

1.0 PURPOSE

1.1 This policy outlines Origin Physiotherapy's ("Clinic") practices and intentions related to the appropriate collection, use and disclosure of personal information; the safeguarding, retention and destruction of said information; the ability to access and make corrections to the client's medical record; and the manner in which to make inquiries about the personal information.

2.0 STATEMENTS ON PRIVACY

2.1 **Origin Physiotherapy** is committed to the responsible collection, use and disclosure of personal information. The Clinic is committed to the maintaining confidentiality of said information and collecting, using and disclosing it only to the extent required for the goods and services provided to clients.

2.2 Origin Physiotherapy is committed to following the guidelines in Personal Information Protection and Electronics Document Act ("PIPEDA") of Canada and the Personal Health Information Protection Act ("PHIPA") of Ontario, to the extent that they apply.

2.3 The Clinic provides licensed physiotherapy care to clients by a Registered Physiotherapist. In the course of operating the Clinic and providing care and other goods and services to clients, other consultants and agencies may have limited access to the personal information we hold. These may include our electronic health record provider, computer/web consultants, bookkeepers and accountants, lawyers, credit card companies, benefits providers, companies that provide soft goods, office maintenance and cleaners and other health care providers. We restrict their access to any personal information as much as is reasonably possible for them to perform their duties.

3.0 DEFINITIONS

3.1 **Personal Information**, as defined PIPEDA, is any information about an identifiable individual that relates to their personal characteristics (e.g., gender, age, colour, ethnic background, education, family status), their health (e.g., health history, health conditions, health services received by them) or their activities and views (e.g., dealings with the physiotherapist, opinions expressed by an individual, religion, political involvement, a physiotherapist's view or evaluation of an individual). Personal information is different from business information (e.g., an individual's business address and telephone number), which is not protected by PIPEDA.

3.2 **Personal Health Information**, as defined and governed by PHIPA in Ontario, is identifying information about an individual, whether oral or recorded if the information:

- relates to the individual's physical or mental condition, including family medical history,
- relates to the provision of health care to the individual,
- is a plan of service for the individual,
- relates to payments, or eligibility for health care or for coverage for health care,
- relates to the donation of any body part or bodily substance or is derived from the testing or examination of any such body part or bodily substance,
- is the individual's health number or
- identifies a health care provider or a substitute decision-maker for the individual.

3.3 **Collect** means to gather, acquire, receive or obtain the information by any means from any source.

3.4 **Use** means to handle or deal with the information, and includes accessing it for viewing purposes.

3.5 **Disclose** means to make the information available or to release it to another person or organization.

3.6 The “Circle of Care” is not a defined term under *PHIPA*. It is a term of reference used to describe the provisions of *PHIPA* that enable custodians to rely on an individual’s assumed implied consent when collecting, using or disclosing personal health information for the purpose of providing or assisting in providing health care. For example:

- With respect to a physician’s office, the circle of care may include: the physician, a nurse, a specialist or other health care practitioner referred by the physician and any other health care practitioner selected by the patient, such as a pharmacist or physiotherapist.

4.0 COLLECTING, USING AND DISCLOSING PERSONAL HEALTH INFORMATION

4.1 Consent for Collecting, Using and Disclosing Personal Information

4.1.1 Generally, consent is obtained to collect, use and disclose personal information. Under *PHIPA*, consent must be: knowledgeable, voluntary, related to the information in question and given by the individual.

4.1.2 It would be rare for us to collect, use or disclose personal information without the client’s express consent, but this might occur in an emergency (e.g., the client is unconscious) or where we believe the client would consent if asked and it is impractical to obtain consent (e.g., a family member passing a message on from our client and we have no reason to believe that the message is not genuine) or where consent is implied (e.g. for the disclosure of personal health information within the “circle of care” while providing health care, as long as the disclosure is reasonably necessary for the provision of health care, and the individual has not expressly withheld or withdrawn consent.).

4.1.3 Consent for collecting, using and disclosing personal information may be withdrawn at any time by informing the Clinic, although it cannot be applied retroactively.

4.2 Collection of Personal Information for:

4.2.1 Primary Purposes – Like all Physiotherapy Clinics, we collect, use and disclose personal information in order to serve our clients. For example, we may collect, use and disclose personal information about:

- Clients: For our clients, the primary purpose for collecting personal information is to provide physiotherapy treatment. For example, we collect information about a client’s health history, including their family history, physical condition and function and social situation in order to help assess what their health needs are, to advise them of their options and then to provide the health care they choose to have. A second primary purpose is to obtain a baseline of health and social information so that in providing ongoing health services we can identify changes that occur over time.
- Members of the General Public: For members of the general public, our primary purposes for collecting personal information would be to provide notice of special events (e.g., a seminar or conference) or to make them aware of physiotherapy services in general or our clinic in particular (marketing purposes). We would collect the personal information provided to us and use it only for the purpose given to us (eg. To respond to your email message, to subscribe to marketing material). We try to obtain consent before using any such personal information, but where this is not, for any reason, possible, we will upon request immediately remove any personal information from our distribution list.

- Contract Staff, Volunteers and Students: For people who are contracted to do work for us (e.g., temporary workers), our primary purpose for collecting personal information is to ensure we can contact them in the future (e.g., for new assignments) and for necessary work-related communication (e.g., sending out pay cheques, year-end tax receipts). Examples of the type of personal information we collect for those purposes include home addresses and telephone numbers. It is rare for us to collect such information without prior consent, but it might happen in the case of a health emergency (e.g., a SARS outbreak) or to investigate a possible breach of law (e.g., if a theft were to occur in the clinic). If contract staff, volunteers or students wish a letter of reference or an evaluation, we will collect information about their work related performance and provide a report as authorized by them.

4.2.2 Related and Secondary Purposes – Like most organizations, we also collect, use and disclose personal information for purposes related to or secondary to our primary purposes. While you can choose not to be part of some of these related or secondary purposes (e.g., by declining to receive notice of special events or opportunities, by paying for your services in advance), we do not, however, have much choice about some of these related or secondary purposes (e.g., external regulation). The most common examples of these purposes include, but are not limited to:

- Invoicing clients for goods or services that were not paid for at the time, to process credit card payments or to collect unpaid accounts.
- Advising clients that their product or service should be reviewed (e.g., to ensure a product is still functioning properly and appropriate for their then current needs and to consider modifications or replacement).
- Advising clients and others of special events or opportunities (e.g., development of a new service, arrival of a new product) that we have available.
- Occasional communications from the Clinic (e.g., newsletter, holiday card)
- Reviewing client and other files for the purpose of ensuring that we provide high quality services. In addition, external consultants (e.g., auditors, lawyers, practice consultants, voluntary accreditation programs) may on our behalf do audits and continuing quality improvement reviews of our Clinic, including reviewing client files.
- Physiotherapists are regulated by the College of Physiotherapy of Ontario who may inspect our records as a part of their regulatory activities in the public interest. In addition, as professionals, we will report serious misconduct, incompetence or incapacity of other practitioners, whether they belong to other organizations or our own. Also, our organization believes that it should report information suggesting serious illegal behaviour to the authorities. External regulators have their own strict privacy obligations. Sometimes these reports include personal information about our clients, or other individuals, to support the concern (e.g., improper services). Also, like all organizations, various government agencies (e.g., Canada Customs and Revenue Agency, Information and Privacy Commissioner, Human Rights Commission, etc.) have the authority to review our files and interview our staff as a part of their mandates. In these circumstances, we may consult with professionals (e.g., lawyers, accountants) who will investigate the matter and report back to us.

- The cost of some goods/services provided by the organization to clients is paid for by third parties (e.g., private insurance, Assistive Devices Program). These third-party payers often have your consent or legislative authority to direct us to collect and disclose to them certain information in order to demonstrate client entitlement to this funding.
- Clients or other individuals we deal with may have questions about our goods or services after they have been received. We also provide ongoing services for many of our clients over a period of months or years for which our previous records are helpful. We retain our client information for a minimum of ten years after the last contact to enable us to respond to those questions and provide these services (our regulatory College also requires us to retain our client records).
- If Origin Physiotherapy or its assets were to be sold, the purchaser would want to conduct a “due diligence” review of the Clinic’s records to ensure that it is a viable business that has been honestly portrayed to the purchaser. This due diligence may involve some review of our accounting and service files. The purchaser would not be able to remove or record personal information. Before being provided access to the files, the purchaser must provide a written promise to keep all personal information confidential. Only reputable purchasers who have already agreed to buy the organization’s business or its assets would be provided access to personal information, and only for the purpose of completing their due diligence search prior to closing the purchase.

5.0 SAFEGUARDING PERSONAL INFORMATION

5.1 We understand the importance of protecting personal information. For that reason, we have taken the following steps:

- Paper information is either under supervision or secured in a locked or restricted area.
- Electronic hardware is either under supervision or secured in a locked or restricted area at all times. In addition, passwords are used on computers. All of our cell phones are digital as these signals are more difficult to intercept.
- Paper information is transmitted through sealed, addressed envelopes or boxes by reputable companies.
- Electronic information is transmitted either through a direct line or has identifiers removed or is encrypted.
- Staff are trained to collect, use and disclose personal information only as necessary to fulfill their duties and in accordance with our privacy policy.
- External consultants and agencies with access to personal information must enter into privacy agreements with us.

5.2 Please note that email is not a secure medium, we do not as a policy, initiate transmission of any personal or personal health information or identify a client in an email unless specifically requested by him/her to do so. We only use email for general communications. If you choose to send us an email containing personal or personal health information, it is implied that you have consented to providing us with this information in this manner. If you have concerns about your information being intercepted by an unauthorized party, you should consider contacting us by phone or another secure method of communication.

6.0 RETENTION AND DESTRUCTION OF PERSONAL INFORMATION

- 6.1 We need to retain personal information for some time to ensure that we can answer any questions you might have about the services provided and for our own accountability to external regulatory bodies
- 6.2 However, we do not want to keep personal information too long in order to protect your privacy.
- 6.3 We keep our client files for about ten years. Our client and contact directories are much more difficult to systematically destroy, so we remove such information when we can if it does not appear that we will be contacting you again. However, if you ask, we will remove such contact information right away. We keep any personal information relating to our general correspondence (i.e., with people who are not clients) newsletters, seminars and marketing activities for about six months after the newsletter ceases publication or a seminar or marketing activity is over.
- 6.4 We destroy paper files containing personal information by shredding. We destroy electronic information by deleting it and, when the hardware is discarded, we ensure that the hard drive is physically destroyed. Alternatively, we may send some or all of the client file to our client.

7.0 ACCESS TO PERSONAL INFORMATION

- 7.1 With only a few exceptions, you have the right to see what personal information we hold about you. Often all you have to do is ask. We can help you identify what records we might have about you. We will also try to help you understand any information you do not understand (e.g., short forms, technical language, etc.). We will need to confirm your identity, if we do not know you, before providing you with this access. We reserve the right to charge a nominal fee for such requests.
- 7.2 If there is a problem we may ask you to put your request in writing. If we cannot give you access, we will tell you within 30 days if at all possible and tell you the reason, as best we can, as to why we cannot give you access.

8.0 CORRECTIONS

- 8.1 If you believe there is a mistake in the information, you have the right to ask for it to be corrected. This applies to factual information and not to any professional opinions we may have formed. We may ask you to provide documentation that our files are wrong. Where we agree that we made a mistake, we will make the correction and notify anyone to whom we sent this information. If we do not agree that we have made a mistake, we will still agree to include in our file a brief statement from you on the point and we will forward that statement to anyone else who received the earlier information.

9.0 INQUIRIES AND COMPLAINTS

- 9.1 For any inquires, our Information Officer, Rachel VandenDool, BA, MScPT, can be reached at:

Origin Physiotherapy
777 Garner Road East
Ancaster, Ontario L9K 1J4
originphysio@gmail.com
905-745-5060

She will attempt to answer any questions or concerns you might have.

- 9.2 If you wish to make a formal complaint about our privacy practices, you may make it in writing to our Information Officer. She will acknowledge receipt of your complaint; ensure that it is investigated promptly and that you are provided with a formal written decision with reasons.
- 9.3 If you have a concern about the professionalism or competence of our services or the mental or physical capacity of any of our professional staff we would ask you to discuss those concerns with us. However, if we cannot satisfy your concerns, you are entitled to complain to our regulatory body:

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This policy is made under the Personal Health Information Protection Act and the Personal Information Protection and Electronic Documents Act. These are complex pieces of legislation which provide some additional exceptions to the privacy principles that are too detailed to include in this policy.

For more general inquiries, the Information and Privacy Commissioner of Ontario oversees the administration of the privacy legislation in Ontario. The Commissioner also acts as a kind of ombudsman for privacy disputes. The Information and Privacy Commissioner can be reached at:

Information and Privacy Commissioner of Ontario
2 Bloor Street East, Suite 1400
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