



Updated May 5th 2021

Vitalogy Osteopathy & Wellness Centre

Privacy Policy Statement

Patients of Vitalogy Osteopathy & Wellness Centre (Vitalogy) share personal information and experiences with their therapist and the clinic, assuming the role of what is known as a *health information custodian* (HIC). Anyone hired by the HIC to assist in handling of information is known as an *Agent*. This document is to inform the public of how provincial legislation informs the protocols in place at Vitalogy addressing the *collection, use, and disclosure of personal health information (PHI)*. Vitalogy strives to comply with Government of Canada's Personal Information Protection and Electronic Documents Act (PIPEDA), this act "sets out the ground rules for how businesses must handle personal information in the course of commercial activities" (Government of Canada website, Office of Privacy Commissioner of Canada, "Privacy Guide for Businesses" Accessed Feb 16th, 2021. https://www.priv.gc.ca/media/2038/guide_org_e.pdf)

The protocols and information in this document have been sourced from the College of Massage Therapists of Ontario (CMTO) *Module Four - Privacy, Confidentiality and Informed Consent* (January 2021) document. These guidelines are requirements of the Government of Canada, and the Information and Privacy Commissioner's Office of Ontario (IPC).

This document is posted for public access on our website www.VitalogyOsteo.com

Current State of Knowledge

Vitalogy is a multi-disciplinary clinic, as such we follow recommendations and guidelines from various regulatory bodies and professional associations. We practice what is known as *best practices*, undertaking the recommendations that are the most comprehensive and applying them to all practices at Vitalogy.

PIPEDA define PHI as "*any identifying information about an individual (oral or recorded), including information re an individual's health or health care history*" (CMTO, *Module Four - Privacy, Confidentiality and Informed Consent*, January 2021). The PIPEDA requires that commercial businesses take steps to protect PHI that include:

- **PROTECTING AGAINST THEFT, LOSS AND UNAUTHORIZED USE OR DISCLOSURE.**
- **PROTECTING AGAINST UNAUTHORIZED COPYING, MODIFICATION, OR DISPOSAL.**
- **NOTIFYING A CLIENT AT FIRST OPPORTUNITY IF THEIR PHI HAS BEEN STOLEN, LOST, OR ACCESSED BY UNAUTHORIZED INDIVIDUALS.**
- **ENSURING PHI RECORDS IN THEIR CUSTODY OR CONTROL ARE RETAINED, TRANSFERRED, AND DISPOSED OF IN A SECURE MANNER AND IN ACCORDANCE WITH PHIPA REQUIREMENTS.**
- **MAKING AVAILABLE TO THE PUBLIC A WRITTEN STATEMENT OF INFORMATION PRACTICES AND OTHER INFORMATION SPECIFIED BY PHIPA.**

(CMTO, *Module Four - Privacy, Confidentiality and Informed Consent*, January 2021).

Implementation

The protocols for handling PHI at Vitalogy are outlined in this section, IPC require *commercial businesses implement what is known as the 10 Fair Information Principals:*

1. **Accountability**
2. **Identifying purposes**
3. **Consent**
4. **Limiting collection**
5. **Limiting use, disclosure and retention**
6. **Accuracy**
7. **Safeguards**
8. **Openness**
9. **Individual access**
10. **Challenging compliance**

(Government of Canada website, Office of Privacy Commissioner of Canada, "Privacy Guide for Businesses" Accessed Feb 16th, 2021. https://www.priv.gc.ca/media/2038/guide_org_e.pdf)

Principal 1; Accountability

Principal 1, addresses accountability around what and how information is *collected*, what it is *used for*, where it's *kept*, how it is *secured*, who has *access* or uses it, who it is *shared* with, and *disposal of information practices*.

Vitalogy is required to collect personal information for patients and of guardians or caretakers for patients that require one, as well as all other visitors to the clinic. Visitors to our clinic *for non-treatment related purposes* are required to provide a name and contact information for our Contact Tracing Log. Patients and patient-guardians who attend the clinic for treatment have their PHI collected by our *Agent* (our electronic booking software '*Janeapp*'), via electronic communication.

Steps to book an appointment are: patients or their guardians *create a Janeapp*-profile; then, complete a digital Intake Health History & Consents form; Then, complete Covid-specific consent and screening. Once patients or patients with their guardians arrive at the clinic, there may be other documents that require in-person signature to be witnessed by the therapist. These types of in-person documents will be scanned into the patients digital file, then stored in our locked office or disposed of by use of a paper shredder then recycled. The treatment itself is then another form of PHI. Information observed or discussed throughout the treatment is handled in the same manner as all other PHI collected.

Creating a Janeapp-profile requires the person to consent to share their name, and email address. In creating Janeapp-profiles Vitalogy collects PHI to be used for communication to confirm appointments and complete the rest of the intake process. In creating a Janeapp-profile, the person may also choose to share other information such as their address, or phone number; but it is not required they share that info just to create a profile and view our schedule.

Those who book an appointment will be prompted to complete an Intake Health History & Consents Form. In this process patients are required to share their *name, address, email contact, a phone number, date of birth, and a contact in case of emergency*. We collect this information to confirm a patients identity should it be required by the patients insurers, or it may be required in future litigations. In addition to the patient consenting to disclose true and accurate details about their health history in the document,

Vitalogy also requires the patient to identify their *profession*; to help the therapist understand the patients activities of daily life, information that can help build an appropriate treatment plan.

PHI collected in our visitors log, as well as patients and visitors completing a Covid-specific consent, have PHI collected should the Provincial Health Officer (PHO) request that information, in such a case individuals will be notified that their information has been released.

All PHI obtained digitally via Janeapp, is stored in the clinics password protected account and is only accessible by Vitalogy. PHI can be released only if the patient consents to release of information, except under the exceptional circumstances covered under PIPEDA.

The IPC requires Vitalogy to retain records for 10 years, after which the digital record will be securely deleted.

Principal 2; Identify the Purpose

As outlined in Principal 1, the purposes of collecting PHI at Vitalogy is to record treatment particulars and to provide us with means to communicate with patients. We ask for consent before obtaining PHI, and ask patients to inform us if information changes. We can only release PHI after we have received the patients written consent to release their information, except under a circumstance where a government organization who has authority to access our information requests to do so. Or, in the situation where another regulated health professional has been identified by our patient as someone who has broken laws, we have a duty to share that information and report the offending Regulated Health Professional.

Furthermore;

OUR ORGANIZATION, OR ITS PROFESSIONAL STAFF, IS REGULATED BY THE COLLEGE OF MASSAGE THERAPISTS OF ONTARIO WHO MAY INSPECT OUR RECORDS AND INTERVIEW OUR STAFF AS A PART OF THEIR REGULATORY ACTIVITIES IN THE PUBLIC INTEREST. IN ADDITION, AS PROFESSIONALS, WE WILL REPORT SERIOUS MISCONDUCT, INCOMPETENCE OR INCAPACITY OF OTHER PRACTITIONERS, WHETHER THEY BELONG TO OTHER ORGANIZATIONS OR OUR OWN. ALSO, OUR ORGANIZATION BELIEVES THAT IT SHOULD REPORT INFORMATION SUGGESTING SERIOUS ILLEGAL BEHAVIOUR TO THE AUTHORITIES. EXTERNAL REGULATORS HAVE THEIR OWN STRICT PRIVACY OBLIGATIONS. SOMETIMES THESE REPORTS INCLUDE PERSONAL INFORMATION ABOUT OUR CLIENTS, OR OTHER INDIVIDUALS, TO SUPPORT THE CONCERN (E.G., IMPROPER SERVICES). ALSO, LIKE ALL ORGANIZATIONS, VARIOUS GOVERNMENT AGENCIES (E.G., CANADA CUSTOMS AND REVENUE AGENCY, INFORMATION AND PRIVACY COMMISSIONER, HUMAN RIGHTS COMMISSION, ETC.) HAVE THE AUTHORITY TO REVIEW OUR FILES AND INTERVIEW OUR STAFF AS A PART OF THEIR MANDATES. IN THESE CIRCUMSTANCES, WE MAY CONSULT WITH PROFESSIONALS (E.G., LAWYERS, ACCOUNTANTS) WHO WILL INVESTIGATE THE MATTER AND REPORT BACK TO US.

(CMTO document, Getting Ready For Privacy Legislation Checklists, Privacy Requirements and Policies for Health Practitioners, accessed: February 16 2021)

Principal 3; Obtain Valid Informed Consent

Informed consent in the context of PIPEDA is around the collection, use, and disclosure of personal information. The PHI collected at Vitalogy is sensitive in nature.

Consent may be withdrawn at any time.

Principal 4; Limit Collection

Vitalogy collects only PHI that is required to provide the best possible care for our patients, reasons for the groups of information we collect are outlined in Principal 1.

Principal 5; Limit Use, Disclosure and Retention

As outlined in Principal 1, Vitalogy considers best-practices to be requirements of the CMTO who requires members to maintain patient records for 10 years, after which digital files will be deleted.

Any paper-documents signed by patients or guests will be scanned and added to digital storage in Janeapp, the paper document will be shredded and recycled.

Principal 6; Be Accurate

Fields of information that are considered by Vitalogy to be required information will be identified as such using a “required” indicator on the digital form.

Principal 7; Use Appropriate Safeguard

Vitalogy will limit access to PHI in Janeapp to therapists who work at the clinic and who also treat the patient. Therapists at Vitalogy have individual staff accounts that are password protected.

Janeapp is a Canadian company and abides by PIPEDA guidelines.

Principal 8; Be Open

This document is available to the public and will be posted on our website. Patients completing a Consent to Treatment form will be guided to this document on our webpage.

The designated Privacy Officer at Vitalogy is:

Cody Cummings

suite 107- 383 Parkdale Ave., Ottawa ON, K1Z 4R4

info@VitalogyOsteo.com

The Privacy Officer can be contacted for access to information requests, change of information requests, and to file a complaint to our organization regarding PIPEDA.

Principal 9; Give Individual Access

We collect the contact information to communicate with and identify patients; as well as records of consent documents, health history information provided by the patient, and records of treatment findings, interventions, and recommendations; as well as records of any lawyer or extended medical company requests for the patient information; and records of communications with other health care providers.

These PHI are obtained by and stored electronically using Janeapp, with patient consent, and is disclosed only with patient consent. The PIPEDA (section 37) 1 (i) allows us to confirm information extended medical insurers may already know, we cannot provide additional information without consent from the patient.

Patient or lawyer requests for files are available for a \$35 administration fee plus applicable taxes (for emailed digital copies), requests for paper copies or sending will have additional fees that reflect those additional costs

Vitalogy will Correct or amend personal information in cases where accuracy and completeness is deficient, as well as note any disputes on the file and advise third parties where appropriate.

We aim to respond to requests for information promptly, within 30 days of requests.

Principal 10; Challenging Compliance

If you feel Vitalogy has not met the demands of the PIPEDA, we would appreciate your feedback. Due to the intimate nature of our organization being operated by the owner, the public may choose to send complaints relating to PIPEDA to the College of Massage Therapist's of Ontario, Complaints Committee.