POLICY
In the course of delivering its services and programs, Center for Wounded Veterans in Higher Education collects personal information from its clients. Personal information means any information that could be used on its own, or with other information, to establish the identity of a client, the client’s service provider or the client’s substitute decision maker. Personal information also includes any other information about a client including information that is contained in a client record.

CWVHE collects, uses and shares client’s personal information for the following purposes:
- Providing quality programs and services to clients
- Providing information to other people or organizations with client consent (for example, making a referral for service)
- Contacting clients, donors and members to evaluate CWVHE service and work
- Conducting research to understand the kinds of issues our clients are facing
- Contacting individuals about our fundraising and membership activities
- Reviewing client files to ensure high quality of service and documentation

CWVHE may also collect, use and share personal information with consent or as permitted or required by law.

CWVHE is committed to protecting the privacy of its clients and ensuring that:
- The personal information it receives from clients is kept safe, secure, confidential, accurate and up to date
- Records will be kept for a minimum of 7 years from a student’s departure from campus, prior to record being destroyed.
- Clients understand why their personal information is collected by CWVHE
- CWVHE obtains client consent before collecting, using, sharing or releasing client information, except as set out in this policy or permitted or required by law
- Only the personal information necessary for the purposes listed above is collected from clients, unless otherwise consented to by the client or permitted or required by law
- Access to client information is limited to the CWVHE employees and interns under supervision involved in delivering services to clients
- Any external agents to whom CWVHE releases information have a need to know and only use and disclose client information for the purposes for which it was originally provided
- Clients are able to withdraw their consent at any time to the collection, use and disclosure of their personal information
- Clients have access to their record.
- Complaints about CWVHE privacy policies and procedures are handled efficiently and effectively
- All legal and regulatory requirements regarding client information are met and maintained

SCOPE
This policy applies to all CWVHE employees, and students.

PROCEDURES
1. Obtaining Consent
1.1 As CWVHE services often involve collaboration and consultation among employees, CWVHE employees will discuss the following with new clients:
- the nature and extent of consultation and collaboration in the CWVHE program or service which the new client is accessing
- the personal information that CWVHE may collect
- the purposes for which CWVHE collects, uses and shares personal information, as listed above
1.2 Client’s rights and responsibilities including rights related to keeping client’s personal information private will be reviewed with all new clients at their first appointment following intake.

1.3 Clients will be asked to use a form indicating that the organization's privacy policies have been discussed and that the client consents to the collection use and sharing of personal information for the purposes listed in this policy.

1.4 The signed forms will be maintained by the program (e.g., in the client’s paper record, filed centrally within the program). Client’s consent will be documented in client’s record.

1.5 In cases where it is not possible or practicable to obtain the client’s written acknowledgment (e.g., telephone only service), verbal acknowledgment that the organization’s privacy practices have been explained to, and accepted by, the client will be recorded in an activity note in the client’s record.

1.6 Consent will be that of the individual and must be knowledgeable, relate to the personal information and not be obtained through deception or coercion. A consent to the collection, use or sharing of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use and/or disclosure, as the case may be; and (b) that the individual may give or withhold consent.

1.6 In the event that employees are concerned that a client does not have the capacity to consent to the collection, use and disclosure of his or her personal information, employees should:
   - Consider whether the client understands the decision they are being asked to make.
   - Question whether the person understands the reasonably foreseeable consequences of the decision or lack of decision.
   - Consult with their supervisor.

2. Client Withholding, Limiting or Withdrawing Consent

2.1 Clients have the right to stipulate who will have access to their personal information. This means that they can withhold, limit or withdraw their consent to the collection, use or disclosure of personal information. The request may cover all or a specific part of a client’s record. When this happens, staff will implement the following “lock-box” procedure.

2.2 Paper records: The client’s file (either in whole or in part depending on the client’s instructions) to which access is to be limited will be placed inside an envelope that will be sealed with the instructions from the client stapled to the outside of the file. If the client’s request is to withdraw consent, the file will be safeguarded by CWVHE Assistant Director of Behavioral Health Services. If the client’s request is to withhold or limit consent, the supervisor responsible for the program will determine how best to comply with the client’s request.

2.4 In cases where the withholding, limiting or withdrawal of consent will limit or prevent CWVHE from continuing to deliver services, employees will discuss with the client the consequences of their withholding, limiting or withdrawal of consent.

3. Disclosure without Consent Including Responding to Summons/Subpoenas/Court Orders and Requests from Police

3.1 CWVHE will not disclose the personal information of clients without their consent, except where:
   - It is believed the client or someone else is in imminent danger of serious physical harm.
   - A child under the age of 16 is at risk of or has been abused or neglected.
   - CWVHE is subpoenaed or is otherwise served with a court order, summons, warrant or a similar requirement issued by a person who has jurisdiction to compel the production of information in a proceeding.
   - It is otherwise permitted or required by law or university procedures (e.g. Title IX).

3.2 If CWVHE employee, student or volunteer is served with a warrant, summons, subpoena, order or similar requirement issued in a proceeding, the individual must immediately notify their supervisor, who will provide advice and direction as to how to respond. CWVHE employees and students should follow the same procedure in response to requests by police officers for client information.

3.3 In general, where an order, summons, warrant, subpoena or other requirement to produce documents has been served on CWVHE, CWVHE will:
   - Make every attempt to respond in a way that is respectful of the order or other requirement, while at the same time taking steps to preserve the client's right to confidentiality.
   - Make an exact copy of the file to remain at CWVHE and deliver the documents to the court or other proceeding in a sealed envelope marked “private and confidential”.

3.4 If consent has been obtained, CWVHE will:
   - Make an exact copy of the file to remain at CWVHE and deliver the documents to the court or other proceeding in a sealed envelope marked “private and confidential.”
3.4 Where CWVHE discloses personal information without the client’s consent, the client will be notified of such disclosure as soon as reasonable, practical, safe and/or legally possible in the circumstances.

5. Release of Information with Client Consent
4.1 Subject to Section 4, personal information, whether all or part of a client record, will not be released to third parties without the written consent of the client or the client’s substitute decision maker, where applicable. Clients are required to complete the CWVHE Authorization to Request or Release Information Form, depending on the nature of the request. Consents provided on these forms are valid for one year, unless otherwise limited or withdrawn by the client in advance of that date. CWVHE may disclose a client’s personal information, provided that the disclosure, to the best of CWVHE knowledge, is for a lawful purpose.
4.2 Reports from third parties contained in a client record may not be released without the written consent of the third party. Clients will be encouraged to pursue access to this information directly with the third party.
4.3 In exceptional circumstances, where written consent is not possible, the oral consent of the client to the release of personal information will be accepted and will be recorded in the client’s file.
4.4 In response to requests to release information to third parties, the CWVHE service provider will ensure that the client understands the purpose for which the information is being released and to whom the information is being released. The CWVHE service provider will also explain that CWVHE cannot guarantee the confidentiality of the information once it has been released.

5. Safeguarding of Personal Information
5.1 Client information stored electronically is protected by password or kept in a HIPAA compliant BOX Folder. Access to the CWVHE electronic database is limited on a need to know basis for added security.
5.2 Client information collected in hard copy form is stored in locked cabinets accessible only by the counsellors or other CWVHE employees and students providing service to the client, and the relevant program managers.
5.3 Access to client information will be limited to those who need to know the information for the purposes set out in the client’s consent or as otherwise permitted or required by law.
5.4 CWVHE employees will never leave client personal information, in paper or electronic form, unattended or exposed to anyone other than the client.
5.5 CWVHE will not send confidential personal information to clients by email without the client’s prior consent.
5.6 When disposal is permitted or required (7 years for clinical therapy notes), records of client personal information will be disposed of in a secure manner such that reconstruction of the records is not reasonably foreseeable in the circumstances.

6. Notice to Clients of Theft, Loss, Unauthorized Access, Use or Disclosure of Personal Information
6.1 Employees are required to report to their supervisor any theft, loss, unauthorized access, use or disclosure of personal information of CWVHE clients.
6.2 In the event of such theft, loss, unauthorized access, use or disclosure of personal information of a CWVHE client, CWVHE will notify the client as soon as possible.
6.3 Oral contact with the clients will be logged in the client record and will be followed up by a letter, which will be included in the client record.
6.4 In the case of former clients, contact will be made orally, if possible, and also in writing, at the last known address for the client recorded in CWVHE database.

7. Client Access to and Correction of Personal Information
7.1 Clients wishing to review their records should contact the CWVHE service provider, relevant program manager.
7.2 Within 30 days of any such request, an appointment will be made for the client to review his/her personal information in a confidential manner on CWVHE premises, in the presence of CWVHE employee, unless CWVHE is entitled to refuse the request, in which case written notice will be given. Clients may bring a support person to this appointment if they wish. Up to 60 days may be required in the case of complex searches for records. In exceptional circumstances (e.g., a client is unable to come to the CWVHE office due to health issues), a copy of the record may be sent to the individual with consent.
7.3 CWVHE is required to retain client personal information that is the subject of a request for access for as long as necessary to allow the client to exhaust any recourse under the Personal Health Information Protection Act, 2004 that he or she may have with respect to the request. This may require CWVHE to maintain the record for longer than the typical client record retention period.

7.4 Clients who wish an explanation of their records may contact their CWVHE service provider or the relevant program manager.

7.5 Clients will not be permitted to access third party records without the consent of the third party. In such cases, the CWVHE service provider will direct the client to obtain the requested information directly from the third party.

7.6 Clients wishing to correct information in their file shall provide the correction in writing to CWVHE. The written correction will be included in the client’s record and, within three weeks of receipt, CWVHE will notify the client of its response to the correction.