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Lockbox Policy

This policy applies to all organizations listed as being HIFIS users in the Peterborough Housing and Homelessness Data Sharing Agreement Schedule F – Participating Organizations. This policy will help organizations address lockbox requests and provide service to clients who have implemented a lockbox.

About PHIPA's Lockbox Provisions

Ontario's health privacy law, the Personal Health Information Protection Act (PHIPA), provides individuals with the right to make choices about how, their personal health information (PHI) is collected, used, and disclosed. PHIPA gives clients the opportunity to restrict access to any of their information from any organization included on the consent form (information will never be shared with organizations not listed on the form).

Although the term "lockbox" is not found in PHIPA, it is commonly used to refer to a client's ability to withdraw or withhold their consent for the use or disclosure of their PHI for health care purposes. The lockbox provisions of PHIPA are found in sections 37(1)(a), 38(1)(a), and 50(1)(e). The lockbox does not extend to other uses or disclosures that are permitted or required under PHIPA or other legislation.

In this document, the term data will be used to refer to a client's personal health information record, both electronic and paper.

Lockbox requests can vary considerably. A client may request that:

- Some or all of their data be locked
- All data collected in the future be locked
- One or more organizations be restricted from viewing their data

When to Implement a Lockbox

Any current or former client who has consented to having their information shared through HIFIS may request a lockbox to restrict access to data from one or more organizations.

It is important to remember that some clients may want to control who can access their data but may not know to use the term "lockbox." Clients may want a lockbox when they use words such as "restrict," "limit," "don't tell," "exclude," "shield," or "block" when

talking about their data. For example, clients may want a lockbox if they ask an organization:

- To exclude certain collaborating organizations from seeing their data
- To “shield”, “restrict”, or “hide” their data
- Not to let their family members or neighbours who work for collaborating organizations look at their data

When clients request a lockbox, it often means they have concerns about their data and how it is being used and/or disclosed. Clients should be reminded that:

- Organizations take privacy seriously and keep all data confidential and secure
- Data is only accessed by staff on a need-to-know basis
- The Homelessness System Data Administrator conducts privacy audits regularly to ensure compliance with the need-to-know policy
- Where data is accessed without authorization, appropriate steps will be taken to prevent a reoccurrence and there would be disciplinary consequences
- Data is disclosed only to organizations with whom the client has expressly consented to having their data shared

If a client chooses to move forward with a lockbox request, it is important that they understand the possible implications. Staff from the organization that receives the lockbox request should discuss implications and risks with the client. Examples may include:

- The client may not receive collaborative services in the best way possible
- The client may have to undergo duplicate assessments, answer duplicate questions, or retell their story

How Lockboxes are Implemented

If staff are informed that a client wants to implement a lockbox:

- The client must complete a lockbox request form (found at the end of this document) and submit it to the Homelessness System Data Administrator at Social Services (an individual’s substitute decision-maker may also request a lockbox)
- The Homelessness System Data Administrator will respond to requests within 30 days of receiving them, and lead the implementation of the lockbox

- If a decision has been made to deny a lockbox request for one of the exclusions listed in the next section, the client will be informed of their right to make a complaint to the Information and Privacy Commissioner of Ontario

The practical methods of implementing lockboxes are varied; therefore, lockbox requests are considered on a case-by-case basis. A decision to implement a lockbox will be based on the practicality of the solution, technological feasibility, and the specific circumstances.

Lockboxes are subject to auditing to ensure that the client's lockbox requests are being implemented and that no unauthorized access has occurred. Any unauthorized access of locked files will be considered breached and the Homelessness System Data Administrator will proceed with the Privacy Breach Response outlined in the Data Sharing Agreement Schedule H – Security Incident and Privacy Breach Response Protocol.

Lockbox Exclusions

Lockbox request are subject to certain exclusions under section 37 of PHIPA.

Even where a lockbox is in place, it will not prevent the Homelessness System Data Administrator or member organization staff from using the data for:

- Planning services
- Quality improvement
- Disposing of information
- Complying with a court order
- Litigation
- Mandatory reporting to the Children's Aid Society
- Where permitted by law

Staff should consult with the Homelessness System Data Administrator about specific scenarios when in doubt.

How to Access Locked Information

All information that is subject to a lockbox will be in the custody and control of the Homelessness System Data Administrator. Locations of files and managing of lockbox requests are recorded in the HIFIS Administrator's Log.

If a client has implemented a lockbox, the information will not be accessible in HIFIS (this may include their entire profile). Staff will not be able to tell if the client record is subject to a lockbox or has never existed in the system.

If staff at an organization are aware that a client has a lockbox (because the client has told them, or they received original request) then they may request access to the files by contacting the Homelessness System Data Administrator. If the lockbox allows access to be granted to the requester, the files will be securely released to them. There is no

form required for this request, but the request will be recorded in the HIFIS Administrator's Log.

How to Open a Lockbox

Clients can request that the lockbox be opened (in full or in part) at any time.

When consent has been obtained from the client to unlock some or all of a client's data, staff will advise the Homelessness System Data Administrator, who will take steps to unlock any applicable electronic or paper records.

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Client Lockbox Request Form

Client Name: _____ Date of Birth: _____

List the information you wish to be locked below and list the person(s) or organizations you wish it to be locked from.

Information	Person(s) & Organization(s) to Restrict From

Staff Person: _____ Organization: _____

Actions Taken (to be filled out by Homelessness System Data Administrator)

Name of Administrator Date

If the client consents to open the lockbox at a later date, they must sign below:

Client Name: _____ Client Signature: _____

Date Unlocked: _____ Administrator Initials: _____