

Diabetes Care Program of Nova Scotia Privacy Policy¹

I. Application

This policy applies to the personal information of clients/individuals whose information is held by the Diabetes Care Program of Nova Scotia.

II. Policy Statement

In managing personal information, the Diabetes Care Program of Nova Scotia has a responsibility:

- a. to be accountable to the public for the personal information it collects and manages;
- b. to protect the privacy of each individual whose personal information it holds and to afford the individual an opportunity to access that personal information; and
- c. to use and share personal information effectively to support the provision of health care, research, and planning.

III. Legislative and Policy Framework

Management and protection of personal information at the Diabetes Care Program of Nova Scotia is under the *Freedom of Information and Protection of Privacy Act (the FOIPOP Act)*, the *Hospitals Act*, and other relevant legislation.

IV. Scope

This Policy applies to:

- a. all programs and services of the Diabetes Care Program of Nova Scotia, and all employees of those programs and services;
- b. all students, trainees, and fellows completing internships, practicums, or work terms at the Diabetes Care Program of Nova Scotia;
- c. all volunteers of the Diabetes Care Program of Nova Scotia;
- d. all agents and contractors of the Diabetes Care Program of Nova Scotia;
- e. all consultants hired or engaged by the Diabetes Care Program of Nova Scotia;
- f. the members of the Board of Directors/Advisory Councils of the Diabetes Care Program of Nova Scotia; and
- g. working groups, steering committees, advisory committees, project teams and any other team or group chaired by, or conducting work on behalf of the Program.

¹ This policy is based on a template developed by the Provincial Programs Privacy Group under the auspices of the Nova Scotia Department of Health, Acute and Tertiary Care Branch.

V. Definitions

“*Confidentiality*” means the obligation of an organization or custodian to protect the information entrusted to it and not misuse or wrongfully disclose it².

“*Client/ Individual*” means an individual or organization that receives or provides a service under the auspices of Diabetes Care Program of Nova Scotia, including but not limited to, healthcare consumers, healthcare providers, and District Health Authorities/IWK Health Centre.

“*Personal information*” means information about an identifiable individual, including:

- a. the individual's name, address or telephone number;
- b. the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;
- c. the individual's age, sex, sexual orientation, marital status or family status;
- d. an identifying number, symbol, or other particular assigned to the individual;
- e. the individual's fingerprints, blood type, or inheritable characteristics;
- f. information about the individual's health-care history, including a physical or mental disability;
- g. information about the individual's educational, financial, criminal, or employment history;
- h. anyone else's opinions about the individual; and
- i. the individual's personal views or opinions, except if they are about someone else.

“*Ministerial Authorization*” means an approval granted by the Minister of Health, or his/ her designate, under section 71(5) (e) *Hospitals Act* that grants the applicant permission to access patient information held by hospitals that would not be accessible otherwise under the *Hospitals Act*.

“*Privacy*” means the right of individuals to determine when, how, and to what extent they share information about themselves with others³.

“*Privacy Impact Assessment*” (PIA) means a due diligence exercise which identifies and addresses potential privacy risks that may occur in the course of the operations of an organization.

“*Security*” means the measures taken to protect personal information from unauthorized or unintentional loss, theft, access, use, modification or disclosure⁴.

“*Data provider*” means an organization or individual that discloses health data to the Diabetes Care Program of Nova Scotia.

² Source: *The Pan-Canadian Health Information Privacy and Confidentiality Framework*

³ Source: *The Pan-Canadian Health Information Privacy and Confidentiality Framework*

⁴ Source: *CIHI: An Approach to Conducting a Privacy Impact Assessment*

VI. Privacy Provisions

1. Accountability for Personal Information

- a. The Program Coordinator/Manager of the Diabetes Care Program of Nova Scotia is accountable to protect the privacy of personal information under the control of the Program.
- b. The Program Coordinator/Manager shall ensure that individual(s) or team(s) are appointed to manage privacy issues, including, but not limited to:
 - privacy policy and guideline development;
 - privacy education and training;
 - privacy inquiries and complaints; and
 - shall appoint one individual to be the Privacy Officer.
- c. The identity of the Privacy Officer shall be made known.
- d. The Privacy Officer has responsibility for the ongoing monitoring of this policy and for making recommendations related to the privacy of personal information.

2. Identifying Purposes for the Collection of Personal Information

Direct Collection

- a. The Diabetes Care Program of Nova Scotia will only collect personal information from and about a client/individual for:
 - a purpose that has been identified as necessary for the care and treatment of the client/individual;
 - for any purposes associated with the care and treatment of the client/individual, including:
 - administration and management of the Program,
 - approved research,
 - statistical reports,
 - health care planning, and
 - quality assurance
 - ongoing monitoring and adherence of programs and services to established guidelines and recommended practice;
 - health care provider education, training and accreditation;
 - compliance with any legislative and regulatory requirements.
- b. The Diabetes Care Program of Nova Scotia will specify the identified purposes before or at the time the personal information is collected. This may be done verbally or by using a poster or brochure.
- c. A client/individual has the right to inquire about the purpose for which personal information is requested.
- d. All staff employed in the collection of personal information shall be able to inform the client/individual about the purpose for which his/her personal information is being collected.

Indirect Collection

- a. When the Diabetes Care Program of Nova Scotia is the recipient of personal information collected by others (e.g. data providers), the Program will ensure that it has proper authorization to collect this information.
- b. The Diabetes Care Program of Nova Scotia has a written statement identifying the purpose of each data holding/registry/database. This information is documented in a form that is accessible to the public and in other Program descriptions.
- c. The Diabetes Care Program of Nova Scotia ensures that data providers are aware of the purposes for which the personal information is being collected and supports data providers informing individuals about these purposes at or before the time of collection.
- d. The Diabetes Care Program of Nova Scotia ensures that Program staff who gather personal information from data providers are able to explain the purposes to any person who inquires.

3. Limiting Collection of Personal Information

The Diabetes Care Program of Nova Scotia will limit the collection of personal information to that which is necessary to fulfill the purposes identified. Information will be collected by fair and lawful means.

4. Consent for the Use and Disclosure of Personal Information

Direct Collection

- a. Consent is implied for the use and disclosure of personal information for the purposes of care and treatment and for purposes associated with care and treatment.
- b. Knowledge and consent are required for the use and disclosure of personal information for other purposes, except where required or authorized by law.

Indirect Collection

- a. Disclosures required by law including, but not limited to communicable and other reportable diseases, cancer, and child and adult protection matters.
- b. Disclosures authorized by law include disclosures pursuant to a Ministerial Authorization under Section 71(5) of the *Hospitals Act*.
- c. When the Diabetes Care Program of Nova Scotia is not the direct collector of personal information, the Program will provide the public with notice of the existence of the Program and its data holdings through appropriate mechanisms, including a website, reports, and other documents.

Requests that Personal Information Not Be Used

- a. A client/individual may request that their personal information not be entered into the data holding/registry/database or that existing personal information be removed, subject to legal or contractual restrictions and reasonable notice. If the request is approved, the Program will inform the clients/individuals of the implications of removing their personal information and notify them once the information has been removed.

- b. Where personal information cannot be removed, Diabetes Care Program of Nova Scotia shall provide the client / individual with the rationale for not granting their request. The Program shall make a notation related to the specific request to remove personal information and the rationale for not granting the request.
- c. The Program will not contact clients/individuals who have indicated they do not wish to be contacted by the Program.

General Notice

The Diabetes Care Program of Nova Scotia makes available to clients/individuals written information on the general uses and disclosures of their personal information. This information may be contained in posters or brochures and should make reference to administration of health care services, research and statistics, legal and regulatory requirements, and education of health care providers.

5. Limiting Use and Disclosure of Personal Information

- a. The Diabetes Care Program of Nova Scotia will limit the use and disclosure of personal information to the identified purposes, except with the consent of the individual or as required or authorized by law.
- b. The Diabetes Care Program of Nova Scotia allows only authorized staff to access and use personal information that they require to perform their duties.
- c. Data linkage will only occur under circumstances that follow specific policies and procedures.
- d. Research projects using personal information are subject to review by a Research Ethics Board. Researchers are required to meet confidentiality and security standards and sign data access agreements.
- e. The Diabetes Care Program of Nova Scotia is required through legal agreements to share information at the national level for identified purposes.
- f. Retention of client/individual records shall follow the Program's retention schedule.

6. Accuracy of Personal Information

- a. Personal information will be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- b. Pursuant to s. 25 of the *FOIPOP Act*, an individual who believes there is an error or omission in his/her personal information may make a request to the Diabetes Care Program of Nova Scotia that has the information in its custody or under its control to correct the information.
- c. The Diabetes Care Program of Nova Scotia shall require that a request to correct a client's/individual's information be in writing.
- d. The Diabetes Care Program of Nova Scotia is not required to correct the information if it determines that a correction is not appropriate.
- e. Where no correction is made in response to a request pursuant to subsection (b), the Diabetes Care Program of Nova Scotia shall annotate the client's/individual's record with the correction that was requested but not made.

7. Safeguards for Personal Information

- a. The Diabetes Care Program of Nova Scotia shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or disposal.
- b. The safeguards shall include, but are not limited to the following:
 - appropriate storage of client/individual records in secure cabinets and/or rooms;
 - password protection for any information held electronically;
 - appropriate location of personal information, including placement of terminal screens, printers and paper records;
 - access to personal information permitted on a “need-to-know” basis; that is, if the information is required for the employee to perform his/her job functions;
 - anonymizing personal information;
 - conducting Privacy Impact Assessments for any new program or service, or for a significant change to a program or service, that involves the collection, use or disclosure of personal information;
 - confidentiality agreements (as appropriate) and data access use agreements; and
 - secure disposal or destruction of personal information.
- c. The Diabetes Care Program of Nova Scotia shall provide its staff and associates with appropriate training on the importance of maintaining the privacy and confidentiality of personal information.

8. Openness about Personal Information Policies and Practices

- a. The Diabetes Care Program of Nova Scotia shall provide copies of its privacy policy and associated policies/guidelines to any person who requests them.
- b. The information made available shall include:
 - the name or title, and the contact information of the Privacy Officer;
 - the process for gaining access to personal information held by the Program;
 - a description of the types of personal information held by the Program, including a general account of its use;
 - a copy of brochures or other information explaining the Privacy Policy.

9. Individual Access to One's Own Personal Information

- a. Any client/individual has the right to request a copy of his/her own personal information.
- b. The Diabetes Care Program of Nova Scotia shall have in place a process for the management of clients'/individuals' requests for access.
- c. In certain situations, the Diabetes Care Program of Nova Scotia may not be able to provide access to all personal information it holds about an individual. Exceptions for not granting access may include information that refers to other individuals, information subject to legal, security or proprietary restrictions, and information that is subject to solicitor-client or litigation privilege.
- d. Where the Diabetes Care Program of Nova Scotia is not the direct collector of personal information about an individual, the Program will indicate the source of this information where possible. The Program will also provide an account of the uses and disclosures of that information. If it is not possible to provide a list of disclosures, the Program will provide a list of organizations to which it may have disclosed the information. (Refer to Diabetes Care Program of Nova Scotia: Procedure for Requesting Access to Personal Information)

10. Challenging Compliance with the Privacy Policy

- a. Clients/individuals may challenge the Diabetes Care Program of Nova Scotia's compliance with its Privacy Policy.
- b. The Diabetes Care Program of Nova Scotia shall have a procedure in place to receive and respond to complaints or inquiries about its handling of personal information. (Refer to Diabetes Care Program of Nova Scotia: Procedure for Privacy Complaints.)
- c. The Diabetes Care Program of Nova Scotia will investigate all complaints and take appropriate measures to ensure compliance with this Policy.