

# The College of Physiotherapists of Alberta's Policy on Privacy & Confidential Information



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## 1. Policy Statement

Physiotherapy Alberta - College + Association (operating as the College of Physiotherapists of Alberta, alternately referred to as CPTA or the College) values the privacy of members, applicants, employees, volunteers and members of the public. As a professional regulatory body legislated under Alberta's *Health Professions Act (HPA)*, the College takes seriously our duty to protect confidential information and to take all reasonable measures to safeguard the confidential information in our custody and control or to which we have access.

## 2. Purpose

The College of Physiotherapists of Alberta's authority to collect personal information arises from the *HPA*, the *Physical Therapists Profession Regulation (PTPR)*, and our government-granted mandate to regulate the practice of physiotherapy within the province of Alberta. We manage personal information in accordance with Alberta's *Personal Information Protection Act (PIPA)*.

This policy outlines the principles and practices the College of Physiotherapists of Alberta follows to ensure we meet our commitment to protect the privacy of confidential information in our custody or control. This policy:

- Documents our practices related to the collection, use, protection, disclosure, access, correction, retention, and destruction of confidential information.
- Provides guidance to staff as they address challenges associated with handling confidential information.
- Aims to achieve statutory and regulatory compliance.

## 3. Scope

This policy applies to all the College of Physiotherapists of Alberta employees including volunteers, personnel affiliated with or subcontracted to the College, and to third-party contractors providing services on our behalf.

## 4. Definitions

<b>Applicant:</b>	Refers to an individual who has applied to the College for registration as a regulated member or for membership as a non-regulated member.
<b>Business Contact Information:</b>	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.
<b>The College:</b>	The College of Physiotherapists of Alberta as established under authority from Alberta's Health Professions Act (HPA) and the Physical Therapists Profession Regulation (PTPR).
<b>Confidential Information:</b>	Not limited to, but includes: <ul style="list-style-type: none"><li>• all personal information and personal employee information as defined by the Personal Information Protection Act (PIPA);</li><li>• all health information as defined by Alberta's Health Information Act (HIA) to which the College may have access;</li><li>• all business information deemed to be confidential.</li></ul>

<b>Employee:</b>	Any individual employed by the College including, but not limited to volunteers, council members, committee members and contractors, whether members of the profession or members of the public, who from time to time perform a service on behalf of the College.
<b>HIA:</b>	<i>Health Information Act</i> , H-5, RSA 2000 and applicable regulations.
<b>HPA:</b>	<i>Health Professions Act</i> , H-7, RSA 2000 and applicable regulations.
<b>Members of the Public:</b>	Encompasses the public at large, external stakeholders, employers and contractors (e.g., WCB) who are not also registered members of <b>the College of Physiotherapists of Alberta</b> .
<b>Non-Regulated Member:</b>	Refers to a person who is registered as a member according to Section 33(1)(b) of the <i>HPA</i> and in accordance with the College of Physiotherapists of Alberta Bylaw 31.
<b>OIPC:</b>	Alberta's Office of the Information and Privacy Commissioner.
<b>Personal Information:</b>	Information about an identifiable individual excluding business contact information. Including, but not limited to: <ul style="list-style-type: none"> <li>• Name,</li> <li>• Home address and phone number,</li> <li>• Age,</li> <li>• Sex,</li> <li>• Marital or family status,</li> <li>• An identifying number,</li> <li>• Financial information,</li> <li>• Health information, and</li> <li>• Educational history.</li> </ul>
<b>Personal Employee Information</b>	In respect of an individual who is a potential, current, or former employee of the College, personal information reasonably required for the purposes of: <ul style="list-style-type: none"> <li>establishing, managing, or terminating an employment or volunteer-work relationship, or</li> <li>managing a post-employment or post-volunteer-work relationship between the College and the individual but does not include personal information about the individual that is unrelated to that relationship.</li> </ul>
<b>PIPA:</b>	<i>Personal Information Protection Act</i> , S.A. 2003 c. P 6.5 and applicable regulations.
<b>Policy/policies:</b>	Privacy and information-related policy instruments of the College include this policy and all directives or procedures falling under it.
<b>Regulated Member:</b>	Refers to a person who is or was registered as a member according to Section 33(1)(a) of the <i>HPA</i> , including individuals fulfilling the criteria for registration under Sections 3, 7, or 8 of the <i>PTPR</i> .
<b>Vendor:</b>	An individual or organization that performs a service on behalf of the College, pursuant to an agreement with the College; of particular relevance are vendors providing services that involve access to the College information or that are otherwise information-related.

## **5. Accountability**

The College is responsible for protecting and ensuring the authorized collection, use, disclosure, access, correction, retention and destruction of the confidential information under its control.

Accountability for ensuring compliance with privacy legislation rests with the Registrar/Executive Director of the College of Physiotherapists of Alberta. The Registrar will designate one employee as the College of Physiotherapists of Alberta's Privacy Officer.

The Privacy Officer is responsible for the College's compliance with privacy legislation, including the protection of confidential information, privacy policy development and adherence. The Privacy Officer is accountable to maintain current knowledge of emerging threats and best practices related to information handling.

The College, under the direction of the Privacy Officer, implements and routinely reviews policies and procedures to:

- Protect confidential information,
- Oversee compliance with privacy legislation,
- Receive and respond to privacy inquiries and complaints, and
- Inform employees and vendors about privacy policies and procedures.

The Privacy Officer may delegate accountability and authority to other individuals within the College to act on the Privacy Officer's behalf or to take responsibility for routine handling of confidential information. The College is responsible for ensuring that employees and vendors comply with the College's policies and procedures pursuant to relevant legislation and/or agreements. College staff who handle confidential information must protect the information as described in this policy.

This policy describes the minimum standards the College and College Staff must use.

The College will:

- Comply with the provisions of the privacy legislation that the College of Physiotherapists of Alberta is subject to; any other enactment that applies to the College; and any agreements governing access to and handling of information. If a conflict arises between information sharing agreements and legislation, legislated requirements will supersede all other agreements.
- Share its privacy policies with individuals upon request.
- Provide all new employees with an orientation detailing organizational policies and obligations when accessing and/or handling confidential information.
- Classify confidential information of a particularly sensitive nature, imposing additional protections on its collection, use, storage, retention and/or disclosure as appropriate.

## **6. Collection of Confidential Information (Identifying Purposes)**

The College collects information from members, applicants, employees and members of the public and will identify the purpose for which it is collecting personal information either before or at the time of collection. The College will collect confidential information by fair and lawful means and will limit its collection of confidential information to that which is reasonable

for the purposes identified.

### **Regulated members, non-regulated members and applicants**

The College of Physiotherapists of Alberta collects information for regulatory purposes. This includes determining eligibility for registration and maintaining the registers of members. Information is also used to support activities that further the College of Physiotherapists of Alberta's mandate to protect the public interest (e.g., workforce planning and research that promotes innovative, quality physiotherapy care).

### **Employees**

The College of Physiotherapists of Alberta collects information from employees (including volunteers, council members, committee members, and contractors) and potential employees for the purpose of establishing, maintaining or terminating an employment or volunteer-work relationship, and managing the post-employment or post-volunteer-work relationship.

### **The public**

The College of Physiotherapists of Alberta collects information from members of the public to respond to queries regarding physiotherapy practice, and/or to implement the investigation and discipline process.

From time to time the College may receive confidential information from other sources. The College will adhere to the provisions of all information sharing agreements made with those who may provide confidential information to the College. The College will also adhere to any privacy legislation relevant to such information. In the event of a conflict of provisions between the agreements and the legislation, relevant legislation will prevail.

The College will communicate verbally, electronically or in writing the primary purpose of collecting, using and/or disclosing confidential information. Upon request, persons collecting confidential information will explain these identified purposes or refer the individual to the Privacy Officer for further explanation.

## **7. Consent**

The College obtains consent for the collection, use and/or disclosure of confidential information from the individual who is the subject of the information, except when such collection, use and/or disclosure is authorized, required or permitted by legislation.

When consent is required for the collection, use and/or disclosure of confidential information, it will be obtained at the time of collection, and in a manner that is easily understood. The College will use reasonable efforts to ensure that an individual is advised of the identified purposes for which confidential information is collected, used and/or disclosed.

The College may seek consent to use and disclose confidential information after it has been collected but before it is used or disclosed for a new purpose.

An individual may revoke consent for the collection, use and/or disclosure of their confidential information at any time, if the purpose for collection/use/disclosure is not a

requirement under legislation, and if doing so does not change or frustrate a legal obligation. If an individual revokes consent, the College will cease to use and disclose the confidential information, except as permitted or required under PIPA, the HPA or other relevant legislation.

Revoked consent may limit the College's ability to serve that individual.

## **8. Consent not required**

### **Registration Information:**

Provisions 14(b), 17(b) and 20(b) of *PIPA* allow the College to collect, use and disclose personal information without consent if it is authorized or required to do so.

With respect to applicants to and regulated members of the College, 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, Sections 28 and 38, and is authorized in accordance with Sections 9(1), 25 and 36(1) of the *Physical Therapists Profession Regulation*. As such, consent is not required for this purpose.

In accordance with Sections 33(3) and 85 of the *Health Professions Act*, and Section 38 of the PTPR, the following information on the *Register of Members* must be disclosed to the public upon request: member's full name, registration number, practice permit status (including conditions, restrictions, suspensions, cancellations), whether they are authorized to perform a restricted activity, practice specialization, and conduct findings on record. Members of the public may access information on the register by contacting the College of Physiotherapists of Alberta directly or through our online register.

In accordance with Section 37 of the *Physical Therapists Profession Regulation*, the College of Physiotherapists of Alberta may disclose the following information concerning its regulated members to members of the public in order to support its physiotherapist search function on its website: member's names used in practice; employment information including business name, mailing address, telephone number, fax number and email address; degrees and other qualifications; practice areas and specialization; school of graduation; gender; and languages in which the member can provide professional services.

In accordance with Section 122 of the *Health Professions Act*, the College of Physiotherapists of Alberta is required to provide demographic, education and practice information to the Minister of Health for planning and resource allocation, health system management, public health surveillance and health policy development.

In accordance with Section 63 of the *Health Professions Act*, consent is not required for the College of Physiotherapists of Alberta to obtain copies of a patient's record for the purpose of responding to a complaint against a regulated member.

### **Personal Employee Information:**

The College of Physiotherapists of Alberta only collects, uses and discloses personal employee information for the purpose of establishing, maintaining or terminating an employment or volunteer-work relationship, and managing the post-employment or post-volunteer-work relationship. This may include information regarding performance evaluation

and determining appropriate levels of compensation. The *Personal Information Protection Act* allows for the collection of this information without consent.

Personal information is disclosed to third party benefit suppliers and payroll administrators when necessary to administer benefits and payroll.

## **9. Use of Confidential Information**

The College can use confidential information only for the purpose identified at the time of collection or if the use is authorized, required or permitted by legislation. The College cannot use information collected for one purpose for other purposes without clear legislative authority or individual consent.

Only authorized employees may access confidential information. All employees using confidential information will be able to explain why the College needs, how it will use, how it will protect, and if/how it might share the confidential information.

Nothing in the foregoing will restrict the College's use of anonymized data for any purpose, provided such use is in compliance with the provisions of PIPA.

## **10. Vendors and Third-Party Use of Confidential Information**

When providing services involving access to confidential information, vendors and third-party confidential information users (e.g. researchers) are required to protect the confidentiality of personal information to which they have access to the level established by the College of Physiotherapists of Alberta, and to uphold all policies and procedures established by the College of Physiotherapists of Alberta respecting privacy and security of confidential information.

Only authorized vendors may access confidential information. All vendors are required sign a confidentiality and/or non-disclosure agreement, and to uphold all policies and procedures respecting privacy and security of confidential information. The agreement remains in effect even after termination of any business or contractual relationship with the College.

A written undertaking addressing confidentiality and destruction of confidential information is required before any information is disclosed to third-party confidential information users (e.g. researchers).

## **11. Protection and Storage of Confidential Information**

The College will take all reasonable measures to prevent unauthorized collection, use, disclosure, modification, or access to confidential information. The College stores all confidential information in its custody in accordance with PIPA. The College protects confidential information against unauthorized access through the use of administrative, physical and technical safeguards, including but not limited to:

- Orientation and ongoing employee training regarding safeguarding personal information.
- Confidentiality agreements with employees that require them to uphold all policies and procedures respecting privacy and security of confidential information.
- Confidential information that is no longer required is disposed of in a confidential and

secure fashion, and in accordance with the Records Retention Policy.

- Access to confidential information is restricted to authorized personnel.
- Physical files are stored in locked cabinets.
- Electronic files are password protected and encrypted and are stored on the organization or agent's server.

All employees are required to uphold all policies and procedures respecting privacy and security of confidential information. Confidentiality agreements remain in effect even after termination of any employment relationship with the College.

## **12. Disclosure of Confidential Information**

The College only discloses confidential information for the purposes for which it was collected, with the individual's consent or as authorized or required by legislation.

Confidential information will generally be disclosed:

- To the individual who is the subject of the information, or
- With the consent of the subject individual, or
- When clearly identified as information the College will disclose at the time of collection, or
- When deemed publicly available information, or
- As authorized or required by law.

Confidential information will not be disclosed:

- When prohibited by law, or
- When such disclosure would contravene the terms of an information sharing or other such agreement.

## **13. Access to and Correction of Confidential Information**

The College will ensure confidential information is as accurate, complete, and current as reasonably possible.

An individual has the right to view their confidential information and records regarding the use and disclosure of that information unless disclosure may or must be withheld according to the provisions of *PIPA*. An individual may seek access to their confidential information by contacting the Privacy Officer.

- All requests must be in writing and the identity of the individual making the request confirmed.
- The College of Physiotherapists of Alberta has 45 days to provide access to the personal information on file.
- There may be a reasonable fee charged for access or reproduction of information based on a cost recovery basis.

An individual may challenge the accuracy and completeness of confidential information the College has in its custody and control and may request to have it amended as appropriate. The College will address all requests for correction of confidential information in accordance with *PIPA*.

The College will update confidential information about an individual upon notification from the individual, in accordance with Sections 35(2) and 135.92(5) of the HPA, and the provisions of *PIPA*. The College will, whenever authorized and reasonable, allow individuals to update their own confidential information.

## **14. Retention and Destruction of Confidential Information**

In accordance with *PIPA*, Section 35, the College will retain personal information only for as long as reasonably necessary for regulatory business or legal reasons.

The College will maintain records of investigations and hearings, copies of ratified settlements and admissions of unprofessional conduct, and records of complete registration applications and reviews for a minimum of ten years and may retain records indefinitely.

The College will maintain financial records for a minimum of seven years following the year in which the record was made (e.g. all records pertaining to fiscal year 2012 must be maintained until fiscal year 2019).

College management will determine the retention schedules for other records containing confidential information.

## **15. Incident Response**

The College will respond to any incident, real or potential, involving confidential information under its control which could significantly impact the privacy of confidential information or College operations.

- Employees will report all security breaches or privacy compliance concerns to the College's Privacy Officer.
- The Privacy Officer will review all privacy concerns and evaluate the probability and severity of the risk, implementing appropriate safeguards to mitigate the risks identified.
- The Privacy Officer will investigate all privacy breaches and evaluate the severity based on the degree of harm to the individuals involved, the sensitivity of the information, and the degree of malicious intent. Additional staff will be involved in the investigation as necessary to determine the cause of the breach and to implement any corrective or disciplinary actions required.
- Depending on the nature and severity of the breach, the Privacy Officer will notify the affected parties subject to the breach.
- The College will share the results of the investigation to appropriate staff and take any corrective action.
- The appropriate supervisory/managerial staff will apply any applicable disciplinary action.
- The Privacy Officer will report privacy breaches to the OIPC as required by *PIPA* and may report privacy breaches to the College of Physiotherapists of Alberta's governing Council, depending on the nature and severity of the privacy breach.

## **16. Compliance**

Employee or vendor failure to comply with this policy is cause for disciplinary action up to and including termination of employment or business relationship, and where applicable, legal or other action.

Members, applicants, employees and members of the public can direct any questions or concerns about the College's handling of confidential information and compliance with this policy to the College's Privacy Officer. The College of Physiotherapists of Alberta will investigate all complaints or concerns regarding compliance with *PIPA*. If a complaint is found to be justified, the College of Physiotherapists of Alberta will take reasonable measures to resolve the complaint and fix the problem.

## **17. Policy Review**

The Registrar will ensure this policy is reviewed triennially at a minimum and sooner if deemed necessary to ensure it reflects current best practices, legislation and/or technology in use.

Periodically, at the discretion of the Privacy Officer or when the College is contemplating significant changes to programs and/or practices, the College will conduct a thorough risk assessment to determine the effectiveness of current policy and procedures, and to identify gaps.

The Privacy Officer will also conduct ongoing ad hoc assessments of privacy risk and revise or update the College's policies as needed.