

EPILEPSY TORONTO

PRIVACY POLICY

Epilepsy Toronto (ET) respects and protects the privacy of its members, volunteers, staff, donors, and community partners and is committed to full and complete compliance with the directives of the Personal Information Protection and Electronic Documents Act (PIPEDA) and the Freedom of Information and Protection of Privacy Act (FIPPA).

This policy outlines Epilepsy Toronto's procedures relating to the collection, use, protection and disclosure of personal and confidential information. The policy applies to Epilepsy Toronto employees, consultants, volunteers and students and to any person providing services on our behalf. A copy of this policy is provided to members on request.

Accountability

- ET is responsible for all personal and confidential information under its control.

Identifying Purposes

- ET personnel who collect personal information must identify the purposes for which the information is collected prior to or when collecting such information.
- ET Staff who collect information on behalf of the Ministry of Training, Colleges and Universities are required to understand the 'Notice of Collection' in the client applications and explain this information to clients.
- All memos, notes, reports, or other documents compiled about our clients remain part of client confidential records.

Informed Consent

- An individual's informed express, written consent will be obtained before or at the time of collecting personal information.
- When a new purpose or use for personal information is identified after the initial collection of the personal information, consent from the individual is obtained unless the new purpose is required by law.
- ET will be sensitive regarding any issues impacting consent such as a client's language barrier or developmental challenges.
- Individuals may withdraw their consent for ET's collection, use or disclosure of their personal information at any time, subject to legal or contractual restrictions.

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Individuals wishing to withdraw their consent should do so in writing to “Privacy Officer, 468 Queen Street East, Toronto, ON M5A 1T7.

- Exception -Consent is not required where it is clearly in the best interest of the individual for ET to collect information about them for the purpose of ensuring their personal safety. This would include emergency situations where the life, health or security of the individual is threatened.

Limiting collection

- Collection of personal information is strictly restricted to that information required for service delivery. Information is collected only where it relates specifically to authorized Epilepsy Toronto programs, business activities and/or employment related matters. The information must be reasonably necessary for the conduct of such programs, activities and/or employment matters.
- Personal information shall be retained only as long as necessary for the fulfillment of those purposes. Client files are retained for seven years after the file is closed.

Limiting Use, Disclosure and Retention

- Personal information shall be as accurate, complete and up to date as necessary for the purpose for which it is required. Staff will ensure to update contact details while the client is still active with the service.

Safeguards

- ET is committed to preventing the loss, theft, unauthorized access, disclosure, unauthorized altering, copying, and use of personal information and personal health information in all of its forms. Safeguards will be appropriate based on the sensitivity level of the information being collected, the amount, distribution, format of the information, and method of storage.
- Methods of protection will include:
 - Physical measures* – Locked filing system which includes storing personal information and personal health information and client files in locked cabinets within an office and restricted access to offices (i.e. locks on doors). Following clean desk practices where client files and other personal information are not left unattended.
 - Organizational measures* – The use of confidentiality agreements, use of consent forms, privacy training for employees, privacy audits, contractual agreements with service partners and third party vendors.

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Technology measures – The use of passwords, secure computer networks, and conducting electronic file access audits. ET's Internet router or server has firewall protection sufficient to protect personal and confidential business information against virus attacks and "sniffer" software arising from Internet activity.

All staff, independent consultants and volunteers (volunteers who are privileged to personal information) will sign a Confidentiality Agreement at the time of hire.

Access to Personal Records

- ET will make readily available to individuals specific information about its policies and procedures in relation to the management of personal information.
- In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit ET to account for the existence, use and disclosure of personal information, and authorize access to the individual's file.
- Requests for access to information by members or donors must be submitted in writing.
- Individuals may challenge the accuracy and completeness of the information and have it amended as appropriate.
- Staff and volunteers shall refer requests about personal information held about an individual to the Chief Privacy Officer.
- A Director shall respond to a written request for access in a reasonable time, and at minimal or no cost. Personal information shall be provided in a format that is understandable, along with any explanation needed to facilitate the individual's understanding.
- A Director or designate shall provide the individual a reasonable opportunity to review and challenge the accuracy and completeness of personal information. A statement of disagreement will be attached to records where a requested amendment cannot be made.
- Upon request, a Director shall provide an account of the use and disclosure of personal information. A list of organizations to which ET may have disclosed personal information shall be provided, when it is not possible to provide a list of actual disclosures.

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Exceptions to Access

- ET may not be able to provide an individual with access to some or all of his or her personal information in certain circumstances permitted by law. Some exceptions include if:
 - (a) doing so would likely reveal personal information about a third party;
 - (b) disclosure could reasonably be expected to threaten the life or security of another individual;
 - (c) information was collected in relation to the investigation of a breach of an agreement, or a contravention of law, or as otherwise permitted by law.

If access to personal information cannot be provided, a Director shall provide the individual with written reasons for denying access.

Staff Training

- All new staff and volunteers will undergo training in this policy as part of their induction procedures. A Privacy Policy refresher course will be provided for the ET team on an annual basis to ensure all staff and volunteers are fully conversant with the policy.

Communication of Information

- Staff will share information on members only with the client's written consent and on an 'as needs basis'. Client information will only be discussed in a closed room and on an 'as needs' basis. Similarly telephone calls to and regarding clients will be conducted with due regard to maintaining the privacy of the client.
- Email correspondence containing personal client information will adhere to that which is strictly necessary. Any reports containing personal client information will be password protected. A separate email containing the password will be sent to the addressee.
- The personal or identifying information about our staff (such as addresses, phone numbers, salaries, etc) will be made available only to persons authorized by the nature of their duties to receive such information, and exclusively through the office of the Executive Director.
- Staff will avoid faxing personal or confidential information if possible. It is recommended that instead documents with personal or confidential information be scanned and emailed over the ET secure network. If documents with personal

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or confidential information must be faxed, check and recheck the number, use a cover sheet and ensure someone is available to receive the fax before sending.

- Ensure security of photocopied material by remaining at the copier until the copying is completed, and ensuring that all originals are removed from the photocopier.
- When printing confidential material or documents with personal or confidential information, ensuring that the material is picked up immediately upon printing. As well, do not look at documents that have been printed by others.

Exceptions

In certain situation Epilepsy Toronto is obliged to disclose personal information to a third party with or without the consent of the individual in question.

Personal information may be disclosed to third parties, *without* an individual's knowledge and consent to:

- a lawyer representing ET;
- comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
- a law enforcement agency in the process of a civil or criminal investigation;
- a government agency or department requesting the information; or,
- as required by law.

Challenging Compliance

- An individual may address a challenge concerning compliance with the above principles. Any such challenge should be addressed to the Chief Privacy Officer at Epilepsy.

Privacy Breaches

- In the case of an actual or potential breach in privacy Epilepsy Toronto undertakes to immediately contact the Ministry and inform the appointed person that a breach has taken place and to ensure corrective action is undertaken.
- ET will fully cooperate in any audit or investigation of any privacy breach.

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- If an individual has a concern about ET's personal information handling practices, a complaint, in writing, may be directed to the Chief Privacy Officer.
- Upon verification of the individual's identity, the Chief Privacy Officer will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.
- Where ET's Chief Privacy Officer makes a determination that the individual's complaint is well founded, the Chief Privacy Officer will take the necessary steps to correct the offending information handling practice and/or revise ET's privacy policies.
- If the individual is dissatisfied with the finding and corresponding action taken by ET Chief Privacy Officer, the individual may bring a complaint to the Federal Privacy Commissioner at the address below:
- Any questions regarding this privacy policy may be directed to the Chief Privacy Officer. Requests for access to information, or to make a complaint, are to be made in writing and sent to the Chief Privacy Officer at the address below:
- The Chief Privacy Officer at ET is:

Geoff Bobb, Executive Director

gbobb@epilepsytoronto.org

416 964 9095

The Chief Privacy Officer is responsible for ensuring compliance with the organisation's privacy policy, managing inquiries, access, complaints and correction procedures.

If you are dissatisfied with the decisions of the chief Privacy Officer you may seek further information from the Privacy Commissioner of Canada. To assist you, we have included all the necessary contact information listed below.

Postal Address:

Privacy Commissioner of Canada

112 Kent Street

Ottawa, ON K1A 1H3

General Inquiries:

Telephone: (613) 995-8210

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Toll free: 1-800-282-1376

Fax (613) 947-6850

This policy comes has been devised in accordance with the Personal Health Information Protection act (PHIPA) 2004 and the Privacy and Personal Information Act (PIPA).

Signed: _____

Position: _____

Date: _____