Patient Privacy Policy

Crescent Oral Surgery ("Crescent") is committed to protecting and safeguarding the privacy and security of patient personal information. Crescent has implemented a Patient Privacy Policy to comply with the Personal Information Protection and Electronic Documents Act (the “Act”) that came into effect provincially on January 1, 2004. Crescent’s Patient Privacy Policy sets out the principles and guidelines that Crescent has adopted for the management of its patients’ personal information which is in accordance with the Act and the ten principles of the Canadian Standards Association Model Code for the Protection of Personal Information (the “Privacy Principles”).

Crescent’s Patient Privacy Policy is based on Privacy Principles that establish the minimum requirements for the protection of patient personal information provided by patients. Crescent’s Patient Privacy Policy applies to personal information about Crescent’s patients that Crescent collects, uses or discloses.

Patient personal information is defined as information about an identifiable individual maintained as a result of using our products or services, required credit information, medical history, and any other information deemed necessary by Crescent in the treatment and care of Crescent’s patients.

Patient Personal Information does not include information which is publicly available, such as a patient’s name, address, telephone number and electronic address, when listed in a directory or made available through directory assistance or other similar sources.

1. Accountability

1.1 Crescent is responsible for all Patient Personal Information in its possession and under its control. Crescent has designated its Practice Manager as its Privacy Officer to oversee Crescent’s compliance with its Patient Privacy Policy and applicable privacy legislation. There are other individuals within Crescent who are designated with the responsibility for day-to-day collection and management of Patient Personal Information.

1.2 Crescent has established policies and procedures to implement and comply with its Patient Privacy Policy, including procedures relating to the collection, handling, storage and destruction of Patient Personal Information. Crescent’s employees have been provided with the requisite education and training to protect Patient Personal Information and to deal with complaints on privacy issues.

1.3 Crescent is responsible for any Patient Personal Information transferred by Crescent to third parties for processing on Crescent’s behalf. Crescent uses contractual means to provide an appropriate level of protection for such transferred information, if required.

2. Identifying the purposes for collection of Patient Personal Information

2.1 Crescent will identify the purpose for collecting Patient Personal Information at the time of collection.

2.2 Generally, Crescent collects Patient Personal Information only for the following purposes:
i) to establish and maintain responsible relations with patients and to provide on-going services;
ii) to understand patient needs;
iii) to develop, enhance, or provide services;
iv) to manage and develop Crescent’s business and operations and;
v) to meet legal and regulatory requirements.

2.3 In the event that Patient Personal Information is required to be used or disclosed for a purpose that is not listed above and in respect of which the patient has not previously granted his or her consent, the Patient Personal Information will not be used or disclosed without first identifying the new purpose and obtaining the patient’s consent.

3. Obtaining consent

3.1 The knowledge and consent of the patient are required for the collection, use or disclosure of Patient Personal Information, except where noted below.

3.2 The consent may be express, implied, or given through an authorized representative. In determining the appropriate form of consent, the sensitivity of the information and reasonable expectations of the patient is taken into account. Implied consent is generally appropriate when the information is less sensitive. Any consent, including any implied consent, will apply to information already in the possession of Crescent as of the date of the consent.

3.3 Generally, consent to use and disclose Patient Personal Information is sought at the same time it is collected. Sometimes, however, Crescent may identify a new purpose and seek consent to use and disclose the Personal Information after it has been collected.

3.4 A patient can withdraw his or her consent to use Patient Personal Information at any time, subject to any legal or contractual restrictions and reasonable notice. Crescent will inform patients of the implications, if any, of withdrawing consent and how to do so.

3.5 Crescent will seek consent from patients to collect, use and disclose Patient Personal Information in most circumstances. Some exceptions to the requirement to obtain consent from the patient for a collection, use and disclosure of Patient Personal Information exist. Some examples of these exceptional circumstances, but not all, are listed below:

(a) Collection of Patient Personal Information without the knowledge or consent of the patient if:
   i) the collection is clearly in the interests of the patient and consent cannot be obtained in a timely way;
   ii) it is reasonable to expect that the collection with the knowledge or consent of the patient would compromise the availability or the accuracy of the information and
the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or

iii) the information is publicly available and is specified by the regulations.

(b) Use of Patient Personal Information without the knowledge or consent of the patient if:

i) the Patient Personal Information could be useful in the investigation of a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, and the information is used for the purpose of investigating that contravention;

ii) it is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;

iii) it is used for statistical, or scholarly study or research purposes that cannot be achieved without using the information, the information is used in a manner that will ensure its confidentiality, it is impracticable to obtain consent and Crescent informs the Privacy Commissioner of the use before the information is used;

iv) it is publicly available and is specified by the regulations; or

v) it was collected under paragraph (a)(i) or (ii) above.

(c) Disclosure of Patient Personal Information without the knowledge or consent of the patient if the disclosure is:

i) made to a barrister or solicitor who is representing Crescent;

ii) for the purpose of collecting a debt owed by the patient to Crescent;

iii) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;

iv) made to a government institution or part of a government institution or an investigative body that has made a request for the information and identified its lawful authority to obtain the information.

v) made to a person who needs the information because of an emergency that threatens the life, health or security of a patient and, if the patient whom the information is about is alive, the organization informs that patient in writing without delay of the disclosure;

vi) of information that is publicly available and is specified by the regulations;

vii) made by an investigative body and the disclosure is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or

viii) required by law.

4. Limiting collection of Patient Personal Information

4.1 Crescent will collect only the amount and type of Patient Personal Information needed for the purposes it has identified. Patient Personal Information will be collected by fair and lawful means.
4.2 Although Crescent will collect Patient Personal Information primarily from patients, it may also
collect Patient Personal Information from other sources including credit bureaus, or other third
parties who represent that they have the right to disclose the information.

5. Limiting use, disclosure and retention of Patient Personal Information

5.1 The Patient Personal Information that Crescent collects is used or disclosed only for the purposes
specified above or for which it was collected, unless the patient gives consent or as required by
law. Crescent may disclose Patient Personal Information without consent when it is required to do
so by law, e.g. subpoenas, search warrants, other court and government orders, or demands from
other parties who have a legal right to Patient Personal Information, or to protect the security and
integrity of its network or system. In such circumstances, the interests of the patient are protected
by ensuring that:

i) orders or demands appear to comply with the laws under which they were issued; and
ii) Crescent discloses only the Patient Personal Information that is legally required, and
nothing more.

The patient may be notified that an order requiring disclosure has been received, if the law allows
it.

Crescent may disclose Patient Personal Information to: (i) any person who, in Crescent’s
reasonable judgment, is seeking the Patient Personal Information as the agent of the patient
concerned or (ii) a person involved directly or indirectly in supplying the service to a patient,
including, without limitation, Crescent’s data processors, and Crescent’s product suppliers to the
extent the information is required and used only for purposes such as the efficient supply of
products and services, and provided that such person is required to keep the information
confidential; or (iii) a person retained by Crescent to collect amounts which are owed to Crescent
or to enforce Crescent’s rights under its terms and conditions, if the Patient Personal Information
is required for, and is to be used only for that purpose and that person is required to keep such
information confidential.

5.2 Only employees who need-to-know, or whose duties so require, are granted access to Patient
Personal Information.

5.3 Crescent will retain Patient Personal Information only as long as necessary to fulfill the identified
purposes.

5.4 Crescent has established reasonable guidelines and procedures for information and records
retention, and any Patient Personal Information no longer needed for its identified purposes or for
legal requirements will be destroyed, erased or made anonymous within a reasonable period of
time

6. Ensuring accuracy of Patient Personal Information

6.1 Patient Personal Information collected by Crescent will be kept as accurate, complete and as up-
to-date as necessary for the identified purposes. Crescent will rely exclusively on the
representation provided by patients in determining the completeness, accuracy, and timeliness of the Patient Personal Information and will have no obligation to seek independent verification of any Patient Personal Information supplied by the patient.

7. **Safeguarding Patient Personal Information**

7.1 Crescent will protect Patient Personal Information with safeguards appropriate to the sensitivity of the information. Crescent has implemented appropriate safeguards to protect Patient Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction. Crescent’s employees are made aware of the need to maintain the confidentiality of all Patient Personal Information.

8. **Making information about policies and procedures available to patients**

8.1 Crescent’s policies and practices for the protection of Patient Personal Information are made available to patients and the general public. Crescent’s Patient Privacy Policy is posted on Crescent’s web site and informs patients about the type of Patient Personal Information Crescent collects, what it is used for and to whom the information is disclosed.

9. **Providing access to Patient Personal Information**

9.1 When patients request it, Crescent will disclose to them what Patient Personal Information Crescent has about the patient, what it is being used for, and to whom it has been disclosed, and Crescent will give patients reasonable access to their information. Crescent will provide a list of the third parties to which Crescent may have disclosed the Patient Personal Information when it is not possible to provide an actual list. Wrong or incomplete information will be amended and the amended information transmitted to third parties where appropriate. Any dispute over amending a file will be recorded and details of disputed data provided to third parties, where appropriate.

9.2 In certain situations, however, Crescent may not be able to give patients access to all Patient Personal Information Crescent holds about the patient. This may, for example, be the case when the information is unreasonably costly to provide, the information contains references to other individuals, the information cannot be disclosed for legal, security or commercial proprietary reasons or the information is subject to solicitor-client or litigation privilege. Crescent will explain the reasons for denying access in writing, and the recourse available to the patient.

9.3 Crescent will make reasonable efforts to respond to a patient’s request for access to his or her personal information no later than 30 days after receipt of the written request, and at minimal or no cost. The patient will be informed of any extensions to the time limit and his or her right to contact the Privacy Commissioner regarding the extension of time.

9.4 Crescent may not provide access to Patient Personal Information to a patient if doing so would likely reveal Patient Personal Information about a third party, unless: (i) the information about the third party can be severed from the record containing the information about the patient, in which case it will be severed prior to providing the access; or (ii) the third party consents to the access; or (iii) the patient needs the information because the patient’s life, health or security is threatened.
9.5 Access to Patient Personal Information will not be given if:

i) the information is protected by solicitor-client privilege;
ii) to do so would reveal confidential commercial information;
iii) to do so could reasonably be expected to threaten the life or security of another individual; or
iv) the information was generated in the course of a formal dispute resolution process.

9.6 A patient can obtain information or seek access to his or her personal information by contacting a Crescent administrator at either of Crescent’s clinic locations.

10. Handling complaints and questions

10.1 Patients may challenge Crescent’s compliance with its Patient Privacy Policy.

10.2 All complaints and questions will be responded to in a timely manner under the circumstances. All complaints will be investigated and appropriate measures taken to correct deficient policies and practices. Patients have the right to contact the Privacy Commissioner in the event of any dispute.

Any complaints or concerns regarding Crescent’s handling of Patient Personal Information and this Patient Privacy Policy may be addressed, in writing, to Crescent’s Privacy Officer at the following address:

Privacy Officer
Crescent Oral Surgery
9251 Yonge Street, Suite 400
Richmond Hill, Ontario L4C 9T3
Fax: 905-889-8866
Email: privacyofficer@crescentoralsurgery.com

If the Privacy Officer is unable to resolve the issue, a written complaint may be filed with the Privacy Commissioner/Ontario at the following address:

Information and Privacy Commissioner/Ontario
2 Bloor Street East
Suite 1400
Toronto, Ontario
M4W 1A8
Tel: 416-326-3333 or 1-800-387-0073
Email: info@ipc.on.ca
Website: www.ipc.on.ca