

# Patient Privacy Policy

We at Crescent Oral Surgery are committed to protecting and safeguarding the privacy and security of patient personal information. We have implemented a Patient Privacy Policy to comply with the *Personal Health Information Protection Act* (“PHIPA”) and the *Electronic Documents Act* (“EDA”). Our Patient Privacy Policy sets out the principles and guidelines that we have adopted for the management of our patients’ personal information which is in accordance with both PHIPA and EDA and the ten principles of the Canadian Standards Association Model Code for the Protection of Personal Information (the “Privacy Principles”).

Patient Personal Information is information about an identifiable individual maintained as a result of using our services, medical history, required credit information and any other information which we deem necessary in the treatment and care of our 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.

Our Patient Privacy Policy is based on Privacy Principles that establish the minimum requirements for the protection of patient personal information. Our Patient Privacy Policy applies to personal information about our patients that we collect, use or disclose.

## **1. Accountability**

- 1.1. We are responsible for all Patient Personal Information in our possession and under our control. We have designated our Practice Manager as our Privacy Officer to oversee our compliance with our Patient Privacy Policy, PHIPA and EDA. We also designate other individuals with the day-to-day responsibility for the collection and management of Patient Personal Information.
- 1.2. We have established policies and procedures to implement and comply with our Patient Privacy Policy, including procedures relating to the collection, handling, storage and destruction of Patient Personal Information. Our employees have been provided with the requisite education and training to protect Patient Personal Information and to deal with complaints regarding privacy issues.
- 1.3. We are responsible for any Patient Personal Information transferred by us to third parties for processing on our behalf. We use contractual means to provide an appropriate level of protection for such transferred information, as required.

## **2. Identifying the purposes for collection of Patient Personal Information**

- 2.1. We will identify the purpose for collecting Patient Personal Information at the time of collection.
- 2.2. Generally, we collect Patient Personal Information only for the following purposes:
  - (i) to establish and maintain responsible relations with patients and to provide on-going professional services;
  - (ii) to understand our patients' needs;
  - (iii) to develop, enhance or provide professional services;
  - (iv) to manage and develop our 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 such purpose and obtaining the patient's written consent.

## **3. Obtaining consent**

- 3.1. We require the knowledge and consent of the patient 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, we take into account the sensitivity of the information and the patient's reasonable expectations. Implied consent is generally appropriate when the information is less sensitive. Any consent, including any implied consent, will apply to information already in our possession as of the date of the consent.
- 3.3. Generally, we seek a patient's consent to use and disclose Patient Personal Information at the same time we collect it. Sometimes, however, we may identify a new purpose and seek a patient's 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. We will inform patients of the implications, if any, of withdrawing consent and how to do so.
- 3.5. We 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 the collection, use and disclosure of Patient Personal Information exist. Some examples of 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 of PHIPA, EDA and any other statute (the “Regulations”).
  
- (b) Use of Patient Personal Information without the knowledge or consent of the patient if:
  - (i) it is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;
  - (ii) 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 such contravention;
  - (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 we 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 lawyer who is representing us;
  - (ii) for the purpose of collecting a debt owed to us by a patient;
  - (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) 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 We will collect only the amount and type of Patient Personal Information needed for the purposes we have identified. Patient Personal Information will be collected by fair and lawful means.
- 4.2 Although we will collect Patient Personal Information primarily from patients, we 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 we collect 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. We may disclose Patient Personal Information without a patient's consent when we are 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 our 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) we disclose only the Patient Personal Information that is legally required, and nothing more.

We may notify a patient that we have received an order requiring disclosure if the law allows us to do so.

We may disclose Patient Personal Information to: (i) any person who, in our 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, our data processors, and our 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 us to collect amounts which are owed to us or to enforce our rights under our 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 our employees who need-to-know, or whose duties so require, are granted access to Patient Personal Information.
- 5.3 We will retain Patient Personal Information only as long as necessary to fulfill the identified purposes.
- 5.4 We have established reasonable guidelines and procedures for information and records retention, and we will destroy, erase or make anonymous for a reasonable period of time any Patient Personal Information no longer needed for its identified purposes or for legal requirements.

## **6. Ensuring accuracy of Patient Personal Information**

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

## **7. Safeguarding Patient Personal Information**

- 7.1 We will protect Patient Personal Information with safeguards appropriate to the sensitivity of the information. We have implemented appropriate safeguards to protect Patient Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction. Our 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 Our policies and practices for the protection of Patient Personal Information are available to patients and the general public. Our Patient Privacy Policy is posted on our website which informs patients about the type of Patient Personal Information we collect, what it is used for and to whom the information is disclosed.

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

- 9.1 Upon a patient's request, we will disclose to the patient what Patient Personal Information we have about the patient, what it is being used for and to whom it has been disclosed. We will give patients reasonable access to their Patient Personal Information. We will provide a list of third parties to whom we may have disclosed your Patient Personal Information when it is not possible to provide an actual list. We will amend inaccurate or incomplete information and we will transmit the amended information to third parties as required. We will record any dispute which may arise regarding the amendment of Patient Personal Information and we will record details of such disputed data which we provided to third parties as required.
- 9.2 In certain situations, however, we may not be able to give a patient access to all Patient Personal Information we hold 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. We will explain the reasons for denying access in writing and the recourse available to the patient.
- 9.3 We 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 a written request and at minimal or no cost. We will inform the patient of any extensions to the time limit and his or her right to contact the Privacy Commissioner regarding the extension of time.
- 9.4 We 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 our administrator at any of our clinic locations.

## **10. Handling complaints and questions**

10.1 Patients may challenge our compliance with our 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 our handling of Patient Personal Information and this Patient Privacy Policy may be addressed, in writing, to our 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](mailto:privacyofficer@crescentoralsurgery.com)

If the Privacy Officer is unable to resolve the issue, a written complaint may be filed with the Privacy Commissioner of 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](mailto:info@ipc.on.ca)  
Website: [www.ipc.on.ca](http://www.ipc.on.ca)