



College of Physicians and Surgeons of British Columbia

Corporate Policy

Protection of Privacy Policy and Procedures for Management of Personal Information

OVERVIEW

Procedural authority:	Registrar
Procedural officer:	Director, Records, Information and Privacy
Supersedes:	New
Effective:	April 1, 2016

PURPOSE

1. The purpose of this policy and these procedures is to articulate how the College complies with the privacy components of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c.165 (*FOIPPA*) and to ensure that personal information in the custody or under the control of the College is managed in a manner that complies with the *FOIPPA*, and is consistent with the College's protection of privacy policies and associated procedures.

DEFINITIONS

2. See the Appendix for all relevant definitions used throughout this policy.

JURISDICTION/SCOPE

3. This policy applies to all employees and to all personal information in the custody or under the control of the College.

POLICY

4. The College will manage all personal information in its custody or under its control in accordance with the *FOIPPA*, the *Health Professions Act*, RSBC 1996, c.183 (*HPA*), contracts, and this and other applicable College policies and associated procedures.

Accountability for Personal Information

Registrar

5. The registrar is the head of the College under the *FOIPPA*. The registrar or her designate as authorized under section 3-2(2) of the College Bylaws made under the *HPA* is the "head" of the College for the purposes of the *FOIPPA*, who will be responsible for the administration of the *FOIPPA* and this policy.

6. The registrar or his/her designate will carry out his/her duties in collaboration with the director, records, information and privacy (“director”), who is responsible for the coordination of privacy functions and access/correction request management, and the maintenance of the College’s records management program.
 - 6.1. The contact information for the director will be provided for questions regarding the collection of personal information where the College provides notice of the collection of personal information.

Chief Legal Counsel

7. The chief legal counsel is the designated head of the College under the *FOIPPA* as per the memorandum from the registrar to the chief legal counsel dated November 4, 2013.

Privacy Officer

8. The privacy officer reports to the chief legal counsel and is responsible for
 - developing privacy controls relating to collection, use and disclosure of personal information and assessing them on an ongoing basis,
 - monitoring all aspects of privacy practices and compliance, including the privacy management plan,
 - managing and responding to all privacy breaches,
 - responding to and managing all privacy complaints,
 - approving, in consultation with the senior management team where appropriate, all privacy impact assessments (PIA),
 - liaising with the Office of the Information and Privacy Commissioner, including in relation to investigations,
 - creating, maintaining and coordinating delivery of privacy training for College employees,
 - acting as an expert resource for the organization and for individual College employees who have questions or concerns about privacy,
 - supporting IT and other the College staff in privacy-related service-provider-management matters,
 - reporting regularly to the chief legal counsel on privacy practices and compliance matters
 - reviewing and updating the personal information inventory and privacy management plan and recommending any necessary actions or revisions, and
 - acting as an expert background resource to inform the College’s communications and public affairs personnel in their media commentary on privacy-related matters.

Administrators

9. Administrative authorities and directors are responsible for

- making a reasonable effort to familiarize themselves with the requirements in the FOIPPA, this policy and its associated procedures, and for making a reasonable effort to communicate these requirements to the employees in their units,
- making a reasonable effort to ensure that the management of personal information in their custody or under their control meets the requirements of the FOIPPA, this policy and its associated procedures, and
- reporting any privacy breaches of the FOIPPA, this policy or its associated procedures in accordance with the College's Procedures for Responding to a Privacy Breach.

Employees

10. All employees who collect, access, use, disclose, maintain and dispose of personal information are in a position of trust.
 - 10.1. All employees are responsible for familiarizing themselves with the requirements of the FOIPPA and this policy, and its associated procedures and complying with those requirements. Employees must treat all personal information to which they receive access in accordance with the FOIPPA and this policy and must consult as necessary with the appropriate authority regarding these requirements.
 - 10.2. Employees must report any privacy breaches of the FOIPPA, this policy and any associated procedures in accordance with the College's Procedures for Responding to a Privacy Breach.

Openness about Personal Information Policies and Practices

11. The College will make the following information available to an individual from whom personal information is being collected:
 - a. the purpose for which the personal information is being collected
 - b. the legal authority to collect the personal information
 - c. the contact information of someone who can provide details about the collection

Identifying Purposes for Personal Information

12. The College collects personal information from registrants, employees and others in order to fulfill its mandate under the HPA.
 - 12.1. The College collects personal information as authorized by the FOIPPA and the HPA.
 - 12.2. The College collects personal information that relates directly to and is necessary for an operating program or activity of the College.

Limiting Collection of Personal Information

13. The College will normally collect personal information directly from the individual whom the personal information is about, but may collect personal information indirectly in limited situations where such collection is authorized by the FOIPPA or another enactment.

Use, Disclosure, and Retention of Personal Information

14. The College uses and discloses the personal information in its custody or under its control

- a. for the purpose for which that information was obtained or compiled or for a consistent purpose,
 - b. in a manner to which an individual has consented,
 - c. as permitted or required by the *FOIPPA* or as authorized or required by other law,
 - d. for research and statistical purposes,
 - e. to provide a service,
 - f. determine someone's eligibility for a benefit or suitability for a job,
 - g. administer a program or activity, or
 - h. for archival or historical purposes.
15. College employees must only seek to access and use personal information necessary for the performance of their duties.
16. College employees may access and use personal information, on a need to know basis, with the consent of the individual that the information is about or when it is necessary for the carrying out of College operations or for the provision of College services and or when it is required for the general undertaking of activities related to the management of a self-governing body.
- 16.1. If an employee is in doubt whether to allow another employee to use personal information, the employee may consult with his or her administrative authority or director as necessary.
17. The College will disclose personal information to registrants and individuals or organizations outside the College as permitted by the *FOIPPA*, as authorized or required by an enactment, as permitted by this policy and its associated procedures.
18. Disclosure of the following information without consent is permitted:
- a. an employee's business/work contact information
 - b. registrant information as required by the *HPA* (sections 21, 39.3)
19. Disclosure of the following information without consent is permitted provided that the disclosing employee has obtained permission from his or her administrative authority or director for the disclosure and the disclosure is in compliance with the *FOIPPA* and this policy:
- a. the business contact information of a current or former employee
 - b. information about an individual's position, functions, or remuneration as an officer, employee, or committee member of the College
 - c. personal information about an individual in an emergency situation or where the registrar or his/her designate determines that compelling circumstances exist that affect anyone's health or safety
20. The College will retain personal information collected from individuals in accordance with the *FOIPPA* and the College's records classification, retention and disposition policy.
- a. The College will retain personal information used to make a decision about an individual for a minimum of one year.

21. An administrative authority responsible for authorizing employee access to personal information in any media must only provide that authorization when access is required for a valid purpose as authorized by College policy or procedure. Authorized access should be sufficient that an employee can carry out his or her duties effectively and efficiently.
22. When there is a change to an employee's position or duties, the administrative authority must review, and if necessary change, the employee's authorized access to personal information in relation to job function changes in order to ensure that access to personal information is at a level and to an extent appropriate.
23. Employee and registrant home address information may be used for College mailing purposes only and will be used only for College-related functions.
24. Employee and registrant personal information, including registrant personal information on application, registration and practice and conduct review, may be used for statistical and program assessment purposes by the College in order to fulfill its mandate under the *HPA*.
 - 24.1. Such information may also be used for research purposes but in those cases individual identities will be removed.
25. Unless specified below, requests from third parties for disclosure of personal information must be made in writing, identifying the information sought, the authority for the request, and the reason for the request.
26. Specific records or portions thereof may be disclosed to persons or agencies where disclosure is required or authorized by an enactment of British Columbia or Canada

This includes, but is not limited to:

- Disclosure in response to a court order, summons, or subpoena. Personal information cannot be disclosed in response to court orders, summons, subpoenas or requests from legal counsel without first obtaining the permission of the College's chief legal counsel.
 - Disclosure in response to government agencies who demonstrate their authority to require or authorize disclosure in the circumstances in which they are requesting the information.
 - Disclosure in accordance with the statutory requirements of professional governing bodies for the purposes of licensing, registration, investigation and discipline of regulated persons.
 - The College may disclose personal information to external bodies for audit or assessment purposes, or to service providers for administering a program, project or service on behalf of the College. If the auditors, assessors or service providers are not able to view the personal information on site, the College will ensure that the auditors, assessors or service providers shall make reasonable arrangements for the secure transmission within Canada of the records containing personal information and secure return or disposal of any copies of the Records provided either in electronic or paper form.
27. Requests for disclosure of registrant and employee personal information from specific third parties will be treated as follows:
 - Media requests – to be responded to jointly by the legal and communications and public affairs departments.

- Insurance company requests – must be made in writing and be accompanied with the written consent for the release from the registrant, complainant, or employee.
28. Disclosure of registrant or employee personal information by the College in emergency or compelling circumstances will be made in accordance with provisions of *FOIPPA*.
 29. Disclosure of registrant personal information to another College, professional governing body or potential employer requires the consent of the registrant or former registrant. If the registrant has not previously provided consent, consent must be obtained before disclosing personal information.
 30. Where any individual is asked (a “referee”), in the performance of a College function, to supply in confidence a performance evaluation or assessment and/or employment reference of registrants or employees, the assessment, performance evaluation and/or employment reference is considered to be supplied in confidence, unless the referee expressly stated otherwise.
 31. The College may enter into a contract in which personal information is collected, used, accessed, disclosed, retained, stored or maintained only where the personal information is stored and accessed in Canada.

Disclosure Outside of Canada

32. The personal information of College employees and registrants must not be disclosed outside of Canada without first obtaining the consent of the affected individual or the permission of the chief legal counsel. The College may enter into a contract where the contract proposes that personal information is stored or accessed outside of Canada, if the contract provides that the written consent of the individual registrant(s) and employee(s) is obtained.
33. The College may disclose personal information outside of Canada where it is necessary for installing, implementing, maintaining, repairing, trouble-shooting or upgrading an electronic system or equipment or for data recovery following the failure of the electronic system. The disclosure of personal information outside of Canada must be limited to temporary access and storage for the minimum time necessary for the purpose. In the case of data recovery, disclosure is limited to access and storage only after the system failure has occurred.
34. Where the College is requested by a third party to disclose personal information outside of Canada, the College will seek the written consent of the individual registrant or employee, unless otherwise permitted by *FOIPPA*.
35. Employees who wish to conduct surveys that collect personal information in identifiable form must, where appropriate, use a Canadian-based service provider that stores the information in Canada, or must obtain the consent of each individual completing the survey to have their personal information stored outside of Canada.

Ensuring Accuracy of Personal Information

36. The College is committed to ensuring the accuracy of the personal information in its custody or under its control. Procedures for the correction of personal information are contained within the College’s Procedures for Access to and Correction of Information.

Safeguards for Personal Information

37. The College will take reasonable steps to ensure that personal information in its custody or control is protected by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposition.
38. When the College retains an external organization to undertake work on its behalf that involves the collection, use, disclosure or disposition of personal information, the College will enter into an agreement with that organization that requires the organization to protect personal information in accordance with the *FOIPPA*.
39. Any individual or committee member making a decision or recommendation must treat the personal information of any individuals created, submitted, considered or investigated during that process as confidential in accordance with the provisions of this policy.
40. Personnel and labour relations information, including grievance or appeal information, created, submitted or considered as part of the College responding to a grievance shall be treated as confidential in accordance with the College's Protection of Privacy Policy and Procedures for the Management of Personal Information.
41. An individual or committee member is not precluded from disclosing personal information that is being disclosed provided that it is in compliance with the provisions of this policy.

Individual Access to Personal Information

42. Individuals have a right to access personal information about themselves, subject to exceptions under the *FOIPPA*. Access to personal information is provided in accordance with the College's Procedures for Access to and Correction of Information.
43. Individuals have a right to request corrections to personal information about themselves, subject to exceptions under the *FOIPPA*.

Privacy Impact Assessment

44. The College will complete a PIA for any proposed or significantly revised system, project, program or activity in accordance with the directions from the minister responsible for *FOIPPA*, as well as by following the College procedures for completing any PIA.

Challenging Compliance with the Privacy Policy

45. Individuals are entitled to challenge the College's compliance with this policy.
 - 45.1. Employees who receive a complaint or inquiry about compliance with the policy should attempt to resolve the issue with the assistance of a supervisor.
 - 45.2. Individuals may make a formal complaint or inquiry about compliance with this policy by contacting the registrar or her designate.

RELEVANT LEGISLATION

Health Professions Act, RSBC 1996, c.183

Freedom of Information and Protection of Privacy Act, RSBC 1996, c.165

APPENDIX

Definitions to Protection of Privacy Policy and Procedures for the Management of Personal Information

1. **Administrative authority** means individuals with administrative responsibility for College departments, programs or offices, including but not limited to: registrar; deputy registrars; senior management employees; directors; and other department, office or program heads.
2. **Consistent purpose** means a use or disclosure of personal information, which is consistent with the purposes for which the information was obtained or compiled if the use or disclosure
 - a. has a reasonable and direct connection to that purpose, and
 - b. is necessary for performing the statutory duties of, or for operating a legally authorized program of, the unit that uses or discloses the information or causes the information to be used or disclosed.
3. **Contact information** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.
4. **Employee** in relation to the College includes a volunteer and a service provider.
5. **Personal information** means recorded information about an identifiable individual other than contact information.
6. **Personal information bank (PIB)** is a collection of personal information organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.
7. **Privacy breach** refers to both a confirmed and unconfirmed case of unauthorized access to or collection, use, disclosure or disposition of personal information. Such activity is considered to be “unauthorized” if it occurs in contravention of the *FOIPPA*, or the College’s Protection of Privacy Policy and Procedures for the Management of Personal Information.
8. **Privacy impact assessment (PIA)** means an assessment that is conducted by a public body to determine if a current or proposed enactment, system, project, program or activity meets or will meet the requirements of part 3 of *FOIPPA*.
9. **Record** includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.