

# PRIVACY COMPLAINT RESOLUTION POLICY

<b>Approved By</b>	Executive Management Team
<b>Last Reviewed</b>	August 10, 2018 (next reviewed to be done within two years)
<b>Responsible Role</b>	Chief Privacy Officer (Director, Communications & Marketing)
<b>Responsible Department</b>	Chief Privacy Officer

<b>SECTION 1 - INTRODUCTION</b>	<b>2</b>
1.1 Purpose	2
1.2 Scope	2
<b>1.3 Definitions</b>	<b>2</b>
1.4. Related Policies	4
1.4.1 Privacy Policies	4
1.4.2 Additional Policies	4
1.5 Legislative Context	4
<b>SECTION 2 - POLICY</b>	<b>4</b>
2.1 Policy	4
<b>SECTION 3 – RESPONSIBILITY &amp; PROCEDURE</b>	<b>5</b>
<b>3.1 Filing a Privacy Complaint or Inquiry</b>	<b>5</b>
3.1.1 Management	5
3.1.2 Director	5
<b>3.2 The Investigation Process</b>	<b>5</b>
<b>3.3 Approval Process</b>	<b>6</b>
3.4 Privacy Complaint Potential Outcomes	6
<b>3.5 Communication with the Complainant</b>	<b>6</b>
<b>3.6 Retention of Privacy Complaint Documentation and Records</b>	<b>6</b>
<b>3.7 Privacy Program Reporting and Recommendations</b>	<b>7</b>
3.8 Supporting Documentation	7
<b>SECTION 4 – GOVERNANCE</b>	<b>7</b>
4.1 Policy Owner	7
4.2 Version Control And Change History	8

# PRIVACY COMPLAINT RESOLUTION POLICY

## SECTION 1 - INTRODUCTION

### 1.1 Purpose

This policy establishes the process for managing concerns and complaints regarding JVS Toronto's privacy practices, policies and procedures related to the protections of individually identifiable personal and confidential information unless the personal information is collected, used or disclosed through the JVS Toronto website. This personal information is dealt with in the JVS Toronto Web Site Privacy Statement. See definition below.

### 1.2 Scope

The policy applies to all JVS Toronto employees, volunteers including Board and Board Committee members, placement students, contractors or consultants, and anyone working at or acting on behalf of JVS Toronto, and who are privy to personal information.

### 1.3 Definitions

Word/Term	Definition
<b>Chief Privacy Officer</b>	The member of the JVS Toronto senior management team who is appointed with the responsibility for managing the risks and business impacts of privacy laws and policies.
<b>Complaint</b>	A complaint is a formal expression of dissatisfaction or concern regarding services received. It can be expressed verbally, in writing or electronically. As it relates to this policy, a service provision complaint refers to issues pertaining to privacy.
<b>Complainant</b>	Individual lodging a privacy related complaint or inquiry.
<b>Confidentiality</b>	The obligation of all JVS Toronto personnel to keep personal information secret. Confidentiality arises in the course of a relationship in which private information is shared. As the sharing of personal information is essential for accurate assessment, diagnosis, provision of services and/or treatment of JVS Toronto clients, this ethical duty of confidentiality is imposed upon JVS Toronto to ensure that client information obtained in the course of providing services is kept secure and confidential.
<b>Confidential Information</b>	Any information of a sensitive matter that should remain confidential.
<b>Containment</b>	Containment involves taking immediate corrective action to put an end to the unauthorized practice that lead to a privacy breach.
<b>Disclosure</b>	When personal or confidential information is shared.
<b>Personnel</b>	This refers to anyone working on behalf of JVS Toronto including full-time, part-time, casual and other employees, volunteers including Board and Board Committee members, placement students, contractors or consultants.
<b>Information security</b>	The protection of information against threats to its integrity or against inadvertent disclosure.
<b>Information system security</b>	Protecting both the information contained in a client information system as well as the system itself from threats and disruption.

## PRIVACY COMPLAINT RESOLUTION POLICY

<b>Identifiable Privacy Complaint</b>	When a complainant submits a privacy complaint that includes their contact information (address, email or telephone number), then JVS Toronto will respond the complaint. Privacy complaints submitted without contact information cannot be responded to by JVS Toronto.
<b>Personal Information</b>	Section 2(1) of the <i>Personal Information Protection and Electronic Documents Act</i> (2000, c. 5) (PIPEDA) states that “personal information” means “information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.” For example, personal information may include performance reviews, doctor’s notes, home address and a record of their sick days.
<b>Privacy</b>	The right of the individual to control the collection, use and disclosure of information about the individual, limiting it to that which is necessary. Privacy includes having the right to determine what information is collected, how it is used, and the ability to access collected information to review its security and accuracy. Privacy means having the right to choose the conditions and extent to which one’s information is shared.
<b>Privacy Breach</b>	An inappropriate access, use or disclosure of personal or confidential information including, without limitation: (1) unauthorized collection: collected coercively or without consent or for purposes not approved by JVS Toronto or the individual (2) unauthorized use: used for purposes not supported by JVS (3) unauthorized disclosure: disclosure without consent or legal authority, security breaches or loss of equipment containing personal information such as laptops or mobile device or loss of paper records or unauthorized or unsecured disposal of personal information (4) denial of client rights: such as collection, use or disclosure without consent, denial of access to personal information. Other breach examples include inappropriate access into client information (snooping), independently accessing one’s own personal information or that of a colleague, members of management or other JVS Toronto personnel, family members, friends, acquaintances and people featured in the media.
<b>Privacy Complaint</b>	A concern or objection regarding JVS’ practices, policies, and procedures related to the privacy protections of individually identifiable personal information.
<b>Records</b>	Includes accounts, agreements, books, charts, tables, diagrams, forms, images, business documents (invoices, financial statements, etc.), letters, memos, client records, statements, vouchers or any other thing which contains information whether written or in any other form (electronic or otherwise).
<b>Security</b>	Preventing unauthorized access to personal or confidential information through physical, organizational or technological means. In other words, security is the measures taken to ensure the confidentiality, integrity and availability of personal information.
<b>Website Privacy Statement</b>	This statement informs website visitors what information is collected by the website and how this information is used.

## PRIVACY COMPLAINT RESOLUTION POLICY

### 1.4. Related Policies

#### 1.4.1 Privacy Policies

Business & Remote Office Privacy and Security Policy  
Client Records Collection & Disclosure Policy  
JVS Toronto Personnel Records Collection & Disclosure Policy  
Privacy Breaches Policy  
Privacy Complaint Resolution Policy  
Records Retention & Destruction Policy

#### 1.4.2 Additional Policies

Code of Conduct Policy  
Human Rights and Prevention of Harassment in the Workplace Policy  
Internet & Email Policy  
Mobile Device Policy  
Password Policy  
Whistleblower Policy

### 1.5 Legislative Context

Child and Family Services Act  
Ontario's Health Care Consent Act  
Personal Health Information Protection Act, (PHIPA) 2004  
Privacy and Personal Information Act (PIPA)  
Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act  
Social Work and Social Service Work Act  
The Mental Health Act

## SECTION 2 - POLICY

### 2.1 Policy

JVS Toronto will respond to every identifiable privacy complaint received. Each identifiable privacy complaint will be documented, investigated, and resolved in a timely manner, ensuring clients and other individuals that JVS Toronto is committed to protecting the personal / health information that is created, received, and maintained by JVS Toronto.

**NOTE: The following section, 3, "RESPONSIBILITY & PROCEDURE" represents best practices as determined by JVS Toronto, and is largely designed to provide guidance to designated JVS Toronto representatives. However, it is understood that, where appropriate, these representatives may adopt modified procedures in response to any given circumstance.**

# PRIVACY COMPLAINT RESOLUTION POLICY

## SECTION 3 – RESPONSIBILITY & PROCEDURE

### 3.1 Filing a Privacy Complaint or Inquiry

Filing of a privacy complaint or expressing concern regarding JVS Toronto's privacy practices, policies and procedures may be done:

- In person;
- In writing (letter/e-mail/fax); or
- By telephone.

The details pertaining to the privacy complaint, regardless of how it was originally provided, are to be recorded on the **Privacy Complaint Form** which is referenced in this policy in **Section 3.2 Supporting Documentation**.

Individuals working for or acting on behalf of JVS Toronto are to refer all privacy complaints, concerns or enquires to their manager or JVS Toronto contact.

#### 3.1.1 Management

Each manager is responsible for communicating and assisting individuals who have questions or concerns, or who wish to file a complaint regarding JVS Toronto's privacy practices.

When a complaint is logged, it is the responsibility of the manager to ensure that the **Privacy Complaint Form** is completed. If the client is lodging the complaint in-person, the manager is responsible to meet with the client and obtain the details. The complaint information may be documented by the complainant or by the JVS Toronto Manager. The Manager will attempt to have all complaint documentation, including the **Privacy Complaint Form**, signed by the complainant.

Written documentation received through Canada post, e-mail, or fax from the complainant constitutes a signature.

If the complaint is lodged by phone, it is the responsibility of the Manager to contact the client within 24 hours of receiving the complaint to obtain the details required to complete the **Privacy Complaint Form**. A copy of the form will be sent to the complainant with a request for signature.

If the complainant does not wish to speak with the Manager, they will be referred to the Director who will attempt to contact the complainant. Once the information has been obtained and the form completed, it will be sent to the complainant with a request for signature.

#### 3.1.2 Director

All complaints are to be brought to the attention of the Director to ensure control of investigative activities, resolution, and follow-up as required. Investigation of privacy complaints must begin immediately following receipt of an expressed complaint. The investigation will serve to establish whether an individual's privacy rights have been contravened. The investigation will be conducted in an objective, fair, and impartial manner. If there have been contraventions, the investigation process will seek to resolve complaints and to prevent contraventions from recurring.

### 3.2 The Investigation Process

The Director gathers the facts related to the complaint and makes recommendations to the Chief Privacy Officer. These recommendations are based on an analysis of the facts within the framework of JVS Toronto privacy policies and the *Personal Information Protection and Electronic Documents Act*, as well as any other pertinent legislation.

**Policy Category:** Privacy

**Policy Owner:** Chief Privacy Officer

**August 2018**

**File Name:** Priv\_7\_Policy\_Privacy Complaint Resolution\_Final

## PRIVACY COMPLAINT RESOLUTION POLICY

The ensuing investigation will focus on both the specific privacy complaint and any patterns of similar privacy complaints. In the course of the investigation, the Director will review all the circumstances regarding the details of the complaint, and will speak with the complainant, as well as any individual(s) directly involved in providing services to the complainant, or any other individuals deemed appropriate to determine the validity of the complaint, and remedies that can be applied to prevent future occurrences leading up to the complaint. This will include, but is not limited to, the review of existing procedures and protocols safeguarding the security and privacy of personal information in files.

### 3.3 Approval Process

It is the responsibility of the Chief Privacy Officer to ensure that the facts pertaining to the privacy complaint are discussed with the Executive Management Team prior to final resolution. All complaint documentation collected by the manager will be forwarded to the Chief Privacy Officer who is responsible for maintaining the agency's official file of complaints and resolutions.

### 3.4 Privacy Complaint Potential Outcomes

Investigative actions and resolution shall be documented on the **Privacy Complaint Form**. The Director will review the results of the investigation with the Chief Privacy Officer prior to developing a written response to the individual who filed the privacy complaint. Complaint resolution should be completed within 30 days, unless there is a significant reason for delay, at which time an extension up to 30 days may be granted by the Chief Privacy Officer.

The investigation of the complaint will result in one of the following decisions:

**Not Well-Founded:** There is no evidence to conclude that the complainant privacy rights have been contravened.

**Well-Founded:** JVS Toronto failed to respect the privacy rights on the individual.

**Resolved:** The allegations raised in the complaint were substantiated by the investigation, and JVS Toronto has taken or will take corrective measures to rectify the problem.

**Discontinued:** Investigation is terminated before all the allegations have been fully investigated. This might occur when the complainant is no longer interested in pursuing the matter, or can no longer be reached to provide additional information that is critical to reaching a conclusion.

Each of the above outcomes must be fully supported by the investigative documentation of the complaint, and must be recorded on the **Privacy Complaint Form**.

### 3.5 Communication with the Complainant

It is the responsibility of the Director to provide the complainant with a written conclusion of the investigative findings of the complaint, and also to outline any specific remedies, as appropriate, that JVS will implement to prevent reoccurrences of such a complaint. The **Sample Letter Responding to a Privacy Complainant** may be adapted to prepare a formal response.

### 3.6 Retention of Privacy Complaint Documentation and Records

Documentation of privacy complaints, investigative efforts, and complaint disposition is considered administrative information and will be maintained in administrative files of the Executive Office for at least seven (7) years. Documentation of privacy complaint information will not be included in the client's or personnel's file.

## PRIVACY COMPLAINT RESOLUTION POLICY

It is the responsibility of the Chief Privacy Officer to ensure the documentation of the occurrence of privacy complaints at JVS Toronto is done using the **Privacy Complaint Tracking Form**. The purpose of the log is to maintain a record of the timelines of addressing a specific complaint, including its resolution.

### 3.7 Privacy Program Reporting and Recommendations

It is the responsibility of the Chief Privacy Officer to ensure improvements to systems and procedures will be implemented to strengthen and enhance JVS Toronto's privacy program. These recommendations may result from a review of any privacy related complaints or concerns, and any patterns that may be identified as a result.

The Chief Privacy Officer will prepare a report for the Executive Management Team updating them on a quarterly basis of any privacy related concerns, and remedies that have been implemented to address those concerns.

Failure to comply with the practices, processes and conduct outlined above may result in disciplinary action up to and including termination of employment and/or the individual's relationship with JVS Toronto.

### 3.8 Supporting Documentation

Name	Location	Document Type
Privacy Complaint Form	JVS Insider	PDF
Privacy Complaint Tracking Log	JVS Insider	Excel
Sample Letter - Responding to a Privacy Complainant	JVS Insider	Word
Website Privacy Statement	JVS Insider <a href="http://www.jvstoronto.org/privacy-policy/">www.jvstoronto.org/privacy-policy/</a>	PDF

## SECTION 4 – GOVERNANCE

### 4.1 Policy Owner

<b>Policy Owner</b>	Chief Privacy Officer
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## PRIVACY COMPLAINT RESOLUTION POLICY

### 4.2 Version Control And Change History

Version Number	Approval Date	Approved by	Amendment
Version 6	n/a	n/a	This policy was reviewed and edited for wording additions on August 10, 2018.
Version 5	n/a	n/a	This policy was edited on November 14, 2017 to change the position responsible for the Chief Privacy Officer.
Version 4	n/a	n/a	This policy was reviewed on December 22, 2016 and minor wording changes were made to reflect staffing changes and currently used internal terms.
Version 3	n/a	n/a	This policy was reviewed and edited on March 20, 2014 during the Imagine Canada accreditation process.
Version 2	n/a	n/a	This policy was reviewed and edited for formatting consistency on June 26, 2013.
Version 1	October 11, 2011	EMT pending	This policy has been developed as part of a full agency policy review.