



**Title: VON CANADA
ENTERPRISE
PRIVACY POLICY**

STANDARD: 6 – PRIVACY – VON Canada has established rules and procedures for the protection of Personal Information and takes steps to protect Personal Information against theft, loss and unauthorized access, collection, use or disclosure.

Policy:

VON Canada has established rules and procedures for the protection of Personal Information and takes steps to protect Personal Information against theft, loss and unauthorized access, collection, use, or disclosure.

VON Canada adopts the Ten Principles of Personal Information Protectionⁱ as the basis of its privacy compliance program: The Ten Principles of Personal Information Protection apply to all of VON Canada's undertakings and business, including its employees' Personal Information (subject to any requirements set out in specific collective agreements). If VON Canada is not the health information custodian, VON Canada will follow the guidelines or instructions of the custodian if different from this Policy.

1. **Accountability** - VON Canada is responsible for Personal Information under its control and shall designate an individual or individuals who are accountable for VON Canada's compliance with the following principles.

VON Canada provides privacy and security education to all employees/volunteers before granting access to Personal Health Information (PHI). This education is tracked and reviewed annually.

VON Canada monitors and audits logged access to Personal Health Information (PHI) by active authorized users in accordance with requirements under provincial privacy laws. (See related policy, ITSM# 05-14-02 – User Access Management)

VON remains responsible for Personal Information under its control that is transferred to subcontracted care providers or other third parties for processing. VON uses contractual and other means to provide a comparable level of protection while the information is processed by

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subcontracted care providers or other third parties.

2. **Identifying Purposes** - The purposes for which Personal Information is collected shall be identified by VON Canada or the applicable VON Canada employee/volunteer who is collecting the information at or before the time the information is collected.
(See related policy, MSM# 06-02-02 – Consent to Collection, Use and Disclosure of Client Personal Information)
3. **Consent** - The knowledge and consent of the individual are required for the collection, use, or disclosure of Personal Information, except where appropriate. (See related policy, MSM# 06-02-02 – Consent to Collection, Use and Disclosure of Client Personal Information)
4. **Limiting Collection** - The collection of Personal Information shall be limited to that which is necessary for the purposes identified by VON Canada. Information shall be collected by fair and lawful means. (See related policy, MSM# 06-02-02 – Consent to Collection, Use and Disclosure of Client Personal Information)
5. **Limiting Use, Disclosure and Retention** - Personal Information shall 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 shall be retained only as long as necessary for the fulfillment of those purposes. (See related policies, MSM# 06-02-02 – Consent to Collection, Use and Disclosure of Client Personal Information, MSM# 06-02-05 Storage, Retention & Destruction of Personal Health Information and PQRM# 01-05-01 – Client Health Record)

When Personal Information is no longer required to fulfil the identified purpose(s), VON securely destroys, erases, or makes anonymous, the information.

6. **Accuracy** - Personal Information shall be as accurate, complete and up-to-date as is necessary for the purpose for which it is used. (See related policy, PQRSM# 01-05-05 – Client Health Record: Quality Audits)
7. **Safeguards** - Personal Information shall be protected by security safeguards appropriate to the sensitivity of the information. Personal information should be protected against loss or theft, unauthorized access, disclosure, copying, use or modification, regardless of its storage format

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(paper, electronic, etc.). (See related policies, MSM# 06-02-02 – Consent to Collection, Use and Disclosure of Client Personal Information, MSM# 06-02-05 Storage, Retention & Destruction of Personal Health Information, MSM# 06-04-01 – Information Security Policy, PQRSM# 01-05-01 – Client Health Record, ITSM#05-14-02 User Access Management Policy)

Methods used by VON to protect personal information include:

- (a) physical measures (e.g., locked filing cabinets and restricted access to offices);
- (b) organizational measures (e.g., security clearances and limiting access on a “need-to-know” basis); and
- (c) technological measures (e.g., the use of passwords and encryption).

8. **Openness** - VON Canada shall make readily available to individuals specific information about its policies and practices relating to the management of Personal Information. (See VON Canada’s Statement of Information Practices; related policies, MSM# 06-02-02 – Consent to Collection, Use and Disclosure of Client Personal Information, MSM# 06-02-01 Privacy Complaint & Breach Management Policy)
9. **Individual Access** - Upon request, an individual shall be informed of the existence, use, and disclosure of his or her Personal Information, and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. (See related policies, MSM# 06-02-03 – Request for Access and Correction to Personal Information)
10. **Challenging Compliance** - An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for VON Canada’s compliance. (See related policies, MSM# 06-02-01 Privacy Complaint & Breach Management Policy)

This policy and the associated privacy policies and procedures are applicable to all VON Canada employees and volunteers and to the entities and any ventures or activities that are controlled by any of them (collectively, “VON Canada”).

Failure to comply with this Policy could result in public complaints, prosecution, litigation, high insurance costs and non-monetary damage to VON Canada’s morale and reputation.

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Rationale: The Ten Principles of Personal Information Protection are representative of international best practices for the collection, use, protection and disclosure of Personal Information and Personal Health Information.

The Ten Principles of Personal Information Protection establish the basic principles for the protection of personal information and form the basis of most privacy legislation throughout the world, including Canadian privacy legislation. Building these ten principles into VON Canada's privacy compliance programs will align with most privacy protection legislation in Canada.ⁱⁱ

Definitions: See attached Privacy Definitions – Quick Reference, under Guidelines, Tools section.

Procedure: **VON Canada Chief Privacy Officer is responsible for:**

1. Providing senior management championing for the VON Canada privacy compliance program.
2. Ensuring policies, procedures and guidelines are developed and/or updated according to relevant legislation, regulatory standards and best practices.
3. Providing oversight and guidance to the Privacy Officer.
4. In the Privacy Officer's absence, the Chief Privacy Officer or their delegate shall assume the Privacy Officer's responsibilities.

VON Canada's Senior VP, Home & Community Care will act as Chief Privacy Officer in the absence or disability of the General Counsel.

VON Canada Privacy Officer is responsible for:

1. Establishing, managing and monitoring compliance with the privacy compliance program within VON Canada.
2. Working with the Senior Director, Practice, Quality & Risk Management with respect to the development and implementation of privacy compliance program components that relate to the management of Personal Health Information.
3. Promoting compliance throughout VON Canada with the VON Canada Enterprise Privacy Policy and all associated privacy policies and procedures.
4. Acting as a consultant and providing advice to VON Canada employees/management regarding access requests, privacy related inquiries and complaints, and investigations by provincial and federal privacy commissioners.
5. Establishing requirements and standards for privacy in corporate information systems and business processes.

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6. Collaborating with leadership to ensure that VON Canada employees/volunteers are informed of their legal duties regarding privacy.
7. Conducting and providing guidance to other VON Canada employees/volunteers in the completion of Privacy Impact Assessments (PIAs) as needed to facilitate program and system design.
8. Investigating and addressing privacy-related complaints and breaches and recommending improvements.
9. Reviewing organizational practices to ensure privacy policies are implemented and followed.
10. Assisting the Information Security Committee in investigating privacy breaches and incidents and determining corrective action.
11. Developing and making available a written statement that describes VON Canada's information practices, the Privacy Officer's contact information, and VON Canada's access, correction, inquiry, and complaints procedures.
12. Ensuring monitoring and auditing is performed on a regular basis and audit reports are validated.
13. Working in partnership with the Information Security Officer to monitor current trends of malware, intrusions, and other cyber security threats.
14. Working with the Senior Director, Practice, Quality & Risk Management or their designate to develop and distribute quarterly reports on privacy practices and audit results.

VON Canada's Senior Director, Practice, Quality & Risk Management will act as Privacy Officer in the absence or disability of the Privacy Officer.

VON Canada Directors and Managers are responsible for:

1. Complying with the VON Canada Enterprise Privacy Policy and all associated privacy policies and procedures.
2. Completing privacy training and awareness programs prior to accessing PHI and completing annual training thereafter.
3. Implementing and monitoring privacy training and awareness programs for all employees/volunteers.
4. Working with the Privacy Officer, ensuring suspected or confirmed unauthorized accesses and uses of PHI are contained and investigated as soon as possible, but no later than the end of the next business day following detection.

Date Effective: April 2011	Date Reviewed/Revised: September 2021
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5. Complying with the Information Security Policy [MSM# 06-04-01] and the Privacy Complaint and Breach Management Policy [MSM# 06-02-01] to ensure timely reporting of Security Incidents and Privacy Breaches.
6. Assisting employees/volunteers to comply with the VON Canada Enterprise Privacy Policy and all associated privacy policies and procedures.
7. Working with the Information Security Officer and the Privacy Officer when implementing any changes related to Personal Health Information, including the implementation of technology.

VON Canada Employees/Volunteers are responsible for:

1. Completing privacy training and awareness programs prior to accessing PHI and then annually.
2. Complying with the VON Canada Enterprise Privacy Policy and all associated privacy policies and procedures.
3. Complying with the Information Security Policy [MSM# 06-04-01], and the Privacy Complaint and Breach Management Policy [MSM# 06-02-01] to ensure timely reporting of Security Incidents and Privacy Breaches.

**Guidelines,
Tools:**

VON Canada Statement of Information Practices English | French

References:

Alberta Health and Wellness, “Health Information Act Guidelines and Practices Manual”, (2007), www.health.gov.ab.ca

Principles Set Out in the National Standard of Canada Entitled Model Code for the Protection of Personal Information, CAN/CSA-Q830-96, as found in Schedule 1 to the *Personal Information Protection and Electronic Documents Act*, SC 2000 c 5, <https://laws-lois.justice.gc.ca/eng/acts/p-8.6/page-11.html>

MacIsaac, Barbara et al., “The Law of Privacy in Canada 2009 Student Edition”, (Thomson Reuters Canada Limited, 2009)

OACCAC “CCP in HPG Policies”, (September 2016)

Ontario Health Association, “Hospital Privacy Toolkit”, (OHA, November 2004),
<http://www.oha.com/KnowledgeCentre/Library/Toolkits/Pages/Default.aspx>

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Ontario Telemedicine Network, "Privacy Toolkit",
<http://www.otn.ca/en/privacy-toolkit/resource-library>

Waterloo Institute for Health Informatics Research, "Privacy Fundamentals:
 Putting Privacy in Context",
<http://media.csg.uwaterloo.ca/privacy/videoArchive.php>

ⁱ Principles Set Out in the National Standard of Canada Entitled Model Code for the Protection of Personal Information, CAN/CSA-Q830-96, as found in Schedule 1 to the *Personal Information Protection and Electronic Documents Act*, SC 2000 c 5, <https://laws-lois.justice.gc.ca/eng/acts/p-8.6/page-11.html>.

ⁱⁱ Edwards, J.J., *Human Resources Guide to Workplace Privacy*, (Canada Law Book, 2003) at 12, 21.