



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

### **TABLE OF CONTENTS**

#### **Preamble**

- 1. Confidential Information**
- 2. Confidentiality Statement**
- 3. Gathering Information and Establishing a File**
- 4. Storing Information**
- 5. Access to Information**
  - 5.1 Staff and Volunteer Access to Client Information
  - 5.2 Access to Volunteer Files
  - 5.3 Access to Employee Personnel Files
  - 5.4 Disclosure/Release of Information to Third Parties
  - 5.5 Use of Information for Statistical Purposes
  - 5.6 Release of Information to the Person Concerned
- 6. Breach of Confidentiality**
- 7. Recourses**
- 8. Support Group Confidentiality**
- 9. Document Destruction and Disposal**
  - 9.1 Record Retention
  - 9.2 Client Information

#### **Appendix A**

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

### **Preamble**

AIDS Community Care Montreal (ACCM) respects the individual's right to privacy and honours the confidentiality of all those who use its services and/or who work as volunteers or paid employees.

As a general rule, confidential information is only available on a need to know basis with persons having access to such information only where required in the performance of their duties at ACCM.

### **1. Confidential Information**

Confidential information, includes but is not limited to the following:

- 1.1 Any information provided to ACCM in any form (whether verbal, written, graphic, taped, filmed, computerized or other) which relates to a client and which allows the client to be identified. This includes:
  - Name
  - The current, former or prospective status of a client of ACCM
  - Diagnosis or medical condition
  - Personal history
  - Family relations
  - Behaviour
  - Sexual orientation
  - Residential and/or work information (i.e.: phone or email address, etc.)

Photographs taken by staff or volunteers of activities at ACCM that do not allow the viewer to determine the status of the individuals in the picture (i.e. client, volunteer or employee) are not considered confidential information. The use of such a photograph to identify a client to a staff member is not considered the exchange of confidential information.

A client by definition can be prospective, current, former or deceased clients. Clients may also be employees or volunteers; information concerning each role is kept separately. Whether personal information is gathered through a third party about a perspective client or directly from the client, it is considered confidential. A client is any individual who provides information to ACCM or consents to a third party providing such information to ACCM in connection with services received or anticipated to be received.

---

[www.accmontreal.org](http://www.accmontreal.org)



ACCM

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

- 1.2 Employee information and personnel matters
- 1.3 Volunteers information and personnel matters.
- 1.4 ACCM business issues, i.e. media launches, financial information (except where required by law or by a contract).
- 1.5 Data regarding donor information and funders (except where required by law or by a contract with a funder).
- 1.6 Mailing lists, email accounts and telephone numbers compiled of prospective, current or former clients, employees, volunteers.

### **2. Confidentiality Statement**

- 2.1 All employees, volunteers, students, Board members and other individuals with access to confidential information are required to sign a confidentiality agreement before commencing duties at ACCM (see Appendix A). The document will be reviewed and signed during the employee's evaluation each year.
- 2.2 The confidentiality policy must be read and signed by each individual at the time of employee evaluation, and, in the case of Board members, at the first annual board meeting,
- 2.3 Clients and other individuals such as visitors are also required to sign a confidentiality statement stating that they will not disclose the identity of other clients outside of ACCM. This obligation continues indefinitely after the relationship with ACCM has ceased.

### **3. Gathering Information and Establishing a File**

- 3.1 ACCM establishes files containing confidential information on all clients. The purpose of such a file is to:
  - Reflect and support recognized standards of practice;
  - Maintain a record of current contact information;
  - Provide contact information in case of emergency;
  - Document the assessment and progress of clients;
  - Assist in summarizing, organizing and guiding the delivery of services;
  - Communicate with internal staff and other professionals as required.

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

3.2 ACCM establishes files containing confidential information on all volunteers and employees. The purpose of such a file is to:

- Ensure the good character of the volunteer/employee to protect the interests of clients and the organization;
- Provide contact information in case of emergency;
- Document the volunteer/work history of the volunteer/employee;
- In the case of employees, provide information for income tax purposes and facilitate in administrative tasks relating to the employment of persons as required by law.

3.3 When gathering information for a file, ACCM can only collect information that is necessary for the purpose of the file.

3.4 Confidential information may only be collected from the person about whom the information relates unless:

3.4.1 that person consents to collection from a third party;

3.4.2 there is a serious and legitimate reason to do otherwise. In this case, the information is collected in the interest of the person concerned and/or relates to his or her use of services and cannot be collected from him directly;

3.4.3 the law authorizes it.

### **4. Storing Information**

4.1 Client, volunteer and employee files are the property of ACCM.

4.2 Those with access to files are to:

4.2.1 ensure that confidential information is kept safe and secure from physical damage and unauthorized access;

4.2.2 ensure that all electronic files are secured with passwords. These passwords must be changed every time there is a change in persons with access to electronic files. If there is no such change,

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

then every six months. A copy of these files will be kept in a safety deposit box.

- 4.2.3 keep existing paper files in lockable filing cabinets. Staff is responsible for ensuring that filing cabinets are locked at the end of each working day. Staff requiring after hour access to files are responsible for locking cabinets after use. Keys for cabinets are to be kept in a secure location in each area. When necessary to transport a file, the file must be enclosed in a sealed envelope and transported in a secure manner while on route to destination, e.g., in a locked trunk or on person. When a file is removed from its ordinary location, a file marker indicating the date, person responsible and the purpose for its removal must be put in its place.

### **5. Access to Information**

#### 5.1 Staff and Volunteer Access to Client Information

- 5.1.1 Access to paper files is limited to the Support Services Team (Case Manager, Support Services Coordinator, Support Services Assistant, Treatment Information Provider and Executive Director).
- 5.1.2 Access to the client database is limited to the Support Services Team, Executive Assistant and Executive Director.
- 5.1.3 Confidential information may be shared among employees, Board members and/or volunteers of ACCM, but only on a need-to-know basis.

#### 5.2 Access to Volunteer Files

- 5.2.1 Access to volunteer files is limited to the Coordinator of Volunteers, Executive Director, and employee supervising the volunteer.
- 5.2.2 access to the volunteer database is limited to the Coordinator of Volunteers Executive Director and Executive Assistant.

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

- 5.2.3 confidential information may be shared among employees, Board members and/or volunteers of ACCM, but only on a need-to-know basis.
- 5.3 Access to Employee Personnel Files
  - 5.3.1 access to employee personnel files is limited to the Executive Director and those people that require access to such files for the performance of their duties at ACCM. In cases that call for discipline of the employee, the information may also be shared with the Administration and Personnel Committee of the Board.
- 5.4 Disclosure/Release of Information to Third Parties
  - 5.4.1 Confidential information may be disclosed only with the explicit informed consent or waiver of the person concerned. When deemed necessary, this consent should be obtained in writing. Care must be taken to ensure that the means of communicating with individuals does not itself breach their confidentiality.
  - 5.4.2 When ACCM refers a person to other service agencies, that person's written consent is required before personal information is shared with personnel of other agencies.
  - 5.4.3 When a person is referred to ACCM by another service agency, that person's written consent is required before personal information may be shared with that referral agency.
  - 5.4.4 When a person would benefit from the services of another agency and a referral is made, ACCM may, with that person's verbal consent, follow-up with that agency.
  - 5.4.5 Confidential information may be disclosed with or without the consent of the person concerned in a situation where there are compelling and just grounds to believe that disclosure is the only available recourse necessary to prevent imminent and serious harm or violence threatening his or her life, health or safety or that of an identifiable third party(ies).

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

- 5.4.6 ACCM may disclose confidential information to the extent necessary to defend the agency, its officers, employees or volunteers from any complaint, claim or lawsuit instituted against ACCM, its officers, employees or volunteers, by or on behalf of a client or the client's heirs, liquidators or assigns, including any claim brought by a client's insurers.
- 5.4.7 ACCM may disclose confidential information where required by law. On presentation of a subpoena, the Executive Director provides the court with the requested information in a sealed envelope. These documents are to be copied and retained at ACCM. Only required information is to be released. The Executive Director must seek advise of legal counsel.
- 5.5 Use of Information for Statistical Purposes
  - 5.5.1 Statistical information or data may be disclosed, provided no identifying personal data are supplied.
- 5.6 Release of Information to the Person Concerned
  - 5.6.1 Clients, employees and volunteers have the right to know what confidential information ACCM has received, collected and maintained about them and to have access to such information, subject to the restrictions listed below. A request for information must be responded to with diligence.
  - 5.6.2 The person concerned will be provided with a copy of the requested information within two working days.
  - 5.6.3 ACCM may restrict access to confidential information:
    - 5.6.3.1 when such information was received from a third party and where it is necessary to protect the life, health or safety of the third party or an identifiable person;

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

- 5.6.3.2 if the information would result in serious harm to the person's health;
- 5.6.3.3 where disclosure of information would likely hinder an investigation where the intent is the prevention, detection or repression of an indictable criminal offense or a serious statutory offence.
- 5.6.3.4 where required by law.
- 5.6.4 Subject to exceptions as required by law, ACCM must restrict access to confidential information:
  - 5.6.4.1 where disclosure would be likely to reveal personal information about a third person and the disclosure may cause serious harm or prejudice to seriously harm that third person.

### **6. Breach of Confidentiality**

Except in cases of consent freely given by the informed individual, it is a breach of confidentiality for an employee, volunteer, Board member or any client to:

- 6.1 discuss any confidential information within or outside ACCM where individuals who are not authorized to have access to that information may hear it.
- 6.2 provide confidential information or records to unauthorized individuals.
- 6.3 leave confidential information in written form or displayed on a desktop or laptop computer terminal, handheld computers or other wireless devices, printer or fax machine in a location where unauthorized individuals may view it.
- 6.4 identify someone as a client of ACCM outside ACCM.
- 6.5 fail to follow the provisions in this policy.

---

[www.accmontreal.org](http://www.accmontreal.org)



ACCM

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

### **7. Recourses**

- 7.1 If confidential information has been used in a manner contrary to any of the above provisions the aggrieved party may file a complaint in accordance with ACCM's Grievance Resolution Policy.
- 7.2 If a breach of confidentiality has occurred, appropriate disciplinary measures will be taken with respect to the offending party and corrective measures will be taken to prevent future occurrences.
- 7.3 A person with a complaint regarding the access to or rectification of confidential information may file a complaint with the Commission d'accès à l'information du Québec. In the event that such a complaint is filed with both ACCM and the Commission d'accès à l'information du Québec, ACCM will stop its investigation.

### **8. Support Group Confidentiality**

- 8.1 Support groups members are asked to respect the privileged and confidential information shared during the group session. A breach may result in a client losing the right to remain in the support group. This decision will be made in consultation with the group animator and the Case manager.

### **9. Document Destruction and Disposal**

The purpose is to establish guidelines for the destruction and disposal of confidential documents common to all ACCM staff, Board members and volunteers as described in section 1 of this policy.

- 9.1 **Records Retention**  
All inactive records should be stored in a protected environment for a predetermined length of time. This includes hard copies, electronic documentation and other specified types of media.  
The document-destruction policy should not differentiate between hard copies and electronic records. These should be retained in the same

---

[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## **CONFIDENTIALITY POLICY**

manner, according to an established destruction schedule maintained by the Executive Director and the Coordinators. These electronic records should be handled as per 4.2.2 of this policy.

### 9.2 Client Information

Documents containing client information should be stored in containers or files inaccessible to unauthorized personnel. Timelines for destruction of these documents should be according to an established destruction schedule maintained by the Executive Director and the Coordinators. The destruction schedule will be subject to legal regulations set out in the profession's code of deontology, and / or the Code des professions. Client information documents will be destroyed by shredding so that they cannot be reconstructed. The suggested methods for destruction of these records include shredding. The Executive Director will maintain a record of documents that were destroyed.



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## CONFIDENTIALITY POLICY

### Appendix A:

#### Promise of Confidentiality



A C C M

I, \_\_\_\_\_, as a client, volunteer, employee or visitor with ACCM (AIDS Community Care Montréal – SIDA bénévoles Montréal), will have in the performance of my functions access to confidential and private information concerning the organization and its clients. I hereby promise not to divulge any confidential information gained through the performance of my duties to any other person or organization without explicit, complete and prior authorization of my supervisor and/or the client concerned.

I have signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the City and District of Montréal, Québec.

I have read, understood and agree to the terms of this document as a condition of my relationship with ACCM (AIDS Community Care Montreal - SIDA bénévoles Montréal). I knowingly and voluntarily accept this agreement in its entirety, realising that any violation of this agreement may be subject to immediate dismissal or termination of relationship from the organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
[www.accmontreal.org](http://www.accmontreal.org)



A C C M

**AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL**  
2075 PLESSIS, MONTRÉAL (QUÉBEC) H2L 2Y4 T : (514) 527-0928 F : (514) 527-0701 E : [info@accmontreal.org](mailto:info@accmontreal.org)

## CONFIDENTIALITY POLICY

\_\_\_\_\_  
Witness' Signature

\_\_\_\_\_  
Witness' Name (printed)

\_\_\_\_\_  
[www.accmontreal.org](http://www.accmontreal.org)