

lockboxes are varied; therefore, the Privacy Officer will determine the most appropriate procedure on a case by case basis.

LOCKBOX EXCLUSIONS

A lockbox does not operate to prevent administrative functions from being carried out, or the use or disclosure of client information for other permitted purposes. For example, even where a lockbox is in place, it will not prevent JF&CS from:

- Obtaining or processing payments
- Planning services
- Quality improvement
- Disposing of information
- Complying with a court order
- Litigation

A lockbox does not prevent JF&CS from collecting, using or disclosing client information where there is a legal obligation to do so (for example, to fulfill mandatory reports to a children’s aid society or to the Ontario Ministry of Children, Community and Social Services or elimination or reduction of a significant risk of serious bodily harm). The JF&CS Representative should always consult with the Privacy Officer when in doubt.

IDENTIFYING A LOCKBOX

Before reviewing client information, the JF&CS Representative must always check to see if a lockbox has been applied. Each JF&CS Representative must be trained in lockbox and the procedures for ensuring lockbox.

NOTICE TO EXTERNAL CARE PROVIDERS

If a client’s lockbox instructions state that the client does not want some or any of their information shared with an external service provider, JF&CS will not disclose this information to the restricted external care provider unless there is legal permission or a requirement to do so, or the client has withdrawn their lockbox.

If JF&CS is prevented from disclosing client information

to an external care provider that it considers reasonably necessary for the provision of care to the client, JF&CS has an obligation to notify the receiving care provider that not all the relevant client information has been provided. As a side note, the receiving care provider is then able to explore the matter of the “locked” information with the client and seek consent to have the locked information shared.

AUDITS

JF&CS’s Privacy Officer is developing a system to conduct audits of locked client information to monitor compliance with client lockbox instructions. Any apparent unauthorized access to locked information will be investigated.

BREACH OF PRIVACY

If there is a lockbox on a client’s record and the lockbox is not respected, that is considered a privacy breach and the Privacy Breach Protocol must be instituted. If a client or a JF&CS Representative has any questions about lockbox, the Privacy Officer should be contacted at:

Compliance and Privacy Officer  
Jewish Family & Child  
4600 Bathurst St. | Toronto, Ontario M2R 3V3  
416-638-7800 ext. 6636 | Fax: 416.638-7422  
privacy@jfandcs.com

<sup>1</sup> It is possible that we hold PHI about individuals who are not clients or who are former clients and the lockbox procedure would apply equally to those individuals.

<sup>2</sup> “PHI” is broadly defined under PHIPA. In our context it will mainly relate to a client’s health record and we have used “health record” interchangeably with PHI throughout the procedure. It is possible that the Organization holds other PHI about an individual outside the health record and the lockbox procedure would apply equally to that information, wherever it resides.

<sup>3</sup> The lockbox provisions of PHIPA are found in sections 37(1)(a), 38(1)(a), and 50(1)(e). The lockbox provisions of the CYFSA are found in sections 295 to 298 of the CYFSA.

<sup>4</sup> See s. 297 of the CYFSA and s. 19 (2) of PHIPA.

<sup>5</sup> An individual’s substitute decision-maker may also request a lockbox and such requests are processed in the same manner.

If a client or a JF&CS Representative has any questions about lockbox, the Privacy Officer should be contacted at: 416-638-7800 ext. 6636 or privacy@jfandcs.com

Jewish Family & Child

Central Office and Intake  
4600 Bathurst Street | 1st Floor  
Toronto, Ontario M2R 3V3  
T: 416 638 7800 F: 416 638 7943

Gordon S. Wolfe Branch  
35 Madison Avenue  
Toronto, Ontario M5R 2S2  
T: 416 961 9344 F: 416 961 9351

York Region Branch | 1 Open Door  
9600 Bathurst Street | Suite 242  
Vaughan, Ontario L6A 3Z8  
T: 905 303 5838 F: 905 303 5892

Jerome D. Diamond Adolescent Centre  
196 Keewatin Avenue  
Toronto, Ontario M4P 1Z8  
T: 416 482 3023 F: 416 482 3014

www.jfandcs.com

info@jfandcs.com | facebook.com/jfandcs



JEWISH  
FAMILY  
&CHILD

LOCKBOX PROCEDURE

jfandcs.com/privacy

## BACKGROUND

*This procedure is part of the Privacy Policy found at [www.jfandcs.com/privacy](http://www.jfandcs.com/privacy). It applies to JF&CS, JF&CS staff, students, volunteers, researchers, vendors and other agents ("JF&CS Representatives").*

JF&CS is a multi-service social service agency with a set of comprehensive services for individuals and families. In addition, JF&CS operates as a children's aid society. JF&CS is bound by two privacy statutes, being the *Personal Health Information Protection Act, 2004* (PHIPA) for most of its individual and family services and the *Child, Youth and Family Services Act 2017* (CYFSA) in its role as a children's aid society. Both PHIPA and CYFSA provide individuals<sup>1</sup> with the right to make choices about how their client information<sup>2</sup> is collected, used, and disclosed. PHIPA and CYFSA are referred to collectively as "Privacy Legislation".

Privacy Legislation gives individuals the right to restrict access by others to their client information – whether to specific staff of JF&CS, other providers, or otherwise. Although the term "lockbox" is not set out in Privacy Legislation, the term "lockbox" is commonly used to refer to a client's ability to withdraw or withhold their consent for the collection, use or disclosure of their client information.<sup>3</sup> Lockbox does not extend to collections, uses or disclosures that are permitted (with some possible exceptions) or required under Privacy Legislation. Under Privacy Legislation, an individual cannot place a lockbox that restricts the making of any record of client information that is legally required or required by standards of professional or institutional practice.<sup>4</sup> Any current or former client of JF&CS<sup>5</sup> may request a lockbox.

Some clients may want to control who can access their client information, 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 information. For example, clients may want a lockbox if they ask their child & youth worker, or social worker to exclude certain of JF&CS's clinical staff from seeing their information, or not to permit family members who work with JF&CS look at their health record.

Clients may initiate the process for a lockbox by contacting the Privacy Officer or by speaking to their worker or case manager. Clients will be asked to complete a JF&CS Privacy Request to Limit Disclosure of Information Form. The completed form must be submitted to the Privacy Officer or designate. The date of the lockbox to the individual's record will be documented in the contact log of the client.

Lockbox requests can vary considerably. For example, a client may request that:

- Only some of the documents in their case record be locked
- All of their case record be locked
- All documentation created in the future be locked
- One or more JF&CS Representatives be restricted from accessing their information
- One or more external care providers not be given their client information

Although Privacy Legislation does not require that JF&CS lock documentation that does not yet exist, in practice, refusing to lock future documents may result in frequent lockbox requests. As such, JF&CS will permit lockbox for future records.

When clients request a lockbox, it often means they have concerns about the confidentiality of their client information. Clients should be reminded by their JF&CS Representative that:

- JF&CS takes privacy seriously and keeps all client information confidential and secure;
- Client information is only accessed by JF&CS Representatives on a need-to-know basis;
- JF&CS conducts privacy audits regularly to ensure compliance with the need-to-know procedure; and
- Client consent will be sought when their record is to be disclosed to other providers, unless the law requires or permits otherwise.

Sometimes a client requests a lockbox when a lockbox is not necessary to resolve their concerns. For example, a lockbox is not necessary to restrict the sharing of client information with non-care providers (e.g. family, employers, and insurers) because express consent is

required. As another example, if clients disagree with the information in their case record they can ask for a correction and/or append or request a statement of disagreement to the record. The JF&CS Representative receiving the lockbox request should spend time with the client to understand what the concerns are, to reassure the client if they are concerned about confidentiality, and to determine if a lockbox is required to address the concerns.

## IMPLICATIONS OF IMPLEMENTING A LOCKBOX

If a client chooses to move forward with a lockbox request, it is important that they understand the possible implications of the lockbox. The Privacy Officer or designate or the client's care provider should discuss implications and risks with the client, such as:

- The client not receiving the best possible service because care providers may not have access to client information they need in order to provide the best possible care in a timely manner; and
- The client may have to undergo duplicate assessments, and/or health history questions, as applicable, if existing information is unavailable.

There may be circumstances where JF&CS Representatives cannot provide care in a manner that meets professional standards of practice if they do not have sufficient information. In this instance, JF&CS may have to assess whether it can continue to provide care to a client if there is insufficient information. However, the decision to discontinue care to a client is a significant one and would only be made after thorough consideration of all the relevant information. JF&CS will try to maximize client choice about how their client information is collected, used and disclosed while at the same time permitting JF&CS Representatives to deliver high quality client care. There may be other risks specific to particular clients, which should be explored and discussed with clients directly.

## DECISION TO IMPLEMENT A LOCKBOX

JF&CS's Privacy Officer[s] or designate will review, respond to, implement, and administer lockbox requests. The practical methods of implementing

**LOCKBOX  
PROCEDURE**  
[jfandcs.com/privacy](http://jfandcs.com/privacy)