclosed to a third party.

If a client is able to successfully demonstrate any inaccuracy or incompleteness of personal information, Newgate 180 must amend the information as required. This may take the form of correction, deletion, or addition of information. If appropriate, this amended information may be transmitted to third parties having access to information in question.

If the client is unable to successfully demonstrate the inaccuracy or incompleteness of personal information, a note will be made to the file recording the substance of the challenge. If appropriate, this challenged information may be transmitted to third parties having access to information in question.

Principle 10 - Challenging Compliance with the Privacy Policy:
If a client wishes to challenge compliance with this policy, he or she must do so in writing by contacting the Newgate 180 Privacy Officer, PO Box 724, 435 Main St. E., Merrickville ON K0G 1N0, or by email to privacy@newgate.com

Newgate 180 must ensure that procedures are in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The complaints procedures must be easily accessible and simple to use. Newgate 180 will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures. A range of these procedures exist.

Newgate 180 will investigate all complaints. If a complaint is found to be justified, Newgate 180 will take appropriate measures, including, if necessary, amending its policies and practices.

If an individual is not satisfied with the response from Newgate 180, he or she may contact either the Ontario Privacy Commissioner for alleged breaches of PHIPA or the Privacy Commissioner of Canada for alleged breaches of PIPEDA. The following contact information must be given to these complainants:

Information and Privacy Commissioner/Ontario
2 Bloor Street East
Suite 1400 Toronto, Ontario M4W 1A8

Office of the Privacy Commissioner of Canada
112 Kent Street Place de Ville Tower B, 3rd Floor
Ottawa, Ontario K1A 1H3

Ontario's Personal Health Information Privacy Legislation for the Health Sector (Health Sector Privacy Rules) - Ministry Reports - Publications - Public Information - MOHLTC (gov.on.ca)