

September 14, 2020

Message from the Ministry of Children, Community and Social Services (MCCSS)

Ontario continues to take decisive action to protect the health and safety of all people and families during the COVID-19 outbreak. To help stop the spread of COVID-19, everyone must do their part to keep each other, our families and our communities safe.

As COVID-19 restrictions are lifted, it's important to remind you that new requirements under the Child, Youth and Family Services Act, 2017 (CYFSA) came into effect earlier this year. On January 1, 2020 [Part X \(Personal Information\)](#) – which governs the handling and sharing of personal information – put into force new responsibilities for service providers that are licensed or funded under the CYFSA. This e-blast puts the spotlight on [privacy breaches and what to do if a privacy breach occurs](#). It also includes a helpful new Part X information sheet on two types of information sharing: access and disclosure.

It's also a good time to recap some new terms and updated definitions used in the CYFSA that are different from those used in the old Child and Family Services Act. The attached "Child, Youth and Family Services Act, 2017: Terminology Quick-reference Chart" provides a brief overview of the key changes.

And finally, there are various organizations in the child and youth services sector that either monitor or respond to how services are provided. Included for your information is the CYFSA sector accountability placemat, which provides a summary of the mandate, responsibility and accountability of these organizations.

With these e-blasts, we will continue to keep you informed and provide you with information and helpful resources to help you understand the CYFSA and its regulations.

Thank you for your continued commitment to transform child and youth services in Ontario.

The Child, Youth and Family Services Act, 2017 – what you need to know

Part X – Privacy Breaches

Part X establishes rules for the collection, use and disclosure of personal information held by service providers, which includes responsibilities and requirements for service providers licensed or funded under the CYFSA to:

- Protect clients' personal information against privacy breaches;

- Respond appropriately in the event a privacy breach does occur.

What is a privacy breach?

A privacy breach occurs when personal information is:

- Lost, stolen, used without authority; or
- Disclosed without authority.

What to do if a privacy breach occurs?

- In the event of any privacy breach, service providers must notify the individual(s) to whom the personal information relates at the first reasonable opportunity.
- If a privacy breach is significant (as outlined in section 9 of [Ontario Regulation 191/18](#)), service providers must also notify the Information and Privacy Commissioner (IPC) and MCCSS.
- Circumstances that would indicate a privacy breach should be reported to MCCSS and the IPC. They include the following:
 - The breach is significant as determined by the service provider after assessing the sensitivity, volume, number of persons impacted and number of service providers involved.
 - Personal information was used or disclosed by someone who knew or should have known they were doing so without authority.
 - The provider has reasonable grounds to believe the personal information was stolen.
 - The provider has reasonable grounds to believe the breached personal information has been or will likely be used or disclosed again without authority or there is a pattern of similar breaches.
 - The breach led to an employee resigning or being terminated, suspended or disciplined.

Reporting privacy breaches to the ministry

For service providers using Serious Occurrence Reporting and Residential Licensing (SOR-RL):

- SOR-RL includes privacy breaches as a category of serious occurrence and they must be reported.
- All SOR-RL users must report privacy breaches, including those not subject to Part X, as per MCCSS serious occurrence reporting guidelines.

For service providers who are not SOR-RL Users:

- Service providers who do not use SOR-RL will be required to submit privacy breach notifications to the MCCSS Access & Privacy Office (APO) via email to AccessandPrivacyOffice.MCSS@ontario.ca.

What is SOR-RL?

Serious Occurrence Reporting and Residential Licensing (SOR-RL) is a digital tool that automates business practices and enables secure and timely two-way communication between service providers and the ministry. It replaces current paper processes for the submission of SORs and for Children's Residential Licensing.

[Learn more about SOR-RL](#)

Reporting Privacy Breaches to the IPC:

- Service providers are required to report a breach online to the IPC at www.ipc.on.ca as soon as reasonably practical. They will need to describe:
 - The circumstances of the breach. For example:
 - How the personal information came to be stolen, lost or disclosed without authority;
 - How many individuals were affected; and
 - Whether and how the affected individuals were notified.
 - The nature of the personal information that was stolen, lost, used or disclosed without authority.
 - The steps they took to contain, investigate and remediate the breach and prevent future breaches.

The IPC will review the information provided and may request additional information. In some cases, the IPC may decide to conduct an investigation. In other cases, the IPC will take no further action, such as when it is satisfied that the breach is contained, its cause has been addressed and steps have been taken to prevent further breaches.

See [reporting a privacy breach to the Information and Privacy Commissioner](#) for additional information.

Questions?

If you have questions about Part X, please contact your regional office and/or the ministry at cyfsa@ontario.ca.

Contact the Information and Privacy Commissioner of Ontario with questions about:

- The Information and Privacy Commissioner of Ontario's oversight role in relation to Part X;
- Privacy related to other provincial privacy legislation (e.g. the Freedom of Information and Protection of Privacy Act (FIPPA) or the Personal Health Information Protection Act (PHIPA))

You can reach the Information and Privacy Commissioner of Ontario at:

Email: info@ipc.on.ca

Phone: 1-800-387-0073

Website: ipc.on.ca

What's New

Ontario Takes Steps to Improve Child Welfare System

On July 29, 2020, the Ontario government released its [plan to redesign the child welfare system](#). The strategy focuses on strengthening families and communities through prevention, early intervention and seeking more permanent homes for children and youth in care when they cannot stay in their own homes or communities.

[Learn about the strategy's five pillars to create change.](#)

[Read the overview of Ontario's plan to redesign the child welfare system.](#)

Children and Young Persons' Rights Resource

The Ministry of Children, Community and Social Services has released a new online *Children and Young Persons' Rights Resource* (Rights Resource) (www.ontario.ca/RightsResource).

It is important that children and young persons are empowered to exercise and receive the benefit of their rights, to advocate for their own needs and to change the way they experience services – especially when they feel their rights have not been respected.

The Rights Resource is a website designed to support children and young persons receiving services under the *Child, Youth and Family Services Act, 2017* (CYFSA). The website outlines the rights provisions under Part II and Part X of the CYFSA using child-

friendly language, acting as an accessible resource that children and young persons can turn to when they want to understand their rights. It also acts as a resource to help parents, caregivers and service providers to better understand the rights of children and young persons.

To support sharing the Rights Resource widely, we ask that you:

- Share the www.ontario.ca/RightsResource link with your networks. (The text above can be used as part of this distribution.)
- Print and display the attached poster in any setting that will appropriately reach children and young persons receiving services under the CYFSA.
- Add a link to the Rights Resource webpage on your individual websites to promote access.

Ontario's Quality Standards Framework

The Ministry of Children, Community and Social Services (ministry) has released the [*Quality Standards Framework: A Resource Guide to Improve the Quality of Care for Children and Young Persons in Licensed Residential Settings*](#) (standards framework).

The ministry is seeking to improve the quality of residential services through implementation of the standards framework. The standards framework provides an overview of what high-quality residential care looks like across all sectors and settings that make up licensed residential services for children and young persons in Ontario. These sectors include child welfare, youth justice, child and youth mental health and special needs. This standards framework is an educational tool that provides guidance on the many aspects of high-quality care that are necessary to support vulnerable children and young persons in residential care, and help to meet their needs, support them to thrive, and achieve better outcomes.

It is strongly recommended that all individuals involved in the provision of residential care for children and young persons review, reflect on and implement the standards framework.

Resources

- Information sharing – access & disclosure
- Learn about privacy and access rights and the requirements for service providers in the free introductory webinar from the Information and Privacy Commissioner: [*Access, Privacy and the Child, Youth and Family Services Act*](#).
- *Child, Youth and Family Services Act, 2017*: terminology quick-reference chart
- CYFSA sector accountability placemat
- Children and Young Persons' Rights Resource poster

Contact us

For more information about the CYFSA and what it means for you, email us at cyfsa@ontario.ca.