



POLICY
Privacy Policy

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1. PURPOSE

The College of Physicians and Surgeons of Manitoba is committed to protecting the privacy and confidentiality of information that it receives, creates, uses, maintains and discloses while fulfilling its regulatory functions. This may include information about members of Council or its committees, members of the College, members of the public, as well as employees, contractors and appointees of the College. The College fulfills this commitment to privacy and confidentiality by voluntarily adopting the practices set out in this Privacy Policy and by complying with its statutory obligations under the RHPA, particularly subsection 140(2).

2. SCOPE

This Privacy Policy applies to every person employed, engaged or appointed by the College for the purpose of administering or enforcing *The Regulated Health Professions Act* (the “RHPA”), and every member of Council, a committee of Council or board established under the RHPA. For simplicity, all these actors will be referred to collectively as the “College” within this Privacy Policy.

This Privacy Policy establishes confidentiality requirements consistent with or in addition to the requirements of the RHPA and its regulations, Council bylaws and Practice Directions, and other College and Council policies

3. PRINCIPLES OF PRIVACY AND CONFIDENTIALITY THAT MUST BE FOLLOWED

3.1. Collection and use of information

The College collects, uses and maintains information in accordance with the RHPA and always in furtherance of its mandate to serve and protect the public interest and administer the RHPA.

3.2. Identifying purposes

Communication of information requires careful consideration of the purpose for the request and/or disclosure and whether that purpose is consistent with the proper administration of the RHPA, regulations, College Bylaws, Standards of Practice of Medicine, Practice Directions, or policy, including this Privacy Policy:

- The College will make a reasonable effort to identify the purpose(s) for which information is collected to the individual from whom the personal information is collected, either at the time of collection or after collection but before use, except where inappropriate.

- Where applicable, the College will state the identified purposes in such a manner that an individual can reasonably understand how the information will be used or disclosed.
- Personal information and personal health information should generally not be used for purposes other than those stated when the information was obtained. Notwithstanding, use of information for unanticipated purposes is permitted when the information becomes relevant to another aspect of the College's mandate.
- When information that has been collected is to be used for a purpose not previously identified, the new purpose should usually be identified prior to use where practical and appropriate. Unless the new purpose is required by law or patient safety, the consent of the individual should be obtained before the information is used for the new purpose.

3.3. Documenting requests and disclosure

Requests for information and disclosure of information by the College should be documented, including the reasons for the request or disclosure, related conversations and the outcome. Where this information is self-evident from the request or disclosure itself, which may be in the form of a letter or email, separate documentation would not be necessary.

3.4. Consent

The College respects and values an individual's right to provide or withhold consent in relation to their information. However, there are many instances in which obtaining consent will impede the College's ability to fulfill its regulatory functions. The College will collect, use, disclose or retain information without consent only when it is permitted or required by law to do so. In all other situations, the College will obtain consent.

3.5. Limiting collection

Personal information and personal health information regarding patients must be collected as part of the College's regulatory function. In most circumstances, this information is obtained by the College as part of either the complaints or the standards process. The focus of these processes is the conduct, competence or capacity of members and the protection of the public. The College only collects information regarding patients to satisfy its regulatory mandate. In general, no more information than is necessary is sought or disclosed by the College.

3.6. Limiting use, disclosure or retention

Information is only disclosed externally from the College in accordance with the provisions of the RHPA or as otherwise required by law or patient safety, including the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

The RHPA and Regulations designate certain information regarding members that is publicly available and create the requirement for physician profiles.

The College may be required by law enforcement, government institutions, or judicial or other regulatory authorities to provide certain information that is in its control or possession without consent or notice to any or all persons having a privacy interest in the information.

The College's responsibilities regarding personal information and personal health information apply where information is transferred to a third-party for a purpose consistent with the administration of the RHPA or other legislation. Where possible, the College will use contractual or other means to provide a comparable level of protection while the information is in the possession of a third-party.

The College has a record retention policy in place and conducts regular audits to ensure that personal information that is no longer required to be kept is destroyed, erased or obtained by contacting the Registrar at the College.

3.7. Accuracy

Accurate information is vital to the Colleges' ability to fulfill its regulatory functions. In recognition of this fact, the College will take reasonable steps to ensure that the information it collects, uses, discloses and retains is accurate. This may include contacting individuals who have provided the College with information in order to verify accuracy. If there exist concerns with the reliability of information, the concerns should be documented and brought to the attention of the appropriate director or the Registrar.

3.8. Safeguards

The College recognizes that adequate safeguards are fundamental to maintaining the privacy and confidentiality of information. The College will take reasonable steps to ensure that the information it receives or creates is protected against theft, loss or other misuse. While the specific safeguards implemented will be tailored in accordance with the degree of sensitivity of the information, the College will ensure that:

- Information is stored in a secure manner, which may include keeping information in secure or restricted access storage rooms, maintaining information in password protected databases, and/or requiring that information is signed-out when it is removed from the College;
- Information which is no longer needed will be destroyed in a reliable manner, including by shredding of physical records through a professional and confidential service;
- Access to the College premises will be restricted to College staff and authorized persons; and

- Reasonable steps are taken to ensure that staff, members of Council, members of Committees and other individuals who conduct work for the College are made aware of their obligations to keep information confidential and understand the importance of upholding this obligation.

3.9. Accountability

The Registrar shall administer this Privacy Policy pursuant to subsection 2.2 of the Registrars, Duties Authority and Evaluation – Council Policy. In fulfillment of this duty, the Registrar will:

- a. with respect to all those to whom this policy applies:
 - i. ensure that they received adequate training regarding College confidentiality requirements, including this Privacy Policy, and
 - ii. ensure that all those to whom this Privacy Policy applies execute a declaration of confidentiality; and
- b. publish the College’s policies regarding privacy, including this Privacy Policy, on the College’s website.

Any concerns or questions arising regarding compliance with this Privacy Policy should be brought to the attention of the Registrar for review. If the concern relates to the Registrar, it must be brought to the President of the College for review. When a concern is received, the Registrar, or President as the case may be, shall:

- acknowledge receipt of the concern;
- investigate the concern;
- provide a written response regarding the concern to individuals who are directly impacted providing only information that is necessary and disclosable under subsection 140(2) of the RHPA; and
- take appropriate measures.

4. APPLICATION OF OTHER PRIVACY LEGISLATION

The College is not engaged in “commercial activity” as defined in *The Personal Information Protection and Electronic Documents Act* (“PIPEDA”) and as such its collection, use and disclosure of personal information is not covered by PIPEDA, which is a federal statute that governs organizations operating in the private sector in Manitoba. The College has been designated an “investigative body” under PIPEDA in order to permit organizations that are (or will be) governed by PIPEDA to be able to provide personal information about members to the College on a voluntary basis.

Manitoba's public sector privacy legislation, the *Freedom of Information and Protection of Privacy Act* (FIPPA), does not include professional regulatory bodies under its jurisdiction. Similarly, the *Personal Health Information Act* (PHIA), which specifically governs privacy in the context of health service providers, does not include professional regulatory bodies under its jurisdiction. The College is not a "trustee" as defined in PHIA and as such is excluded from the provisions of PHIA relating to trustees of personal health information. Section 22 of PHIA permits the disclosure of personal health information by trustees to the College.