

Policy and Procedures

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Policy Name:	Privacy and Security of Personal Information Policy	Date Issued:	June 2006
Issued By:	Board of Directors	Revised:	Sept 2012; Feb 2014
Approved By:	Board of Directors	Approved:	June 21, 2006
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PURPOSE

In an effort to comply with emerging federal and provincial standards for personal privacy protection, and in support of our ongoing effort to operate within generally accepted norms for personal information handling, Women's College Hospital Foundation ("WCHF") recognizes the ten principles of fair information practices contained in the CSA Model Code for Personal Information (1996) and their adoption in the federal *Personal Information Protection and Electronic Documents Act, 2001* ("PIPEDA"). WCHF also recognizes its duty to comply with the Ontario *Personal Health Information Protection Act, 2004* ("PHIPA"), as the fundraising agent of Women's College Hospital ("WCH"). These principles will guide WCHF's approach to the implementation of personal information, industry regulation, and best practices.

POLICY STATEMENT

It is WCHF Policy to protect the privacy of personal information in accordance with the Personal Health Information Protection Act 2004 (Ontario), best practices for privacy, and internationally accepted fair information principles. In doing so, WCHF recognizes, and complies with, WCH Corporate Privacy Policy.

APPLICATION

This policy applies to all WCHF employees, Board members, contractors, vendors, consultants and volunteers, (each of which may individually be an "information agent within WCHF" and collectively, will be included within the meaning of the term "WCHF") and who, on behalf of or for the purposes or benefit of WCHF, collect, use, disclose or have access to personal information, which is in the custody or control of WCHF.

The following sections establish WCHF's intent with respect to privacy accountability and our commitment to appropriate collection, use, disclosure and access to personal information.

POLICY

1.0 Accountability for Personal Information

WCHF is responsible for personal information under its control and has designated a Privacy Officer as the contact person who is accountable for WCHF's compliance with this Policy.

1.1 Public Record of Contact Person:

The Chief Privacy Officer of WCHF can be contacted via telephone at 416-323-6323 or via email at mary.dodd@wchospital.ca or via mail by writing to:

Women's College Hospital Foundation
790 Bay Street, Suite 600, Box 52, Toronto, ON M5G 1N8

The Privacy Director of WCH can be contacted via telephone at (416) 323-6096 or via email at privacy@wchospital.ca or via mail by writing to:

Women's College Hospital
76 Grenville Street, Toronto, ON M5S 1B2

- 1.2 Openness:** WCHF will be open about its information practices with respect to the management of personal information. Individuals will be able to acquire information about WCHF policies and practices without unreasonable effort. This information will be made available in a form that is generally understandable.

- 1.3 Description of Information Practices:** A written statement has been made available to the public by the Hospital (WCH) that:
- provides a general description of WCH's information practices, including Fundraising;
 - describes how to contact the contact person
 - describes how an individual may obtain access to or request correction of a record about the individual that is in the custody or control of the Hospital (including the Foundation); and
 - describes how to make a complaint to WCH and to the IPC

A written statement is available on WCHF website and through other public notices that:

- provides a general description of WCHF's information practices;
- describes how to contact the WCHF contact person, as well as the WCH contact person
- describes how to make a complaint to WCH and to the IPC

- 1.4 Confidentiality Contracts:** WCHF is responsible for personal information in its custody or control, including information that has been disclosed under contract and will use contractual or other means to ensure a comparable level of privacy protection while the information is being used or otherwise processed by any third party including, where appropriate, volunteers of the Foundation.

2.0 Identifying Purposes for the Collection of Personal Information

The Hospital (WCH) will identify the purposes for which personal information is collected, including fundraising at or before the time information is collected. WCHF will also do so via public notice.

Personal information will not be used for purposes other than those for which it was collected.

When WCHF collects personal information directly from its constituents, the Foundation will identify the purposes for which personal information is collected at or before the time of collection.

- 2.1 Limited Collection:** The Limiting Collection Principle requires the Foundation to collect only that information necessary for the purposes that have been identified. Identifying purposes for which personal information is collected will allow WCHF to determine the information necessary to fulfill these purposes. For this process, WCHF has developed a Purpose Statement to be used on all communications, solicitations and mailings.
- 2.2 Notification of Purposes for Collection:** Unless it is not reasonable in the circumstances, it is reasonable to believe that an individual knows the purposes of the collection, use or disclosure of personal health information about the individual by the hospital if WCH and/or WCHF has provided notice describing the purposes where it is likely to come to the individual's attention or provides the individual with such a notice.
- 2.3 Authorized Purposes:** WCHF collects, uses and discloses personal information for the purposes of fundraising, including:
 - Processing donations and providing a charitable gift receipt
 - Soliciting donors for support of our mission
 - Inviting donors to attend events
 - Providing communications to WCHF stakeholders
 - Providing governance documents to members of Committees and the Board of Directors
- 2.4 Timeliness of Identification:** WCHF will specify the identified purposes at or before the time of collection to the individual from whom the personal information is collected. Depending on the way in which the information is collected, this can be done orally or in writing. Alternatively, notice of the purposes will be provided by the Hospital and/or Foundation in the form of a poster or brochure or website, located in a place where it is likely to come to the individual's attention or given to the individual.
- 2.5 Identification of New Purposes Prior to Use:** When personal information that has been collected is to be used for a purpose not previously identified to the individual, the new purpose will be generally identified prior to use. Unless the new purpose is otherwise permitted or

authorized by law, the consent of the individual will generally be obtained before their information can be used for the new purpose. In circumstances where obtaining prior consent is impractical, the individual may be notified at the first reasonable opportunity, except as permitted or required by law, and a note of the new use or disclosure will be kept in the record.

- 2.6 Clarity:** Upon request, WCHF will be able to explain to individuals the purposes for which the information is being collected. This information may be provided in writing or orally (or both, depending on the circumstances), in a language known to the individual or substitute decision maker.

3.0 Consent for the Collection, Use and Disclosure of Personal Information

The knowledge and consent of the individual is required for the collection, use or disclosure of personal information, except where mandated by law. Individuals can give consent in many ways. For example:

- **Opting Out** – When provided with an opportunity to be removed from selected or all contacts with WCHF and not responding, the donor has given consent for the organization to continue contact with the individual.

- 3.1 Elements of Consent:** Where consent to the collection, use or disclosure of personal information is required, the consent shall be:

- 3.1.1 Consent of the Individual:** An individual who is assumed to be capable of giving consent to the collection, use or disclosure of personal information may give consent. WCHF generally presumes that an individual is capable of consenting to the collection, use or disclosure of personal health information unless it has reasonable grounds to believe otherwise. Capable individuals may give, withhold or withdraw consent.
- 3.1.2 Knowledgeable:** A consent to the collection, use or disclosure of personal information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use or disclosure, as the case may be; and (b) that the individual may provide or withhold consent.

WCHF will make a reasonable effort to ensure that the purposes for which the information will be used are known by the individual, by providing information about the purposes orally or in written material. The information will be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

3.1.3 Relative to the Information: Consent relates to the information known by the individual to be collected, used or disclosed.

3.2 Implied vs. Express Consent:

3.2.1 Implied Consent: Where WCHF receives personal information about an individual from the individual, having made a donation or requested information, WCHF is entitled, but not required, to assume that it has the individual's implied consent to collect, use or disclose the information for the purposes of fundraising, unless WCHF is aware that the individual has expressly withheld or withdrawn the consent. An individual may withdraw consent at any time subject to legal or contractual restrictions and reasonable notice. WCHF will inform the individual of the implications of such withdrawal. If the Withdrawal of Consent is requested, the donor record will be marked with the appropriate coding (*Do Not Contact, Do Not Solicit, Opt-Out etc.*).

3.2.2 Express Consent: WCHF will generally seek express consent when the information is considered sensitive.

3.2.3 Assumption of validity: Where WCHF has obtained an individual's consent, including their implied consent, WCHF is entitled to assume that the consent fulfils the requirements of PHIPA and the individual has not withdrawn it, unless it is not reasonable to assume so.

3.3 Donor Requests:

3.3.1 Where WCHF receives a donor request to limit the frequency of contact; not to be contacted by telephone or other technology; receive printed material concerning the organization; discontinue contact; or to remain anonymous all efforts are made to honour such request. All such requests are appropriately coded and stored and future communications are conducted based on these codes. Appropriate suppression is applied to all telemarketing, direct mail, email communication or solicitation based on coded entries.

4.0 Limiting Collection of Personal Information

WCHF will limit the collection of personal information to that which is necessary for the purposes identified. Information will be collected by fair and lawful means. The Foundation does not collect any personal health information, other than that which is volunteered directly by the constituent.

4.1 Limited collection: WCHF will not collect personal information indiscriminately. Both the amount and type of information collected will be limited to fulfill the purposes identified. WCHF may receive only contact information on patients from WCH.

- 4.2 Non-deceptive collection:** The requirement that personal information be collected by fair and lawful means is intended to prevent WCHF from collecting information by misleading or deceiving individuals about the purposes for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

5.0 Limiting Use, Disclosure and Retention of Personal Information

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes. The Foundation does not trade, rent or sell any personal information to third parties.

- 5.1 Record Retention and Disposal:** WCHF will maintain electronic files on the database for historical information. This ensures that donors' wishes are respected and revisited (i.e., Do Not Contact, Do Not Solicit). WCHF will retain hardcopy financial, gift and donor information for the Canada Revenue Agency guideline of seven years. Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased or made anonymous.

6.0 Ensuring Accuracy of Personal Information

Personal information will be accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

- 6.1 Limitations:** The extent to which personal information will be accurate, complete and up-to-date will depend upon the use of the information, taking into account the interests of the individual.
- 6.2 Updates:** WCHF will routinely update personal information
- 6.3 Third Party Notification:** Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up-to-date.

7.0 Ensuring Safeguards for Personal Information

Personal information will be protected by security safeguards appropriate to the nature and format of the information.

- 7.1 Scope and Format:** The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

- 7.2 Appropriate Measures:** The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution and format of the information, and the method of storage. A higher level of protection using measures appropriate for the nature of the information involved will safeguard more sensitive information.
- 7.3 Measures:** The methods of protection will include:
- Physical measures (locked filing cabinets, restricted access)
 - Organizational measures (limiting access on a “need to know” basis)
 - Technological measures (Use of passwords, access control encryption & audits)
- 7.4 Employee Awareness:** WCHF will make its employees aware of the importance of maintaining the confidentiality of personal information. All staff and volunteers (operational, fundraising and governance) will sign a Confidentiality Agreement appropriate for their position within the organization.
- 7.5 Disposal:** Care will be used in the disposal of personal information, and to prevent unauthorized parties from gaining unauthorized access to the information.
- 7.6 Notice of Loss:** At the first reasonable opportunity, WCHF shall notify the individual at the individual’s last known address or phone number, depending on the method of notification chosen, if the individual’s personal information has been lost, stolen or accessed by unauthorized persons unless otherwise required by law.

8.0 Openness about Personal Information Policies and Practices

WCHF will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

- 8.1 Reasonable Efforts:** WCHF will be open about its policies and practices with respect to the management of personal information. Individuals will be able to acquire information about WCHF policies and practices without unreasonable effort. The information will be made available in a form that is generally understandable.
- 8.2 Description:** The information made available will:
- (a) Provide a general description of WCHF’s information practices;
 - (b) Describe how to contact the Chief Privacy Officer
 - (c) Describe how an individual may obtain access to or request correction of a record of personal information about the individual that is in the custody or control of WCHF

- 8.3 Availability:** WCHF may make information on its privacy policies and practices available in a variety of ways.

9.0 Individual Access to Personal Information

Upon request, an individual will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Response to Request for Access to Personal Information:** Upon written request of the person to whom the personal information pertains, WCHF will provide the individual access to this information and upon request provide a copy of the record to the individual, or will inform the individual that, after a reasonable search, the information is not available. Response to a request to access such information may be given within five business days of request unless otherwise permitted by law.
- 9.2 Identification Requirements:** An individual may be required to provide sufficient information to permit WCHF to confirm his or her identity, and provide an account of the existence, use and disclosure of personal information. The information provided will only be used for this purpose.
- 9.3 Third-Party Identification:** In providing an account of third parties to which it has disclosed personal information about an individual, WCHF will attempt to be as specific as possible.
- 9.4 Reasonable Response:** WCHF will respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information will be provided or made available in a form that is generally understandable.
- 9.5 Amending:** When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, WCHF will amend the information as required.

10.0 Challenging Compliance with WCHF Privacy Policies and Practices

An individual will be able to address a challenge or complaint concerning compliance with the above principles to the Chief Privacy Officer of the WCHF or the Chief Privacy Officer of WCH.

- 10.1 Documented Procedures:** WCHF will have procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The Chief Privacy Officer is accountable for WCHF compliance and will review all challenges and complaints to determine whether they have merit on a policy and best practice basis.

- 10.2 Accessibility:** The complaint procedures will be easily accessible and simple to use. WCHF will inform individuals who make inquiries or lodge complaints of this existence of relevant complaint procedures.
- 10.3 Appropriate Measures:** WCHF will investigate all complaints. If a complaint is found to be justified, WCHF will take appropriate measures, including if necessary, amending its policies and practices.