



<b>Policy Title:</b> PRIVACY CODE		<b>Policy Section:</b> GOVERNANCE PROCESS	<b>Policy Number:</b> GP IV-10
<b>Approved By:</b> Board of Directors	<b>Date Approved:</b> October 10, 2023	<b>Date Reviewed/ Revised:</b>	<b>Chair's Signature:</b>

## PURPOSE

The Health and Supportive Care Providers Oversight Authority (HSCPOA) is committed to protecting the privacy of the personal information collected and maintained on applicants, registrants, the public and stakeholders. The HSCPOA is not subject to the federal *Personal Information Protection and Electronic Documents Act*. This Privacy Code is based on the ten principles that form the basis for the CSA's Model Code for the Protection of Personal Information (Can/CSA-Q830-96).

## DEFINITIONS

"Act" means the *Health and Supportive Care Providers Oversight Authority Act, 2021* and the regulations made thereunder;

"Board" means the board of directors of the HSCPOA;

"Collection" means the act of gathering, acquiring, recording or obtaining personal information from any source, by any means;

"Committee" means a committee of the HSCPOA;

"consent" means voluntary agreement to the collection, use and disclosure of personal information for defined purposes. Consent can be express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing but is always unequivocal and does not require any inference on the part of the HSCPOA. Implied consent can be reasonably inferred from an individual's action or inaction;

"disclosure" means the release, transfer, provision of access to, or divulging in any manner of information outside of the HSCPOA;

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“personal information” means any factual or subjective information, recorded or not, about an identifiable individual;

“Privacy Officer” means the person within the HSCPOA who is responsible for ensuring compliance with privacy obligations, including this Privacy Code, with respect to the collection, use, disclosure and handling of personal information by HSCPOA representatives (including staff, contractors and authorized agents).

“registrant” means a person or individual that is registered with the HSCPOA under the Act;

“retention” means the act of storing personal information as long as necessary to fulfill stated purposes, or as long as otherwise specified by law; and

“use” means the treatment, handling, and management of personal information by the HSCPOA.

## **POLICY**

### **PRIVACY CODE**

#### **1. Accountability:**

The HSCPOA is responsible for personal information under its control and has designated an individual who is accountable for compliance with the following principles.

The Privacy Officer for the HSCPOA is responsible for ensuring compliance with the provisions in this Privacy Code. The Privacy Officer may delegate responsibilities to one or more HSCPOA employees to act on their behalf, and to oversee the day-to-day management of personal information handling practices and procedures. The HSCPOA provides training to all employees, directors, and committee members regarding their obligations pursuant to this Privacy Code and the HSCPOA privacy practices. The HSCPOA has procedures to receive and respond to privacy inquiries or complaints.

#### **2. Identifying Purposes:**

The purposes for which personal information is collected shall be identified by the HSCPOA at or before the time the information is collected.

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The HSCPOA may collect personal information from registrants, employers, colleagues of registrants and individuals receiving services from registrants and other persons, for the purposes set out below. Personal information regarding registrants is collected by the HSCPOA from time to time and at regular intervals.

The HSCPOA collects personal information under the general authority of the Act and the HSCPOA's by-laws. The HSCPOA collects personal information in order to fulfill its regulatory oversight mandate, and in particular, for the following purposes:

- assessing eligibility for registration, renewal or reinstatement;
  - assessing whether a registrant continues to meet the requirements of registration;
  - investigating complaints regarding the conduct or actions of a registrant;
  - investigating whether a registrant has contravened the code of ethics that applies to the registrant;
  - negotiating and implementing informal resolutions of complaints;
  - responding to requests or inquiries from or providing information to prospects, applicants, registrants, employers and the public;
  - to hold a hearing of allegations that a registrant has contravened the code of ethics that applies to the registrant;
  - conducting continuous quality improvement activities for registrants, which may include requiring registrants to complete continuous quality improvement activities;
  - administering the program established by the HSCPOA to provide funding for therapy and counselling for persons who, while receiving services from registrants, were or allege sexual abuse by registrants;
  - providing statistical information for human resource planning and demographic and research studies for regulatory purposes including providing that information to the Ministry of Health and other appropriate agencies;
  - providing information about registrants to the public for regulatory purposes on the public register which is located on the HSCPOA's website;
  - to administer or enforce the Act;
  - verifying identity in order to process requests for access to personal information;
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- carrying out the HSCPOA's operations, including selecting individuals for appointment to the HSCPOA's committees and contacting potential volunteers and focus group participants;
- supporting all activities of the Board and Committee members regarding Board and committee related matters;
- maintaining records to ensure accurate remuneration and payment of expenses, and all documentation required by law and by the various levels of government in accordance with sound accounting practices;
- conducting research and compiling aggregate statistics for reporting purposes; and
- as required by law or regulation.

Upon request, HSCPOA staff will explain the purposes for which the personal information is collected or refer the individual to a designated representative of the HSCPOA who can explain the purposes.

The HSCPOA does not use or disclose personal information that has been collected for any new purpose that has not been identified in this Section 2 without first identifying and documenting the new purpose and obtaining consent.

### **3. Consent:**

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except when inappropriate.

The HSCPOA ensures that the consent of the individual is obtained for the collection, use and/or disclosure of personal information, except where otherwise authorized or required by statute, regulation, or common law.

The HSCPOA collects personal information for purposes related to its objects including for the purpose of the proper administration and enforcement of the Act. In carrying out its objects, the HSCPOA has a duty to serve and protect the public interest. Obtaining consent of the individuals would, in some cases, defeat the purposes of the HSCPOA's collecting, using, and disclosing the personal information. Personal information will only be collected, used, and disclosed without the knowledge and consent of the individual for the purpose of the administration or enforcement of the Act and in accordance with the provisions of the Act.

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When an individual provides personal information to the HSCPOA in the context of an investigation, inquiry or complaint, consent to the use of such information, strictly to address the issue, is implied.

In determining the appropriate form of consent, the HSCPOA takes into account the sensitivity of the personal information and the reasonable expectations of the individual.

#### **4. Limiting Collection:**

The HSCPOA limits the collection of personal information to that which is necessary for the purposes identified by the HSCPOA. Information shall be collected by fair and lawful means.

The HSCPOA collects only the personal information that is required for the purposes identified in Principle 2 of this Privacy Code. The HSCPOA collects personal information using procedures that are fair and lawful. Personal information regarding individuals receiving services from registrants must be collected as part of the HSCPOA's regulatory oversight function. This information is typically obtained by the HSCPOA as part of an investigation or quality improvement program for registrants.

Where permitted or required by law, the HSCPOA may collect the personal information of an individual indirectly through a third party. The HSCPOA requires any third party that collects personal information on behalf of the HSCPOA to do so in accordance with this Privacy Code.

When the HSCPOA is provided with more personal information than is required, or when personal information is provided but not required at all, the HSCPOA takes reasonable steps to inform the provider of the personal information that such information should not be provided to the HSCPOA. The HSCPOA also takes reasonable steps to securely destroy such personal information that is not needed.

#### **5. Limiting Use, Disclosure and Retention:**

The HSCPOA does not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. The HSCPOA retains personal information only as long as necessary for the fulfilment of those purposes.

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Only HSCPOA representatives with a business-related need to know are granted access to personal information about individuals.

The HSCPOA discloses personal information regarding its registrants only as permitted by Section 51 of the Act or as required by law. For example, the HSCPOA is required under the Act to maintain a public register containing information about its registrants. The Act requires the HSCPOA to post the contents of the public register on the HSCPOA's website.

The HSCPOA may disclose personal information to:

- an agent or third party retained by the HSCPOA in order to assist the HSCPOA to fulfill its regulatory oversight obligations, provided the third party commits to protecting personal information in accordance with this Privacy Code;
- an individual in the context of a complaint if disclosure of the identity of an individual is necessary in order for the HSCPOA to administer the Act;
- a third party who makes a reasonable request for personal information, if the individual who the information is about consents to such disclosure;
- the government or regulators upon request to facilitate their provision of important information to registrants that is related to the practice of any class of registrant; or
- comply with any legal obligation that requires or permits the disclosure of personal information (for example, in the context of an investigation of any contravention of a law).

In all contexts where the HSCPOA discloses personal information, the HSCPOA shall ensure that the disclosure is limited only to the information that is required to be shared.

The HSCPOA retains personal information only as long as it is deemed necessary, to fulfill the identified purposes for which the information was collected, or longer if required due to an on-going investigation or legal proceeding.

Personal information no longer necessary or relevant for the identified purposes, or no longer required to be retained by law, shall be securely destroyed, erased, or made anonymous.

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## **6. Accuracy:**

The HSCPOA uses its best efforts to ensure that personal information it collects, uses and discloses is as accurate, complete and up to date as is necessary for the purposes for which it is to be used.

The HSCPOA relies upon individuals to ensure accuracy and completeness of the personal information provided to it. The HSCPOA provides mechanisms to allow for updates and corrections to personal information.

The HSCPOA makes reasonable efforts to ensure that data is accurately entered into the HSCPOA's information systems.

An individual can request a correction of what, in their view, is erroneous or incomplete information. The HSCPOA will amend the information or refer the individual to the organization that created the record in order to challenge the accuracy or completeness of the information.

In the event of a dispute between the individual and the HSCPOA as to the accuracy or completeness of personal information, the HSCPOA will notify the individual of the rationale not to amend the information and update the individual's file with details of the disagreement. The HSCPOA will provide the individual with information on challenging the decision.

## **7. Safeguards:**

The HSCPOA protects personal information by security safeguards appropriate to the sensitivity of the information.

The HSCPOA ensures that appropriate physical, organizational, and technical security measures are used to protect personal information against a variety of risks, such as loss, theft, unauthorized access, disclosure, copying, use and modification or unscheduled destruction of such information.

Personal information is stored in electronic and physical files that are secure. Security measures are in place to safeguard this information which include restricting access to personal information to authorized personnel, ensuring that physical files are under lock and key and ensuring that electronic files are password protected.

The HSCPOA uses commercially reasonable efforts to ensure the protection of personal information it discloses to third parties.

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HSCPOA staff and agents with access to personal information are required to respect privacy and are regularly reminded of their obligations to protect the personal information they view or handle.

Safeguards are regularly reviewed to ensure that they remain appropriate and continue to mitigate threats and vulnerabilities.

#### **8. Openness:**

The HSCPOA makes specific information about its policies and practices relating to the management of personal information readily available to individuals.

Information on the HSCPOA's personal information handling practices are available via the HSCPOA's website at [hscpoa.com](https://hscpoa.com) or may be requested from the HSCPOA Privacy Officer by phone at [TBD]. This information includes:

- the name, title, and address of the Privacy Officer to whom inquiries or complaints can be forwarded;
- the means of gaining access to personal information held by the HSCPOA;
- a description of the type of personal information held by the HSCPOA, including a general account of its use and disclosure; and
- a copy of any HSCPOA policies or procedures that can be made available to the public, and that explain the HSCPOA's practices for handling personal information.

#### **9. Individual Access:**

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Where the HSCPOA holds personal information about an individual the HSCPOA shall allow, upon written request, access to the information to that individual, unless providing access could reasonably be expected to interfere with the administration or enforcement of the Act or it is impracticable or impossible for the HSCPOA to retrieve the information.

Examples of situations where access may be denied include:

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- Information contains references to another individual(s) that cannot be severed;
- Disclosure may result in significant risk of harm to the requestor or a third party;
- Information was collected or created in the course of an investigation, assessment or similar procedure;
- Disclosure may defeat the purposes for which the information was collected;
- Information cannot be disclosed for legal, security or commercial proprietary reasons;
- Information is subject to solicitor-client or other privilege;
- The HSCPOA cannot verify the identity of the requestor and cannot ensure that the requestor is entitled to the information being sought;
- The request is frivolous, vexatious, made in bad faith or otherwise an abuse of process.

When the HSCPOA is able to provide access to personal information, access will be provided in an understandable form and within a reasonable time period.

The HSCPOA may charge fees for such access to cover any costs that will be incurred.

Individuals should send their request for access, with contact information and sufficient information about themselves to identify them, to the Privacy Officer, HSCPOA at [info@hscpoa.com](mailto:info@hscpoa.com)

In the event the HSCPOA refuses to provide access to all of the personal information it holds, the HSCPOA will provide reasons for denying access, except where prohibited by law. The HSCPOA shall also provide information on how a requestor can challenge the denial.

If the HSCPOA has granted an individual access to a record of their personal information, the individual has the right to request a correction of what, in their view, is erroneous information. Where an individual is able to successfully demonstrate that personal information of a factual nature is inaccurate or incomplete, the HSCPOA will amend the information (i.e., correct, or add information). When amending the information, the HSCPOA will not generally obliterate the original information. Where the record consists of an opinion or

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observation that had been made in good faith about the individual, the HSCPOA may refuse to amend the information.

Where appropriate, the HSCPOA will notify any third parties to whom the HSCPOA has disclosed the erroneous information.

Where there is a dispute between the individual and the HSCPOA as to the accuracy or completeness of the information, then the HSCPOA will document the details of the disagreement, and, where appropriate, will make reasonable efforts to advise any third party who received the contested information from the HSCPOA, of the unresolved disagreement.

Upon request, the HSCPOA will provide an account of the use and disclosure of the individual's personal information and, where reasonably possible, will state the source of the information.

#### **10. Challenging Compliance:**

An individual can address a challenge concerning compliance with the above principles to the HSCPOA's Privacy Officer.

The HSCPOA maintains procedures for addressing and responding to all inquiries and complaints regarding the HSCPOA's handling of personal information.

All complaints concerning compliance with this Privacy Code are taken seriously and investigated in a timely manner. If a complaint is found to be justified, the HSCPOA shall take appropriate measures to resolve the complaint and implement corrective actions, as well as amend existing policies and procedures as necessary.

Any questions or comments about this Privacy Code, should be directed to the Privacy Officer at:

Health and Supportive Care Providers Oversight Authority

E-mail: [info@hscpoa.com](mailto:info@hscpoa.com)

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