



**Bowen  
Children's  
Centre**

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## Confidentiality Policy

### Purpose

The purpose of the BCC Confidentiality Policy is to establish clear and transparent policies and procedures to govern the confidentiality of information that is in the control of the BCC.

### Policy

This policy is designed to provide parents and legal guardians, BCC employees and the Board of Directors with clear guidance on the manner in which confidential information is received, stored and protected.

A detailed and transparent confidentiality policy is an important element of the effective management of BCC's programs for three inter-related reasons:

- Confidentiality is essential to establishing and maintaining trusting relationships among parent(s)/legal guardian(s) and the BCC's childcare professionals.
- Delineating clear processes for protecting confidential information is an important element of creating a positive work environment for BCC employees.
- In some circumstances, confidentiality measures are necessary to ensure that Board discussions and decisions about sensitive, personal or otherwise private issues are not disclosed to third parties.

More details on the BCC's confidentiality policies and processes in each of these areas are outlined below.

## **(a) Confidential Client Information**

The BCC acknowledges and respects clients' rights to privacy. As BCC staff members build relationships with the families of children in their care, they may be provided with, or learn about, sensitive, personal or otherwise private information about a child, their parent(s)/legal guardian(s) or other family members that is not intended to be shared. Additionally, staff members may be in a position to make observations about a child's development that parent(s)/legal guardian(s) would consider sensitive, personal or otherwise private.

This policy aims to ensure that all parent(s)/legal guardian(s) and BCC staff members have a clear understanding that confidential information that staff receive about a child in their care, or observations made by staff about a child's development, will only be shared to the extent that it will enhance the welfare of that child.

Exceptions to this policy may arise in cases where staff members have a legal obligation to disclose information, as detailed in the procedures below.

Additionally, this policy is not intended to limit conversations between BCC staff members and a child's parent(s)/legal guardian(s) that do not contain sensitive, personal or otherwise private information and therefore do not raise confidentiality concerns.

### **Procedures**

1. For the purposes of this policy, confidential information includes all written and verbal information about former, currently enrolled and wait-listed children, their parent(s)/legal guardian(s) and other family members that is of a sensitive, personal or otherwise private nature and that the provider of the information does not intend to be shared more broadly. Examples of such confidential information include, but are not limited to, sensitive, personal or otherwise private information about:
  - a. events or circumstances in a child's home or family, including financial and medical issues;
  - b. a child's past or present emotional or social development;

- c. information contained on enrolment forms or consent forms, including personal contact information; and
  - d. information discussed in parent conferences and recorded in the BCC observation logs.
2. Staff members may share confidential information with one another, and with the Executive Director, only as it pertains to their work within the BCC and to a child's welfare.
3. All communications between BCC staff pertaining to confidential information must be done so in a concise and informative manner. Staff members must be particularly sensitive to unintentionally disclosing confidential information when discussing how children at the BCC interact.
4. Confidential information about a child, their parent(s)/legal guardian(s) or other family members may not be shared outside of the BCC without first receiving written or verbal permission from the child's parent(s)/legal guardian(s).
5. Any staff member who is uncertain about whether particular information is confidential must initially treat it as confidential and seek guidance from the Executive Director.
6. The names of children currently attending or waitlisted for the BCC programs and their parent(s)/legal guardian(s), as well as the names of those children and families that have previously attended the BCC must not be disclosed outside of the BCC by staff or Board members.
7. All written confidential information about children and their families shall be kept in files marked "CONFIDENTIAL" and stored in locked filing cabinets in the designated program area or in secure electronic files that are only accessible to BCC staff.
8. Exceptions to this policy and procedures include, but are not limited to, cases involving suspected child abuse<sup>1</sup>, direct requests by the police and court orders.

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<sup>1</sup> For example, the *Child, Family and Community Service Act* states that all children are entitled to be protected from abuse, neglect and harm or threat of harm and that any person who has reason to believe that a child needs protection from the circumstances enumerated in section 13 of the Act must promptly report the matter to the appropriate Ministry representative, even if the information on which the belief is based is privileged or confidential (see section 14 of the Act, online at: [http://www.bclaws.ca/civix/document/id/complete/statreg/96046\\_01.](http://www.bclaws.ca/civix/document/id/complete/statreg/96046_01.))

Such cases shall be immediately reported to the Executive Director.

9. Custody and control of all client records shall belong solely to the BCC unless contractual arrangements, court orders and/or legislation alter this policy.

### **(b) Confidential Employee Information**

The BCC recognizes that a clear confidentiality policy in the workplace contributes to a safe, supportive and lawful working environment.

For the purposes of this policy, confidential information includes all written and verbal information about former, current and prospective employees of the BCC that is of a sensitive, personal or otherwise private nature and that the provider of the information does not intend to be shared more broadly.

Examples of confidential information include, but are not limited to, sensitive, personal or otherwise private information about:

- a. events or circumstances in an employee's home or family, including financial and medical issues;
- b. an employee's personal contact information;
- c. information pertaining to any complaints or disciplinary action against the employee; and
- d. employee information discussed or recorded in the course of a performance review.

Exceptions to this policy may arise in cases where there is a legal obligation to disclose information about BCC employees, as detailed in the procedures below.

This policy is also not intended to limit conversations between BCC staff members that do not contain sensitive, personal or otherwise private information.

### **Procedures**

1. All BCC employees shall be respectful of their colleagues' privacy and may not discuss internal staff matters or share confidential information about another employee outside the BCC.

2. The Executive Director must protect confidential employee information in his or her control by making reasonable security arrangements to prevent unauthorized access or disclosure.
3. If there is a request for confidential information about a BCC employee, written or verbal permission must be sought from that employee. In the absence of the employee's consent, the requested confidential information will not be shared.
4. If a BCC employee provides permission for the disclosure of confidential information, the Executive Director will keep documentation of the name of the employee, the individual requesting the information about the employee, and the time, date and nature of the information disclosed.
5. Exceptions to this policy and procedures include, but are not limited to, cases involving suspected child abuse<sup>2</sup>, direct requests by the police and court orders. Such cases shall be immediately reported to the Executive Director. Additionally, information about BCC employees may be disclosed in accordance with statutory obligations under the *Income Tax Act*, the *Employment Standards Act*, the *Personal Information Protection Act* and other employment-related legislation.

### **(c) Confidential information discussed at Board meetings**

From time to time, the Board of Directors will hold an *in camera* session at the end of a Board meeting to discuss confidential matters.

Typically, only the Board of Directors are present for this portion of the meeting. However, if the Executive Director has confidential information to share with the Board of Directors that will assist the Board in their discussion or decision making, the Executive Director may attend the *in camera* session of the meeting.

In limited circumstances, guests may be permitted to attend the *in camera* portion of a meeting if their attendance will assist the Board of Directors in their discussions and decision-making on a specific issue.

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<sup>2</sup> See sections 13 and 14 of the *Child, Family and Community Service Act*.

## Procedures

1. All information related to *in camera* sessions of a Board meeting are confidential and will not be recorded in the public minutes or disclosed to third parties.
  2. Any minutes recorded during the *in camera* session of a Board meeting must be separated from the regular minutes, marked “CONFIDENTIAL” and may only be shared with those individuals that were present at the *in camera* portion of the meeting.
  3. If the Board of Directors makes a decision at an *in camera* session of a Board meeting, that decision must be recorded in the minutes as a formal record.
  4. Guests will not be permitted to attend *in camera* sessions of a Board meeting unless the Chair determines that a guest’s attendance will assist the Board of Directors in their discussions or decision making on a specific matter.
  5. The Executive Director has the discretion to share the name of a child and the child’s parent(s)/legal guardian(s) with the Board of Directors during the *in camera* portion of a Board meeting as it relates to a matter under discussion.
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Related BCC policies and legislation	This policy approved on:
<i>Childcare Licensing Regulation</i>  <i>Child, Family and Community Service Act</i> . s. 13 and s. 14.  <i>Personal Information and Protection Act</i>  BCC Staff Handbook	<b>February 25, 2020</b>

