

## The Faculty of Graduate Studies Wellness Consultation & Counselling Service Privacy and Information Practices

To provide the Wellness Consultation & Counselling Service, Graduate Student Wellness Services as part of the Faculty of Graduate Studies at York University will collect personal health information from you. The practitioners of the Wellness Consultation & Counselling Service of the Faculty of Graduate Studies at York University are subject to the *Personal Health Information Protection Act* (“PHIPA”), the Freedom of Information and Protection of Privacy Act (“FIPPA”), professional standards, and York University’s [Policy on Access to Information and Protection of Privacy](#).

### Information Collection and Use

We collect only personal and health information we reasonably need to provide counselling care to you and as is allowed under the authority of the *Personal Health Information Protection Act, 2004* (S.O. 2004, c.3 Sched. A, S. 29) or other privacy legislation that may apply. Information such as your name, birth date, student number, program of study, year of study, contact details, emergency contact information, and purpose of visit will be collected from you at your initial appointment in order to provide you with appropriate service and for administrative purposes. As part of our intake process, we may ask you to complete a questionnaire to better understand your situation. We may also ask you to allow us to collect information from other professionals with whom you have been involved previously, or whom you are currently involved, if related to your care needs. This information, along with a session summary from the practitioner who saw you and any other relevant information from contact with you will constitute the health record. The health record will be kept securely, in accordance with relevant privacy legislation, for a period of fifteen years from the point of last contact unless there are extenuating circumstances which requires us to maintain the records for longer (e.g., if required to respond to legal action). The health record will be kept confidential within legal limits (see *Disclosure without Student Consent* below).

We may use aggregate personal information for the purpose of collating demographic and service use information. Non-identifying group data (not the names of individual students) may be used to provide statistical data to York University administration or to write reports and communicate about our service.

As of February 1, 2021, we make use of a secure, web-based practice management system, Owl Practice Inc., to meet with students for video counselling sessions and to store and manage our client records. This includes information such as client appointments, session notes, contact details, and other client-related information and documents. The system we use is encrypted, has servers exclusively located in Canada (Toronto and Montreal), and access to the system is granted only on an as-needed basis. Additionally, all practice data in the system is routinely backed up to ensure the privacy and protection of sensitive client information and to assist with PHIPA compliance.

## Disclosure of Personal Health Information

### Disclosure with Student Consent

A student may request that information from their file be shared with another health care professional or third party. This is voluntary and the student must give written permission along with the details regarding the information to be shared. If a student grants permission to our office to disclose information, the student may limit what we disclose. If the information the student does not want disclosed is clearly needed by the person receiving the information to provide the student with appropriate service, we are required by law to inform the receiving party that the student has refused consent for us to provide some necessary information.

### Disclosure without Student Consent

All information disclosed within the Wellness Consultation & Counselling Service is confidential with few exceptions. Information will not be disclosed to anyone outside of the Graduate Student Wellness Services team of the Faculty of Graduate Studies without your express consent, except in circumstances as follows:

- There is reason to believe that there is a significant risk of bodily harm to you or others
- There is apparent, reported, suspected or potential child abuse or neglect
- There is apparent, reported, suspected or potential abuse, neglect, or harm to a resident of a long-term care facility or retirement home (e.g., nursing home) in Ontario
- The student is involved in legal proceedings and the court orders or summons records or testimony
- The student reports sexual abuse or misconduct by a Regulated Health Care Professional, in which case, the name of the offending member is reported to the member's governing body, but the student's name is only revealed with written consent
- Regulatory colleges of the Registered Health Care Professional require the information
- For the purpose of contacting a relative, friend or potential substitute decision-maker if you are injured, incapacitated, or ill and unable to give consent personally
- For the purposes of a proceeding or a contemplated proceeding in which Graduate Student Wellness Services, as part of the Faculty of Graduate Studies, or our practitioner or former practitioner is expected to be a party or witness when the information relates to or is a matter in issue in the proceeding

### Accessing Your Record

You have the right to request to access your record by providing a written request to the Manager, Graduate Student Wellness Services and by providing proof of identity. There are circumstances when a record could be withheld, such as when you or someone else may be harmed as a result, if there is confidential information about another person in the record, or if

Graduate Student Wellness Services of the Faculty of Graduate Studies believes on reasonable grounds that a request for access to a record is frivolous or vexatious or made in bad faith.

Please note, only staff working within the Graduate Student Wellness Services branch of the Faculty of Graduate Studies will have access to information regarding the Wellness Consultation & Counselling Service, such as student files. In the event the Manager, Graduate Student Wellness Services is incapacitated or unavailable for a prolonged period of time and there is a student or legal need for access to a student record, a request may be made to the Executive Officer of the Faculty of Graduate Studies who will have the authority to retrieve the relevant document(s) in this circumstance.

### **Correcting Information in Your Record**

A student may request that information in their record be corrected if they believe it is not accurate. It must be demonstrated to the satisfaction of the Wellness Consultation & Counselling Service practitioner that the record is incomplete or inaccurate and the student must provide the necessary information to enable the practitioner to correct the record.

The request may be refused if the clinical file was not originally created by the practitioner and the practitioner does not have sufficient knowledge, expertise, or authority to correct the file. The request may also be refused if the information in question consists of a professional opinion or observation that the practitioner had made in good faith about the individual. In such cases, the practitioner will provide the student with a copy of the written reasons for the refusal, leaving the original in the file.

If we do not agree with the correction the student requests, the student may file a notice of disagreement into their file and complain to the Information and Privacy Commissioner of Ontario about the refusal.

### **Electronic (Phone and Video) Counselling & Electronic Communications**

Graduate Student Wellness Services offers both phone and video format wellness consultation and counselling sessions.

#### **Use of Electronic Communication**

The term “electronic communications” refers to any form of electronic means or devices through which a counsellor and student communicates. For our purposes, it is limited to cell phones, email, and video conferencing. Graduate Student Wellness Services uses electronic communications (email or phone) to communicate with students to schedule, reschedule, or cancel sessions. We are providing virtual counselling sessions via electronic communication through a secure video platform (Owl Practice Inc.) or by telephone. We do not offer counselling sessions over email as it is not a secure means of communication.

## Additional Considerations

1. Owl Practice Inc. states in its policies that it meets the requirements of the Personal Health Information Protection Act, 2004 (PHIPA) for privacy and confidentiality. With that said, we cannot 100% guarantee privacy; it's possible for electronic media to be hacked, or for other unforeseeable breaches that are out of our control.
2. Audio/ video counselling sessions through OWL Practice Inc. are encrypted.
3. Cell phones and email also cannot be guaranteed to be 100% secure or confidential, despite our compliance to the required PHIPA protocols.
4. Any personal health information that is collected as part of a student's use of our remote counselling service is being stored in compliance with PHIPA. Counsellors are also following the professional guidelines for working remotely as set out by their respective professional colleges (e.g. College of Psychologists of Ontario, College of Registered Psychotherapists of Ontario, Ontario College of Social Workers and Social Service Workers, etc.).
5. Sessions will never be recorded without your explicit permission by your counsellor or by the technology we are using to deliver the service to you.

## Consent to Virtual Service from Graduate Student Wellness Services via Electronic Communication

You must provide informed verbal consent to your counsellor at the start of your session to proceed with virtual/remote counselling. Your informed consent will be documented in your file, indicating your agreement to the terms outlined in both the Terms of Service and Risk Acknowledgement for Phone and Video Sessions and Services, Benefits, and Risks Acknowledgment forms. You may revoke your consent at any time, thereby ending the call or video counselling session. If you choose to revoke your consent, please inform your counsellor before doing so.

## Email Communication

Communication via email is not fully secure. Please do not send personal health information to Graduate Student Wellness Services practitioners through this modality.

## Flow of Information

### Supervision

Practitioners of the Wellness Consultation & Counselling Service may receive internal or external clinical supervision from a clinical supervisor. Supervision is in place to ensure a high quality of service to the student, promote professional growth of the supervisee, and safeguard the well-being of the student. Only non-identifying information may be shared with the clinical supervisor for the purpose of clinical supervision unless explicit permission is provided by the student.

## Consultation

Practitioners delivering the Wellness Consultation & Counselling Service within the Faculty of Graduate Studies may consult with each other about student files. In these situations, the name and other identifying details of the student will remain confidential.

## Questions and Concerns

If you have questions about the collection, use or disclosure of personal information you share while accessing the Wellness Consultation & Counselling Service, or to request a correction or access to your record or to file a complaint, please contact:

Manager, Graduate Student Wellness Services

[gradwell@yorku.ca](mailto:gradwell@yorku.ca)

Faculty of Graduate Studies

230 York Lanes, 80 York Boulevard

York University

Phone: 416-736-2100 ext. 33379

4700 Keele St, Toronto, ON

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You may also file a complaint with the Office of the Information and Privacy Commissioner of Ontario (IPC) at 1-800-387-0073 or [ipc.on.ca](http://ipc.on.ca)