

## **Privacy Policy – Eyes on Locke**

Privacy of personal information is an important principle to Eyes on Locke. We are committed to collecting, using and disclosing personal information responsibly and only to the extent necessary for the optometric services and products that we provide. We also try to be open and transparent as to how we handle personal information. This document describes our privacy policies.

### **EFFECTIVE DATE AND CHANGES**

We are required to follow the terms of this privacy policy while it is in effect. We reserve the right to modify the policy at any time and the revised privacy policy will apply to all protected health information that we already have as well as to such information that we may generate in the future. This policy will be in effect from May 24, 2023. If we change the privacy policy, we will post the amendments in our office, have copies available and publish it on our website.

### **WHAT IS PERSONAL INFORMATION?**

Personal information is information about an identifiable individual. Personal information includes information that relates to their personal characteristics (e.g., gender, age, income, home address or phone number, ethnic background, family status), their health (e.g., health history, health conditions, health services received by them) or their activities and views (e.g., religion, politics, opinions expressed by an individual, an opinion or evaluation of an individual). Personal information is to be contrasted with business information (e.g., an individual's business address and telephone number), which is not protected by privacy legislation.

### **WHO WE ARE**

Eyes on Locke includes any optometrist or health care professional, all employees, staff and student trainees authorized to collect, use or disclose personal information. We use a number of consultants and agencies that may, in the course of their duties, have limited access to personal information we hold. These include, but are not limited to, computer consultants, office security and maintenance, bookkeepers and accountants, temporary workers to cover holidays, credit card companies, collection agencies, website managers, cleaners and lawyers. We restrict their access to any personal information we hold as much as is reasonably possible. We also have their assurance that they follow appropriate privacy principles.

### **WE COLLECT PERSONAL INFORMATION: PRIMARY PURPOSES**

#### **About Patients**

Eyes on Locke collects, uses and discloses personal information in order to serve our patients. For our patients, the primary purpose for collecting personal information is to

provide optometric services. For example, we collect information about a patient's health history, including their family history, physical condition and function and social situation in order to help us assess what their eye care needs are, to advise them of their options and then to provide the eye care they choose to have. We may communicate this information to other regulated health practitioners, technicians, or individuals authorized to work in our practice as part of a patient's continuing care. 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 are occurring over time. It would be rare for us to collect information without the patient's implied consent, but this might occur in an emergency (e.g., the patient cannot communicate) or where we believe the patient would consent if asked and it is impractical to obtain consent (e.g., a family member passing a message on from our patient and we have no reason to believe that the message is not genuine).

#### About Members of the General Public

For members of the general public, our primary purposes for collecting personal information are to make them aware of optometry services in general or our practice in particular, or to provide notice of special events (e.g., a seminar or vision screening). For example, while we try to use work contact information where possible, we might collect home addresses, fax numbers and email addresses but not without consent.

On our website we only collect, with the exception of cookies, the personal information you provide and only use that information for the purpose you gave it to us (e.g., to respond to your email message, to order eye glasses or contact lenses, to request an eye examination appointment). Cookies are only used to help you navigate our website and are not used to monitor you.

#### About 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 paycheques, 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 office). 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.

### **WE COLLECT PERSONAL INFORMATION: RELATED AND SECONDARY PURPOSES**

Like most organizations, we also collect, use and disclose information for purposes related to or secondary to our primary purposes. The most common examples of our related and secondary purposes are as follows:

- To invoice patients for optometric services, products or treatments that were not paid for at the time the service was provided, to process credit card payments or to collect unpaid accounts either ourselves or through a collection agency or attorney..
- The cost of some optometric services, products or treatments provided by the practice to patients is paid for by third parties (e.g., OHIP, WSIB, private insurance, Assistive Devices Program, and various social assistance programs). 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 patient entitlement to this funding.
- To advise patients, by telephone, mail or e-mail, that their vision and eye care needs or treatment should be reviewed (e.g., to schedule their next appointment, to ensure that their eye glasses and/or contact lenses are still functioning properly and appropriate for their then current needs and to consider modifications or replacement).
- To advise patients, prospective patients, and others of special events or opportunities (e.g., a seminar, development of a new service, arrival of a new product) that we have available.
- Eyes on Locke reviews patient and other files for the purpose of administration, business planning and ensuring that we provide high quality services, including assessing the performance of our staff. In addition, external consultants (e.g., auditors, lawyers, practice consultants, quality assurance programs) may, on our behalf, do audits and continuing quality improvement reviews of our practice, including reviewing patient files and interviewing our staff. In rare cases, our practice or our consultants may make inquiries to verify that the information we have about you is accurate.
- Optometrists are regulated by the College of Optometrists of Ontario who may inspect our records and interview our staff as a part of their regulatory activities in the public interest. In addition, as professionals, we report serious misconduct, incompetence or incapacity of other practitioners, whether they belong to other organizations or our own. Also, our practice 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 patients, 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.
- Patients or other individuals we deal with may have questions about our products or services after they have been received. We also provide ongoing optometric services for many of our patients over a period of months or years for which our

previous records are helpful. We retain our patient information for a minimum of 10 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 patient records*).

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).

## **PROTECTING PERSONAL INFORMATION**

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

- Employees, including temporary staff, are trained to collect, use and disclose personal information only as necessary to fulfill their duties and in accordance with our privacy policy.
- 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 use digital signals which are more difficult to intercept.
- Paper information is transmitted through sealed, addressed envelopes or boxes by reputable companies or collected by the patient who asks for the information
- Electronic information is transmitted either through a direct line or is anonymized or encrypted.
- Verbal personal information is collected and used in such a manner so that the information is not overheard by persons other than the patient or practice members.
- External consultants and agencies with access to personal information must enter into privacy agreements with us.

## **NOTES ON CONSENT**

There are times when Eyes on Locke may be required to disclose your personal health information without your consent, including:

- To process a payment through OHIP
- To report a condition to MTO that may make you unfit to drive
- When abuse is suspected
- For the purposes of law enforcement/legal proceedings
- To prevent imminent harm to an individual or the community

Disclosure is only provided in the case that appropriate privacy standards have been met/complied with.

## **RETENTION AND DESTRUCTION OF PERSONAL INFORMATION**

We need to retain personal information for some time to ensure that we can answer any questions you might have about the services we provided to you and for our own accountability to external regulatory bodies.

We keep our patient files and records for a minimum of 10 years, as per the requirements of other legislation. We keep any personal information relating to our general correspondence (i.e., with people who are not patients), newsletters, seminars and marketing activities after the newsletter ceases publication or a seminar or marketing activity is over. You can ask us, in writing, to restrict our uses and disclosures of personal information at any time.

We will also discontinue to use or to disclose your personal information after a written revocation of your implied or informed consent is received, unless we have already acted in reliance upon this consent. Please note that we are required by regulation to retain clinical records of your care for a minimum of ten years.

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 information on the hard drive is destroyed.

## **YOU CAN LOOK AT YOUR INFORMATION**

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 and we will assist you with access to this information if necessary. 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. An estimate of the fee will be provided to you in advance.

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. If you are not satisfied with our explanation you have the right to complain to a privacy Commissioner appointed under the provincial act. The process for a complaint will be explained further on.

If you believe there is a mistake in the information we have about you, you have the right to ask for it to be corrected. You may be required to make the request in writing. 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 incorrect. Where 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 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. If you do not agree with our reasons to refuse to correct your records, you can make a complaint to the privacy Commissioner.

## **DO YOU HAVE A QUESTION?**

Our Contact Person/Information Officer, Dr. Christine Misener or Dr. Tyler Brown, can be reached at:

Eyes on Locke  
4-101 Locke St S, Hamilton ON L8P 4A6

The Contact Person/Information Officer will attempt to answer any questions or concerns you might have.

If you wish to make a complaint about our privacy practices or the application of those practices, you may make it in writing to our Contact Person/Information Officer. They will acknowledge receipt of your complaint, ensure that it is investigated promptly and that you are provided with a decision and reasons in writing.

If our office is unsuccessful in resolving a general complaint about your personal health information, you may, within 1 year of the occurrence, submit a written complaint to the Information and Privacy Commissioner (IPC) appointed by the provincial government to review your complaint. If you are either denied access to, or refused a correction to your personal health information, you have 6 months to file a written complaint with the Information and Privacy Commissioner. Contact information for the IPC is found below.

This policy is made under the *Personal Health information Protection Act, 2004*, and the *Personal Information Protection and Electronic Documents Act*. These are complex Acts and provide some additional exceptions to the privacy principles that are too detailed to set out here. There are some rare exceptions to the commitments set out above.

The Information and Privacy Commissioner (IPC) of Ontario oversees the administration of provincial privacy legislation for health information custodians, including optometrists. The IPC reviews complaints and enforces the Personal Health Information Protection Act, 2004. The Information and Privacy Commissioner can be reached at:

Office of the Information and Privacy Commissioner of Ontario

2 BLOOR STREET E. | TORONTO, ONTARIO | M4W 1A8

PHONE (416) 326 3333 | TOLL FREE 1-800 387 0073 | FAX 416 325 9195

[www.ipc.on.ca](http://www.ipc.on.ca)

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

30 Victoria Street |Gatineau, Quebec |K1A 1H3

PHONE (613) 995-8210 | TOLL-FREE 1-800-282-1376 | FAX (613) 947-6850 | TTY  
(613) 992-9190 [www.privcom.gc.ca](http://www.privcom.gc.ca)