

PRIVACY OF PERSONAL INFORMATION

ACP POLICY AND PROCEDURES MANUAL

The logo consists of the lowercase letters 'a', 'c', and 'p' in a large, bold, black serif font. The 'a' and 'c' are connected at the top, and the 'p' is positioned to the right of the 'c'. The vertical stem of the 'p' extends downwards, passing through the text 'Alberta College of Pharmacy'.

Alberta
College of
Pharmacy

PRIVACY OF PERSONAL INFORMATION POLICY

Definitions:

<u>ACP or the college:</u>	The Alberta College of Pharmacy as established in section 1 of Schedule 19 of the <i>Health Professions Act</i> .
<u>affiliate:</u>	An individual or organization that performs an information management function on behalf of ACP, pursuant to an agreement with ACP.
<u>applicant:</u>	An individual applying to register with the college.
<u>business contact information:</u>	An individual's name, position name or title, business telephone number, business address, business e-mail, business fax number and other similar business information used to contact an individual in his or her capacity as an employee of an organization.
<u>employee:</u>	An individual employed by ACP and includes a volunteer, council member, committee member, contractor and an agency placement who from time to time performs a service on behalf of ACP.
<u>personal information:</u>	Information about an identifiable individual but does not include business contact information.
<u>pharmacy legislation:</u>	Legislation relating to the practice of pharmacy by pharmacists, interns, pharmacy students, and/or pharmacy technicians and the operation of pharmacies, including but not limited to the following statutes, their regulations, schedules and bylaws: <i>Health Information Act, Pharmacy and Drug Act, Health Professions Act, Food and Drug Act, Controlled Drug and Substances Act</i> , Narcotic Control Regulations, the Code of Ethics and the Scheduled Drug Regulations.
<u>potential employee:</u>	An individual who has an open application for employment with ACP.
<u>PIPA:</u>	<i>Personal Information Protection Act</i> , S.A. c. P 6.5 and applicable regulations.

<u>PIPEDA:</u>	<i>Personal Information Protection and Electronic Documents Act</i> , S.C. 2000, c. 5 and applicable regulations.
<u>proprietor:</u>	A person who owns, manages or directs the operation of a facility in which a licensed pharmacy is located and exercises a significant degree of control over: <ul style="list-style-type: none"> i. the management and policies of the licensed pharmacy; or ii. the conduct of the regulated individuals who are employed by the licensed pharmacy.
<u>registrant:</u>	An individual registered with the college. For the purposes of this policy, this term also includes all former registrants.
<u>registration information:</u>	Personal information collected from ACP registrants and applicants and includes: <ul style="list-style-type: none"> • demographic information such as name, age, birth location, citizenship, home address, home telephone and fax numbers, social insurance number; • education information such as institutions attended, degrees earned, dates of attendance, national board exam results and certification; and • registration status information such as registration category, conditions on practice, competence information, discipline information; and employment information such as place of employment and position held.

TEN PRIVACY PRINCIPLES

Principle 1 - Accountability

The college is responsible for maintaining and protecting the personal information under its control. In carrying out this responsibility, ACP shall do what a reasonable person would think is appropriate. One or more persons shall be designated as responsible for compliance with PIPA.

- 1.1 Accountability for ensuring compliance with the provisions of PIPA rests with the management team of ACP, which will designate one employee as privacy officer responsible for ACP's compliance with privacy legislation.

Other individuals within ACP may be delegated to act on behalf of the privacy officer or to take responsibility for the daily collection and processing of personal information.

- 1.2 The college is responsible for personal information in its possession or control and shall ensure that employees and affiliates comply with ACP policies and procedures pursuant to PIPA.
- 1.3 ACP shall implement policies and procedures to:
 - protect personal information,
 - oversee compliance with PIPA,
 - receive and respond to privacy inquiries and complaints, and to
 - inform employees and affiliates about said policies and procedures.

These privacy policies and procedures shall be available to individuals upon request.

- 1.4 To the extent that PIPEDA applies to the operations of ACP, ACP will comply with PIPEDA.

Principle 2 – Identifying Purpose of Personal Information Collection

ACP shall identify the purpose for which personal information is collected either before or at the time the information is collected.

- 2.1 ACP collects personal information about:
 - registrants, for the following purposes:
 - to ensure an applicant meets the minimum standards for entry to practice,
 - to provide registrant-specific services to each registrant,
 - to support and protect the public's health and well-being,
 - to ensure quality practice,
 - to investigate a complaint against a registrant or proprietor,
 - to grant awards of honour or distinction, and
 - to facilitate the role of council and functions of committees;
 - individuals that have ownership in, or plan to have ownership in, a pharmacy in Alberta, to ensure compliance with pharmacy legislation;
 - individual members of the public who initiate a complaint;
 - witnesses or potential witnesses in the complaints process;
 - potential employees, to consider their application of employment; and

- employees, to facilitate payroll, benefit plan administration and the daily management of staff and college operations.
- 2.2 ACP shall communicate verbally, electronically or in writing that the primary purpose of collecting personal information is to conduct business that is authorized under legislation. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to the privacy officer for further explanation.
 - 2.3 ACP may contract the management of personal information to an affiliate. The affiliate may only collect, use and/or disclose personal information in accordance with these principles and in accordance with any contract established between the affiliate and the college.
 - 2.4 Unless required by law, ACP shall not use or disclose for any new purpose (other than those outlined in 2.1) personal information that has been collected without first obtaining the consent of the individual and documenting the new purpose.

Principle 3 – Obtaining Consent to Collect, Use or Disclose Personal Information

The knowledge and consent of an individual is required for the collection, use, and/or disclosure of personal information, except where required or permitted by PIPA.

- 3.1 As a regulatory authority, provisions 14(b), 17(b) and 20(b) of PIPA allow ACP to collect, use and disclose personal information without consent if it is authorized or required to do so under pharmacy legislation.
 - For example, with respect to applicants to and registrants of ACP, personal information is collected, used and disclosed to consider and approve registration, and maintain an annual certificate of registration as set out in the *Health Professions Act, Part 2, section 28*. Therefore, consent is not required for this purpose.
- 3.2 If the collection, use and/or disclosure of personal information is not authorized or required under the law, then at the time of collection, and in a manner that is easily understood, ACP will use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information will be collected, used and/or disclosed.
- 3.3 Generally speaking, if consent is required, ACP shall seek consent to collect, use and disclose personal information at the time of collection. However, ACP may seek consent to use and disclose personal information after it has been collected but before it is used or disclosed for a new purpose. ACP may

obtain consent in person, by telephone, by mail or facsimile, email or via the Internet.

- 3.4 At any time, registrants may revoke consent to collect, use and/or disclose personal information if the purpose of the personal information is not a requirement under pharmacy legislation and if doing so does not change or frustrate a legal obligation between the registrant and ACP. If consent is revoked, ACP will cease to use and disclose the personal information, except as permitted under PIPA. This may limit ACP's ability to serve that individual.
- 3.5 Employees, potential employees and the general public, may revoke consent to collect, use and/or disclose their personal information at any time as long as doing so does not change or frustrate a legal obligation between the individual and ACP. If consent is revoked, ACP will cease to use and disclose the personal information, except as permitted under PIPA. This may limit ACP's ability to serve that individual.

Principle 4 – Limiting Collection of Personal Information

ACP shall collect personal information by fair and lawful means and shall limit the collection of personal information to that which is reasonable for the purposes identified by ACP.

- 4.1 ACP collects personal information primarily from registrants, applicants, employees, potential employees, pharmacy proprietors and periodically from the general public, continuing education authors and speakers.
- 4.2 From time to time ACP may collect personal information from other sources. These parties must represent that they have the right to disclose the information before ACP will collect it, unless the information that is to be collected is personal information that may be collected without the consent of the individual under section 14, 15 or 22 of PIPA.

Principle 5 – Limiting Use, Disclosure and Retention

ACP shall not use or disclose personal information for purposes other than those for which it was collected unless the individual has otherwise consented or if legislatively authorized or required. ACP shall develop guidelines and procedures for the retention and destruction of personal information.

- 5.1 ACP may disclose relevant registration information, for the following purposes:
 - professional development and education,

- programs and benefits to registrants which can enhance professional and personal well being.
- practice based research,
- health promotion programs,
- supplying data for electronic health information systems,
- workforce planning and management,
- confirming registration status,
- managing narcotic signing authority,
- to present an award of honour or distinction, and
- statutory processes that allow for disclosure without consent such as registration, competency review, and complaints resolution including the discipline process.

5.2 For the purposes outlined above, ACP may disclose relevant registration information to:

- Alberta Health and Wellness,
- any university or college located in Canada, and any program operating under the direction of a Canadian university or college,
- the Pharmacy Examination Board of Canada (PEBC),
- a provincial or national pharmacist/pharmacy technician/pharmacy regulating authority or a federation or association thereof,
- a provincial or national pharmacy advocacy organization, including the Alberta Pharmacists' Association (RxA),
- agencies funded by the Government of Alberta or the Government of Canada that deal with pharmacists, pharmacy technicians, pharmacies, drugs or pharmacy regulators,
- an organization or business that provides professional development opportunities to registrants,
- a drug wholesaler, for the purpose of establishing and verifying a pharmacist's narcotic signing authority,
- third party payers, and
- Canadian Institute of Health Information (CIHI).

5.3 ACP shall disclose an employee's relevant personal information to:

- benefit plan providers to administer employee benefits,
- office-building administration for issuance of security access cards and for emergency contact lists,
- Canada Revenue Agency (CRA),
- ACP staff members for emergency contact, and social privilege, and to
- providers of professional development opportunities for employees.

5.4 ACP will only disclose personal information that is relevant to a third party's need.

- 5.5 Aggregate data will be used and/or disclosed wherever possible to protect the privacy of ACP applicants, registrants, employees, potential employees, pharmacy proprietors, and the general public.
- 5.6 Retain personal information in a secure environment for as long as the identified purposes or the law require it. Destroy, erase or make anonymous personal information when it is no longer required for the prescribed purposes and when records retention and regulatory requirements have been met.
- 5.7 Personal information may be transferred to contracted service providers within or outside of Canada for purposes including, but not limited to: server hosting, survey administration, election administration and or data backup purposes. All data transferred for backup purposes shall be done in an encrypted format.

Principle 6 – Accuracy of Personal Information

Personal information shall be as accurate, complete, and as current as possible.

- 6.1 Personal information used by ACP shall be as accurate and complete as is reasonably possible.
- 6.2 ACP shall update personal information about an individual upon notification from the individual.
- 6.3 ACP shall whenever authorized and reasonable allow individuals to update their own personal information.

Principle 7 – Security Protection

ACP shall protect personal information by security safeguards that are appropriate to the sensitivity level of the information.

- 7.1 ACP shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through reasonable and appropriate security measures. Regardless of its format, information will be protected.
- 7.2 ACP shall protect personal information disclosed to third parties by requiring a written undertaking from the third party which states the purpose for which the information is to be used and which stipulates the confidential status of the information, and is approved by the privacy officer or designate.
- 7.3 Affiliates contracted to manage or distribute information on behalf of ACP are required to complete their task while maintaining the level of confidentiality

established by the college and must not use the information for any purpose other than that which it was contracted to do. Destroy or return the information to the college once the contractual obligation is completed.

- 7.4 All ACP employees and affiliates with access to the personal information of ACP applicants, registrants, employees, potential employees, pharmacy proprietors, or other individuals are required to respect the confidentiality of that information and adhere to these privacy principles.

Principle 8 – Openness With Respect to Policies and Practices

ACP shall make readily available to registrants, employees, potential employees, pharmacy proprietors and the general public, specific information about its policies and procedures that apply to the management of personal information.

- 8.1 ACP will ensure that information pertaining to its policies and procedures on the management of personal information is easy to understand and will include:
- contact information for the privacy officer,
 - the means of gaining access to personal information held by ACP, and
 - a description of the type of personal information held by ACP.

Principle 9 – Individual’s Access to Personal Information

ACP shall, upon request, inform an individual of the existence, use and disclosure of his or her personal information and upon request shall give the individual access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended if appropriate.

- 9.1 Upon request and subject to 9.2, within the time period of 45 days, ACP shall afford individuals a reasonable opportunity to review the personal information in the individual’s file. There may be a reasonable fee assessed for this service based on cost recovery.
- 9.2 In certain situations, ACP may not be able to provide access to all the personal information that it holds about an individual. This refers to but is not limited to the following examples:
- if doing so would likely reveal personal information about a third party,
 - if the information is protected by solicitor-client privilege,
 - if the information was collected in relation to an investigation into the professional conduct of the individual,

- if disclosure of the information would reasonably be expected to threaten the life or security of another individual.
- 9.3 If access to personal information cannot be provided, ACP shall provide the reasons for denying access upon request.
 - 9.4 Upon request and within the required time period of 45 days, ACP shall provide an account of the use and disclosure of personal information. In providing an account of disclosure, when it is not possible to provide an actual list, ACP shall provide a list of organizations to which it may have disclosed personal information.
 - 9.5 In order to safeguard personal information, individuals requesting access to personal information may be required to provide identification information to satisfy ACP privacy officer that access to the individual's file is authorized.
 - 9.6 ACP shall promptly correct or complete any personal information found to be inaccurate or incomplete. All unresolved differences that pertain to accuracy or completeness shall be noted in the individual's file. Where appropriate, ACP shall circulate to third parties having access to the personal information in question, any amended information.
 - 9.7 Individuals can seek access to their personal information by contacting the privacy officer at the college office.
 - 9.8 Employees can seek access to their personal information by contacting the operations and finance director.

Principle 10 – Challenging Compliance with Privacy Principles

An individual shall be able to question or inquire about ACP's compliance with the privacy principles outlined above by contacting the designated person or persons accountable for privacy at ACP.

- 10.1 ACP shall maintain procedures for addressing and responding to all inquiries or complaints from individuals about ACP's handling of personal information.
- 10.2 ACP shall inform individuals about the existence of these procedures as well as the availability of a complaint procedure.
- 10.3 The person or persons accountable for compliance with ACP privacy process may seek external advice where appropriate before providing a final response to individual complaints.

- 10.4 ACP shall investigate all complaints concerning compliance with ACP privacy process. If a complaint is found to be justified, the college shall take reasonable measures to resolve the complaint including, if necessary, amending its policies and procedures. The individual shall be informed of the outcome of the investigation regarding his or her complaint. For more information or to raise a concern, please contact:

Privacy Officer

Alberta College of Pharmacy

1100-8215 112 Street NW

Edmonton, AB T6G 2C8

Phone: (780) 990-0321

Fax: (780) 990-0328

Toll Free: 1-877-227-3838

E-mail: privacy@abpharmacy.ca

- 10.5 An individual is encouraged to use ACP's internal information and complaint procedures first. If dissatisfied with the manner in which their complaint was handled at the college, an individual may contact:

Office of the Information and Privacy Commissioner of Alberta

Suite 2460, 801 6 Avenue SW

Calgary, AB T2P 3W2

Phone: (403) 297-2728

Fax: (403) 297-2711

Toll Free: 1-888-878-4044

E-mail: generalinfo@oipc.ab.ca

<http://www.oipc.ab.ca/contact>