

POLICY

Confidentiality of Job seeker Information

Workforce Development

Goodwill Industries, Ontario Great Lakes

No. POL-C3

Effective Date: May 2001

Date Last Reviewed: Jan 2019

POLICY INTENT

As Workforce Development carries out its mission to provide meaningful work, it is critical that we protect the privacy of individuals with respect to personal information about themselves. It is also important to provide individuals access to their personal information, which is essentially their own.

POLICY DISCUSSION

This policy governs the collection, release and use of job seeker files and other job seeker data in Goodwill's Workforce Development division. In creating this policy, consideration has been given to Goodwill International Certification Standards and federal, provincial and municipal Freedom of Information and Protection of Privacy legislation, and the Personal Information Protection and Electronic Documents Act (PIPEDA) and other specific requirements of funders.

See Goodwill's **Employee Policy** manual, "Standards of Conduct – Protection of Personal Information, Record Retention and Confidentiality" for policies regarding confidentiality of employee information.

General

Goodwill strives to provide services on a basis which is fair, confidential, accessible, responsive, sensitive and effective, respecting the rights, dignity, culture and diversities of our job seekers. **To ensure this, it is our policy at the Career Centre to have confidential conversations within our secure office space. Case Conferencing between team members is not to occur in a hallway or public space. Team members who are in an open workspace are encouraged to find an office space to case conference whenever possible, and to ensure that client names are not used in these open workspaces where customers or job seekers may overhear.**

The manager of each team is responsible for the control of case records and for the implementation of the policies and procedures pertaining to case records.

This confidentiality policy is required to be explained to job seekers as part of orientation. Employees sign the Confidentiality Agreement acknowledging that they have read and understood the policy. This policy is to be reviewed with each staff person at the annual performance review.

Collection and Protection of Information

Collection of job seeker information is consistent with the requirements of provincial and federal legislation. The reason for collection is identified, and the job seeker is informed with whom and in what circumstances the information will be shared. Information is not shared with anyone outside of the agency without informed consent or unless required by law. In order to share information with an outside party, staff will obtain informed consent to do so and complete a consent form. (See POL-I1 Intake for details.) Reasonable steps are taken to ensure that personal information collected is pertinent, accurate, current and limited to information needed to deliver services effectively. Case recording and verbal exchange is in specific and behavioural terms, using objective language. All job seeker contacts by counsellors are recorded in the case notes.

Care should be taken that confidential information is not overheard or observed by individuals in the vicinity of work areas. During the working period job seeker information, whether in paper or electronic, should not be left unattended and would be secured whenever the staff member is not in direct proximity of the information. All staff should follow a clear desk policy. Job seeker personal information should not be stored on portable memory sticks (USBs), laptops, computer desktops or Blackberries. After working periods all job seeker information should be returned to a designated, secure filing system and access to electronic files logged off.

Release of Information/Access to Information

This policy governs information that may be conveyed verbally, by electronic means or in print.

Agency directors, officers, employees and volunteers will not disclose or release to any person at any time, except where required by law, any information or document that tends to identify any individual in receipt of services and/or other confidential information without obtaining the written consent of the individual or individual's parent or guardian prior to the release or disclosure of such information or document. The agency may refuse to confirm or deny the existence of a record if that would constitute an unjustified invasion of personal privacy – for example, if it would confirm that a job seeker is an Ontario Works recipient.

Job seekers are made aware that the agency has an obligation to disclose where required by law. Access to case records is limited to the staff providing direct service to the

person served, authorized representatives of funding agencies and any other staff and other individuals authorized by a manager (see POL-R5 Rights and Responsibilities). Release of Information form is specific in terms of to and from whom.

Access by job seeker

Confidential job seeker information is only released by the job seeker's counsellor or Director of Workforce Development. In order to see his or her personal file the job seeker makes application to their staff contact who will inform the manager. Access will be provided within two working days of the request. Photocopies of up to ten pages on a single occasion can be provided at no cost. Reasonable charges may be made for additional copies, as determined by the manager.

Access by staff

Access, keys and passwords to job seeker files are only available to designated staff.

Access by other organizations

When there is an expectation that information will be shared, a job seeker may sign consent to collect/share confidential information forms that allow Workforce Development to receive and share specific information. This covers the exchange of information during the service period. Job seekers are informed that they can withdraw their consent, and are advised of the implications for service. It is the responsibility of the counsellor only to share appropriate information, within the scope of the consent.

Questions from outside sources should be directed to the counsellor. Release of information to an outside agency, in regards to a specific job seeker, only takes place if the job seeker signs a specific statement of release. When information is requested by another agency a release of information form must accompany the request. Information is shared only within the time limits of the release.

Transmission

In settings where standards of job seeker confidentiality are known to be in place, confidential information can be faxed directly. If the environment may not be securely confidential, faxing of confidential job seeker information is done only when the following safeguards are in place: the receiver (e.g. counsellor, lawyer) is phoned when material here is ready for transmission. We receive assurance that the receiver or specified designate is waiting to receive the fax, and then we send it.

When sharing information electronically, ensure that the importance of confidentiality is clear to the recipient, as outlined in the approved Goodwill caution, which should be included in the e-mail signature.

Use of Information for purposes other than service provision

The organization's policies and procedures relating to the maintenance and safeguarding of confidentiality for persons served are strictly enforced. Persons served must not be misrepresented nor their circumstances inappropriately depicted in public relations

material. Signed release forms granting permission for use in specific media must be obtained prior to any media contact/involvement and kept in the individual's files. Always keep the original.

Goodwill shall not use personal information in its custody or under its control except where the person to whom the information relates has identified that information in particular and consented to its use for the purpose for which it was obtained or compiled or for a consistent purpose (e.g. not to be used for mailing lists for purposes unrelated to the service.)

Job seeker Sessions

Electronic Recordings

Job seeker sessions, whether group or one to one, are not normally recorded because:

- recording impedes effective rapport building and hampers the development of the relationship
- recorded information can be taken out of context
- recorded information can be edited
- we believe we provide a professional service, with professionally trained staff who follow our code of ethics and confidentiality policies and review rights and responsibilities at the beginning of Goodwill services
- recording of group sessions impacts the group dynamics and the confidential nature of the session

Recording may be allowed in the case of a summary of a session or an outline of action steps, with the department manager's approval and the approval of everyone involved, for purposes of accommodation of a job seeker's disability or for quality control.

Guests

In order to accommodate individuals who request permission to attend a counselling session (e.g. students) or job seekers who request to bring a guest to a counselling session the consent of those involved is required. In the case of a one-to-one session, the job seeker should sign a form acknowledging their agreement to this arrangement (not necessary in the case of a contracted interpreter). If the job seeker wishes to continue with this arrangement after the initial session, and the staff member involved has concerns, staff should discuss this with the manager.

In the case of a group session, the group need not sign a form, but can deny permission to include a guest (but not in the case of a person providing necessary assistance or accommodation for the job seeker).

See also: Intake, POL-I1
Record Maintenance Standards, POL-R1
Rights and Responsibilities of Job seekers, POL-R5
Complaints, PRO-C1
Consent Forms, PRO-C6