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# The Regional Municipality of Durham Information Report

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From: Commissioner of Social Services  
Report: #2025-INFO-30  
Date: April 25, 2025

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**Subject:**

Application of the Personal Health Information Protection Act, 2004 to Social Services Department – Family Services Division as a Health Information Custodian.

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 The purpose of this report is to inform Regional Municipality of Durham (Region) Council that services provided by the Family Services Division (FSD) of the Social Services Department have evolved to meet the definition of health care under the Personal Health Information Protection Act, 2004 (PHIPA) and as such, the Regional Clerk has now been designated as the Contact Person for Health Information Custodian functions related to Family Services pursuant to Regional By-law 03-2020.

**2. Background**

2.1 The Family Services Division delivers various programs and services to support the mental health and well-being of residents in Durham Region including:

- a. Community Counselling Program: Clinical counselling, mental health and psychotherapy services.
- b. Family Services Employee Assistance Program (FSEAP): Services to Regional employees and their families, and external contracts.
- c. Adult Protective Services (APS): Case management and advocacy for adults with developmental disabilities.
- d. Mental Health Outreach Program (MHOP): Clinical mental health and addiction services for vulnerable populations including individuals who are unsheltered or precariously housed.

- e. Primary Care Outreach Program (PCOP): In partnership with the Health Department, Paramedic Services, provides primary care and mental health and addiction services for unsheltered individuals.
  - f. Older Adult Safety Advisor Program (OASA): Support for older adults at risk of abuse.
  - g. Partner Assault Response Program (PAR): Court mandated program for individuals charged with intimate partner and domestic violence.
- 2.2 Historically, FSD's services focused mainly on counselling and did not meet the definition of health care under PHIPA.
- 2.3 FSD's services have evolved to meet legislative changes which require individuals providing services to be members of professional colleges, and to meet changing community mental health needs including incorporating psychotherapy techniques to treat an individual's disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning.
- 2.4 These changes now meet the definition of health care under PHIPA:
- "health care" means any observation, examination, assessment, care, service or procedure that is done for a health-related purpose and that,
- (a) is carried out or provided to diagnose, treat or maintain an individual's physical or mental condition,
- 2.5 This now means that FSD, in collecting, using and disclosing information to perform health care services, is a Health Information Custodian (HIC) under the Act.
- 2.6 PHIPA governs the collection, use, and disclosure of personal health information by HIC's and sets out rules to ensure that personal health information is handled with respect for privacy and confidentiality.
- 2.7 PHIPA requires a HIC, who is an individual or organization responsible for the custody and control of Personal Health Information (PHI) in connection with their duties or work and is responsible for ensuring the corporation has appropriate policies to obtain consent before collecting, using, or disclosing PHI.
- 2.8 By-law 03-2020 designates the Regional Clerk as the Contact Person for each of the HIC functions within the Regional Municipality of Durham, except for Durham Region Health Department which is a Board of Health under a different Act, for the purposes of PHIPA.
- 2.9 Currently, the Regional Clerk is the contact person for HIC functions for the regionally owned long-term care homes and adult day programs under the Fixing Long Term Care Act, 2021 and PHIPA.
- 2.10 As per By-law 03-2020, the Regional Clerk would now also act as the contact person for HIC functions related to FSD.

2.11 This By-law meets the legislative requirements to ensure the Region is in compliance with the Personal Health Information Protection Act (PHIPA).

### **3. Previous Reports and Decisions**

3.1 [#2020-A-2](#) - Update Personal Information Privacy Policy and Associated By-law

3.2 [By-law Number 03-2020](#) - Appointment of Regional Clerk for PHIPA

### **4. Relationship to Strategic Plan**

4.1 This report aligns with/addresses the following Strategic Direction(s) and Pathway(s) in Durham Region's 2025-2035 Strategic Plan:

a. Healthy People, Caring Communities

- H1. Implement preventive strategies to support community health, including food security.
- H2. Collaborate with partners to respond to complex social issues that improve community safety and well-being, including mental health and addictions.
- H4. Support the development of healthy children and youth, including access to affordable and quality childcare.

### **5. Conclusion**

5.1 Services provided by the Family Services Division of the Region of Durham now meet the definition of health care under PHIPA and as such, a HIC contact person must be designated.

5.2 Pursuant to By-Law 03-2020, the Regional Clerk is designated as the Contact Person for the Regional Municipality of Durham to perform the required HIC functions.

5.3 Accurate classification of services ensures FSD's divisional practices and protocols comply with the appropriate privacy legislation, including PHIPA and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and insulates the Region from risks associated with privacy legislation compliance and breaches.

5.4 This report has been prepared with the assistance of staff from the Office of the Chief Administrative Officer – Legal Services.

Respectfully submitted,

Original Signed By

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Stella Danos-Papaconstantinou  
Commissioner of Social Services