



Privacy Policy

Policy Statement:

The IDCA will ensure that all personal information in our possession, power or control is kept in the strictest of confidence and disclosed only on a need-to-know basis and in accordance with this Policy and the law. All personal information collected, used and/or disclosed by the IDCA or its staff will be treated in a manner that accords with the ten principles of privacy enunciated in Schedule 1 of the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”), as set out below.

PIPEDA applies to the collection, use and disclosure of personal information in the course of activities undertaken by the IDCA. As a result, this Policy applies to all personal information within IDCA’s possession, power or control.

IDCA’s rights and responsibilities remain the same in respect of personal information in our possession, power and/or control as set out in any law applicable in the Province of Ontario, including the *Independent Health Facilities Act*, *Health Protection and Promotion Act*, and *Regulated Health Professions Act* and related regulations.

Principle # 1: Accountability for Personal Information

a) IDCA is responsible for personal information in our possession, power or control, including information that has been transferred by IDCA or its staff to a third party for processing. Personal information includes the patient’s name, contact information, medical history, and billing information (such as insurance and/or OHIP information) as well as any charts, diagnostic/laboratory results and other health information collected or produced while we provide the patient with health care services. IDCA will take the necessary steps to ensure that a comparable level of privacy protection attaches to any personal information that is placed by us into the hands of a third party for any reason.

b) The President of IDCA is ultimately responsible for ensuring accountability and compliance with this Policy. The President will appoint a member of the staff to act as the IDCA’s Privacy Officer (“PO”); the PO will report directly to the President and the Board of Directors. The PO may delegate to others the day-to-day supervision of the collection, use and disclosure of personal information.

c) The PO will be responsible for keeping up-to-date with legal privacy developments and with best practices within IDCA and the healthcare industry.

d) The PO for will be indicated on the IDCA organization chart. The current PO can be contacted as follows:

Stephanie Bolton, Executive Director, IDCA, 7330 Yonge St., Ste. 120, Thornhill, ON, L4J 7Y7
Tel: 905-855-0739.

e) IDCA will implement policies or procedures to give effect to this Policy including:

- i) procedures to ensure the protection and safe-handling of personal information in our possession, power or control; (as set out in Principle #7)
- ii) a complaints process to effectively deal with any alleged or actual breaches of the Policy; (as set out in Principle # 10)
- iii) an access to information process to respond in a timely manner to individuals' requests for access to their personal information; (as set out in Principle #9)
- iv) mechanisms to communicate the Policy to IDCA's staff and to train staff about policies and procedures related to collection, use and disclosure of personal information in accordance with this Policy and the law.

Principle # 2: Identifying Purposes for Collecting Personal Information

a) The primary purposes for which IDCA collects, uses and/or discloses personal information are the following: direct patient care, administration of IDCA and the health care system, compiling of statistics, and complying with legal and regulatory requirements.

b) IDCA and/or our staff will identify the purpose(s) for which personal information is being collected, used and/or disclosed at or before the time at which the information is originally collected.

c) IDCA and/or our staff will communicate the identified purposes to the person(s) from whom the personal information is sought. Depending upon how the information is sought, this may be done orally or in writing.

d) Where personal information has already been collected and is to be used or disclosed for a reason that was not previously identified, the new purpose will be identified to the person(s) to whom the personal information relates prior to disclosure. Unless the law requires the use or disclosure and permits it without consent being obtained, the consent of the person(s) to whom the information relates will be obtained prior to any such use or disclosure.

e) All staff who are in a position where they collect, use or disclose personal information must be in a position to explain to individuals the purposes for which the information sought is being collected.

Principle # 3: Consent for Collection, Use and Disclosure of Personal Information

a) Consent must be obtained for the collection, use and disclosure of all personal information. Consent must be informed, therefore can only be given by an individual who has been supplied with the knowledge of the purposes for which the information is to be collected, used and/or disclosed.

- b) Consent for the collection, use and/or disclosure of personal information should be in writing. IDCA will take into account the sensitivity of the personal information.
- c) An individual may withdraw consent to the collection, use and/or disclosure of his/her personal information upon giving IDCA reasonable notice in writing to the PO of his/her intention to do so. The right to withdraw consent is subject only to any legal or contractual barriers which may exist and which can be discussed with the individual at the time that s/he makes his/her intention to withdraw consent known to the PO. IDCA will inform the individual of the implications, if any, of such a withdrawal of consent.
- d) In some circumstances, it will be appropriate to seek consent from an authorized representative, such as a legal guardian or a person having a power of attorney. These circumstances may include where consent is sought from an individual who, by reason of illness, disease, mental capacity, or medical condition, is not capable of providing consent on his/her own behalf. IDCA reserves the right to determine the appropriate authorized representative in specific circumstances.
- e) An individual may refuse to consent to the collection, use and disclosure of their personal information, unless the collection of such information is necessary in order to safely provide services or is necessary in order to process payment for the rendering of such services through OHIP or any third party insurer.

Principle # 4: Limiting Collection of Personal Information

- a) IDCA will limit the amount and type of personal information collected to that which is necessary for the purpose(s) identified.
- b) All information will be collected by fair and lawful means in order to ensure that individuals are not misled or deceived about the purposes for which the information is being collected, and IDCA will not collect personal information indiscriminately.

Principle # 5: Limiting Use, Disclosure and Retention of Personal Information

- a) Personal information will not be used by IDCA for purposes other than those for which it was collected, except with the consent of the individual to whom the personal information relates or as required by law.
- b) Where consent is obtained to use personal information for a new purpose not previously identified, IDCA will document this new purpose.
- c) Personal information will only be retained as long as is necessary to fulfill the purpose for which it was collected or as required by law.
- d) The policies, procedures and/or guidelines to address the retention and destruction of personal information collected by IDCA is set out in Regulation 57/92 of the *Independent Health Facilities Act*.

Principle # 6: Accuracy of Personal Information

- a) IDCA will ensure that personal information collected is as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used and to minimize the possibility that inappropriate or inaccurate information may be used to make a decision about the individual or disclosed to a third party.
- b) IDCA will not routinely update personal information in our possession, power or control unless routine updates are necessary to fulfill the purposes for which the information was collected.
- c) IDCA will undertake best efforts to ensure that personal information that is used by us on an on-going basis, including any personal information that is routinely disclosed to third parties, is accurate and up-to-date.

Principle # 7: Safeguards for Personal Information

- a) All personal information in the possession, power or control of IDCA will be protected by security safeguards appropriate to the sensitivity of the type of personal information.
- b) Such security safeguards will be in keeping with industry standards and designed to protect personal information against loss or theft as well as unauthorized access, disclosure, copying, use or modification and will be capable of protecting personal information regardless of the format in which it is held. Examples of possible security safeguards are as follows:
- physical measures: locked filing cabinets, restricted access to file rooms and offices, alarm systems
 - organizational measures: confidentiality agreements signed by our staff and restricting access to information on a “need to know basis” only, staff training, and security clearances
 - technological measures: use of passwords, access controls, encryption and firewalls
- c) IDCA staff will be kept aware of the importance of keeping personal information in the possession, power or control of IDCA confidential. As a condition of employment, all of our staff will be required to sign a Confidentiality Agreement, which will be reviewed and renewed annually during the employees’ performance review process. In the event that an employee breaches the Confidentiality Agreement, appropriate disciplinary measures will be taken (i.e. warnings, suspension, termination, etc.). The penalty will match the severity of the breach. These disciplinary measures are set out in the Confidentiality Agreement and the employment contract.
- d) Utmost care will be used in the disposal or destruction of personal information to prevent unauthorized parties from gaining access to the information.

Principle # 8: Openness about Privacy Policy

- a) The posted Privacy Policy will provide specific information about IDCA's practices relating to the management of personal information.
- b) Inquiries and complaints related to IDCA's management of personal information and compliance with this Policy should be directed to the PO whose contact information is set out under Principle #1.
- c) At a minimum, the PO will be in a position to provide anyone who inquires with the following:
- a means of gaining access to personal information held by IDCA;
 - a description of the types of personal information held by IDCA, including a general account of its use;
 - copies of any brochures or other information that explain IDCA's policies, standards or codes; and
 - a description of what personal information, if any, is made available to related organizations.

Principle # 9: Individual Access

- a) Upon request in writing to the PO, an individual will be informed of the existence of any personal information related to that individual in the possession, power and control of IDCA and the uses to which that information has been put, including the disclosure by IDCA of such information to any third parties within 30 days after receiving the request.
- b) In providing information about third parties to whom personal information has been provided, IDCA will be as specific as possible. Where the precise identity of third parties to whom the individual's personal information may have been provided is not known, IDCA will provide a list of organizations to whom the individual's personal information may have been provided.
- c) Where the personal information held by IDCA contains sensitive personal health information, IDCA will suggest that the individual seeking access to his/her information meet with an appropriate healthcare practitioner about such personal health information before such information is disclosed.
- d) If, for any reason, IDCA has in our possession, power or control personal information about an individual that it cannot release to that individual for legal or other reasons, the reasons for such refusal will be provided to that individual upon request. An individual is entitled to challenge the refusal by submitting a challenge to the refusal in writing to the PO at the address set out under Principle #1 above.
- e) An individual is entitled to challenge the accuracy or completeness of any personal information in the possession, power or control of IDCA and to have erroneous or incomplete personal information corrected, except in the matter of professional medical opinion. Requests to challenge and/or change personal information in the possession, power or control of IDCA will be directed in writing to the PO at the address set out under Principle #1 above.
- f) Where an individual successfully demonstrates that personal information in the possession, power or control of IDCA is inaccurate or incomplete, IDCA will amend the information as is

necessary to make it accurate and complete. Where appropriate, the amendment of such personal information will be provided to third parties having access to the information in question.

g) Where a challenge to personal information is not resolved in a manner that is satisfactory to the individual, IDCA will record the nature of the information that has been challenged by the individual. Where appropriate, the nature of the unresolved challenge will be communicated to third parties who have had access to the information in question.

h) Information about the personal information collected, used or disclosed by IDCA will be provided to the individual requesting such information on a cost-recovery basis to the individual and within a reasonable timeframe. For example, should the individual require photocopies of such information, IDCA reserves the right to charge the individual an amount that would reasonably cover the costs associated with the photocopying.

Principle # 10: Challenging Compliance with the Privacy Policy

a) All individuals are entitled to challenge IDCA's compliance with the principles set out in this Policy. Any such challenge must be put in writing and directed to the PO at the address set out under Principle #1 above.

b) IDCA must receive any complaints, challenges or inquiries about our practices relating to the handling of personal information in writing to the PO.

c) Anyone who submits a written complaint, challenge or inquiry will be provided with a written copy of IDCA's procedures governing such complaints, challenges and inquiries.

d) IDCA will investigate all complaints received in accordance with the established procedure. If a complaint is found to have merit, IDCA will take appropriate measures to address the complaint, including, if necessary, taking disciplinary action against staff members and/or amending our policies and practices in respect of the handling of personal information.

e) If the patient is not satisfied with our policies and procedures and the execution of such, they are entitled to seek recourse with the Privacy Commissioner of Canada. The Privacy Commissioner has the power to audit information practices.