

PRIVACY LEGISLATION – EXECUTIVE SUMMARY

On January 1, 2004, federal privacy legislation covers the private sector in Ontario. The *Personal Information Protection and Electronic Documents Act* will cover:

- any organization (including an individual)
- that collects, uses or discloses personal information (e.g., client charts)
- in the course of engaging in commercial activities (e.g., the private practice of chiropractic).

Most chiropractors in private practice will likely be covered by the Act. To comply with the legislation, you will need to do the following:

1. appoint a privacy officer to oversee the organization's personal information handling practices;
2. set out in writing what kinds of personal information you collect and why (e.g., health assessment are conducted to advise clients and guide treatments);
3. develop a process for obtaining consent to collect, use and disclose personal information and understand when this can be done without consent (e.g., in an emergency, to collect unpaid accounts);
4. identify what personal information may not need to be collected in every case (e.g., social insurance numbers) and then stop collecting it;
5. limit the use and disclosure of personal information as much as is reasonable in your circumstances (e.g., restrict staff access to unnecessary information);
6. ensure that the information you collect is accurate;
7. use appropriate measures to safeguard the personal information you have (e.g., do not use regular e-mail for identifiable client health information);
8. write out your organization's privacy policy and make it available to the public (e.g., put it on your web site);
9. permit individuals to review the personal information you have on them and to correct any errors in that information; and
10. handle any complaints about your information handling practices in a fast and fair way (e.g., investigate the concern and write back with your findings and any changes that you be making as a result of the concern).

The legislation will be enforced by the Information and Privacy Commissioner in Ottawa, who can investigate complaints and conduct intensive investigations of alleged breaches. Breaches can be taken to the Federal Court of Canada that can require correction and publication of information handling practices and can order payment of monetary damages for any humiliation suffered by an individual.

The College has developed some materials (see guide and checklist) to assist chiropractors in bringing themselves into compliance with the new privacy legislation. While this legislation has been imposed without consultation with the College, the College felt that both its members and the public would benefit by having these resources available.