

# PIPEDA Alert!

## PRIVACY LEGISLATION – What’s it all about?

As of January 2004, the *Personal Information Protection and Electronic Data Act* (PIPEDA) came into effect in Ontario.

### What Is PIPEDA?

- Federal legislation which applies across Canada.
- An act intended to safeguard personal information from unauthorized access, disclosure, use or tampering.

### How does PIPEDA Apply?

- Only to personal information such as health, personal characteristics and family circumstances.
- States that Consent or other legal authority must be obtained.
- Requires the identification of the purpose for which personal information is collected, used and disclosed.
- States that individuals generally have the right to access and correct their personal information.

### How Does PIPEDA Affect Me?

- PIPEDA applies to any one engaged in commercial activity.
- PIPEDA defines commercial activities as any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.
- Dietitians billing patients/clients (even if this is a secondary business, or it is small in size), are involved with the PIPEDA legislation.
- If you are in private practice, PIPEDA probably applies to your practice.
- When you work for an employer who is ultimately responsible for the commercial activity, then it is up to the employer to ensure that there is compliance with PIPEDA.

- Dietitians who are employed by government or non-profit agencies (public hospital) that do not engage in commercial activity are exempt. These Dietitians would comply with the hospital’s Privacy Policy.
- Not only does PIPEDA apply to the individual Dietitian but to the College of Dietitians of Ontario who must also comply with the legislation to the extent that it engages in commercial activities.

### What Are My Responsibilities?

- Begin by identifying if your organization is engaged in any commercial activities.
- Determine if you collect, use and disclose personal information in these activities.
- Review and document your current information practices and assess if there is a need for change.
- Develop a written privacy policy statement, which must be made available to the public.
- Develop a consent form for collecting information.
- Develop a privacy agreement with any external service providers with access to your files.
- Designate an Information Officer who will be ultimately responsible for the organization’s compliance with the privacy obligations. You will be this Information Officer if you are working alone, or it may be someone else if you are working in a group situation.
- Train all staff to ensure knowledge of the policy and effectiveness of its implementation.

### Where Can I Get Help?

- To assist you in this process, you may contact the College to obtain an information package including: *Privacy Requirements and Policies for the Small Office: Checklists, forms & Precedents* by Richard Steinecke.

- This information package which was developed with the support of the health regulatory colleges and provides suggestions on how to review information-handling practices and develop a Privacy Policy.
- Although this information package is adapted from the work of Richard Steinecke of *Steinecke Maciura LeBlanc Barristers & Solicitors*, it is not intended as legal advice. For legal advice on PIPEDA contact your own lawyer.
- Information is also available from the *Information and Privacy Commissioner of Canada*.

### What Happens if I Don't Comply?

- PIPEDA is mandatory and enforced by the Privacy Commissioner of Canada.
- Failure to comply may result in a compliance order or monetary award imposed by the Federal Court of Canada.
- It may result in negative publicity.

- This may result in an act of Professional Misconduct with notification to the College for disciplinary action.

### What is Bill 31?

- Bill 31 – The *Health Information Protection Act (HIPA)* is expected to be enforced in January 2005.
- An act of provincial government, it will apply in Ontario regardless of whether a Dietitian is engaged in a commercial activity or not.
- Until Bill 31 comes into force and is declared substantially similar, PIPEDA is in force.
- The *College of Dietitians of Ontario* will provide you with information pertaining to Bill 31, as it becomes available.

### Don't Know What to Do?

If you are uncertain about where to go or what to do, contact the *College of Dietitians of Ontario* for assistance at 416-598-1725 or 800-668-4990; fax 416-598-0274.



### Important Web Links

- Copy of PIPEDA at <http://laws.justice.gc.ca/en/p-8.6/91355.html>
- Copy of Bill 31 – proposed *Health Information Protection Act* at [http://www.ontla.on.a/documents/Bills/38\\_Parliament/Session1/index.htm](http://www.ontla.on.a/documents/Bills/38_Parliament/Session1/index.htm)
- Information & Privacy Commissioner of Canada at <http://www.privcom.gc.ca/information/guide>
- Information & Privacy Commissioner of Ontario at <http://www.ipc.on.ca/at>

## Infection Control Guidelines

The Ministry of Health and Long-Term Care, with the participation of health professional colleges, has developed the following infection control standards and guidelines:

- ☐ Final Report of the Infection Control and Surveillance Standards Task Force : Community Health Providers - Preventing Respiratory Illnesses In Community Settings in Non-Outbreak Conditions
- ☐ Final Report of the Infection Control Standards Task Force: Non-Acute Institutional Settings - Recommended Infection Control and Surveillance Standards for Febrile Respiratory Illness (FRI) in Non-Outbreak Conditions
- ☐ Preventing Respiratory Illnesses Protecting Residents and Staff in Non-Acute Care Institutions - Infection Control and Surveillance Standards for Febrile Respiratory Illness (FRI) in Non-Outbreak Conditions

See [www.cdo.on.ca](http://www.cdo.on.ca) > **What's New: Infection Control Guidelines.**