

PRIVACY AND ANTI-SPAM CODE FOR OUR DENTAL OFFICE

Please refer to Appendix A for a glossary of defined terms.

INTRODUCTION

The *Personal Health Information Act* (PHIA) came into effect on December 11, 1997, and governs the collection, use, and disclosure of Personal Information within Manitoba's health care system.

In addition, Canada's anti-spam legislation came into effect on July 1, 2014. Canada's anti-spam legislation regulates how businesses and individuals communicate electronically.

We collect Personal Information about our patients directly from the patient or from the person acting on their behalf. Occasionally, we collect Personal Information about a patient from other sources if we have obtained the patient's consent to do so or if the law permits.

Privacy of Personal Information is an important principle in the provision of quality care to our patients. We understand the importance of protecting your Personal Information. We are committed to collecting, using and disclosing your Personal Information responsibly and in accordance with the law. We also try to be as open and transparent as possible about the way we handle your Personal Information.

This Office has developed this Privacy and Anti-Spam Code (this "**Code**") to provide a general description of our information and communication practices, how to obtain access to your Personal Information, how to amend incorrect information, and how to make a complaint to our Office or the Information and Privacy Commissioner. As the rules governing the collection, use, and disclosure of Personal Information may change, our practices will evolve and adapt in response to such changes and this Code may be amended from time to time as a result thereof.

We ask that you contact our Privacy Officer in the event you have any questions or concerns regarding this Code or its implementation.

ANTI-SPAM POLICY OVERVIEW

When we communicate with you, we may communicate via electronic means, such as e-mail. We strive to ensure that our communications do not contain any spam. "Spam" refers to any unsolicited Commercial Electronic Messages (or CEMs) that have been sent without consent. In that light, we require all CEMs from our Office to be in compliance with Privacy Laws. If and when we communicate with you using CEMs, you can opt out of receiving such messages by following the "Unsubscribe" link included at the bottom of such messages or by contacting **Debbi Bratanic**. Any questions or concerns with respect to CEMs from our Office may be addressed to **Debbi Bratanic**. In the event that our Office inadvertently sends out a CEM without consent, we commit to investigating every such instance and assisting the employee(s) or managers involved with renewing their understanding and awareness of our compliance responsibilities.

PERSONAL INFORMATION HANDLING PRINCIPLES

Accountability

Accountability for this Office's compliance with Privacy Laws rests with the designated Privacy Officer even though others in the Office may be responsible for the day-to-day collection and processing of Personal Information.

Our staff persons and employees are briefed on the importance of privacy and receive training on the handling of your Personal Information

Our Office is comprised of many persons working together to ensure that our patients and clients receive proper care. Some of these persons are Trustees whereas some are not. We take this opportunity to describe the structure of our Office so that you understand who may be handling your Personal Information and in what manner.

At our Office, professional dental or orthodontic services are performed by Service Providers. All professionals performing professional services at the Office are Members of the College. All dentists performing services at the Office are considered Trustees. All institutional health care services performed in the Office, are provided by our Affiliate. The individuals providing the institutional health care services for our Affiliate may be Trustees whereas our Affiliate may not be. We have appointed our Affiliate as our Privacy Officer under Section 5 of PHIA. To facilitate the ability of our Affiliate to carry out its responsibilities to us, your Personal Information may be disclosed to, used by, and collected by our Affiliate.

We have also appointed our Affiliate as our Information Officer pursuant to the Legislation. Our Office, as Trustee, has entered into a written agreement with our Affiliate as information manager which provides for the protection of the Personal Information against such risks as unauthorized access, use, disclosure, destruction or alteration.

All actions by our Affiliate in respect of your Personal Information shall be in compliance with this Code and Privacy Laws. By providing your Personal Information to this Office, you are consenting to its use by us, the Service Providers and our Affiliate. We have permitted our Affiliate to process, store or destroy our patients' Personal Information which we ourselves may collect, use, disclose, retain, or dispose of provided that its actions are not contrary to the limits imposed by Privacy Laws or such other applicable law. We have informed our Affiliate of its duties under Privacy Laws and other applicable law.

This Office is responsible for information in our possession or custody, including information that has been transferred to a third party for processing.

Our Office will implement policies and practices to give effect to the principles regarding the collection, use and disclosure of Personal Information, including:

- implementing policies to protect Personal Information;
- training staff about this Code and our practices;

- establishing procedures to receive and respond to complaints and inquiries regarding Personal Information; and
- developing information to explain this Code and privacy procedures.

Identifying Purposes for Collecting Information

The purposes for which Personal Information is collected in this Office will be identified before or at the time it is collected.

This Office collects Personal Information—about an individual for lawful purposes in connection with a function or activity of a Trustee and when collection of the information is necessary for that purpose, including:

- to provide health services;
- to determine or verify the eligibility of an individual to receive a health services
- to conduct investigations, discipline proceedings, practice reviews or inspections relating to the members of a health profession or health discipline;
- to conduct research or perform data matching or other services to facilitate another person's research in certain instances outlined in the HIA;
- to provide for health services provider education;
- to carry out any purpose authorized by a law of Manitoba or Canada;
- to deliver safe and efficient patient care;
- to identify and to ensure continuous high quality service;
- to assess your health needs;
- to advise you of treatment options;
- to enable us to contact you;
- to establish and maintain communication with you, including to distribute health care information and to book and confirm appointments;
- to offer and provide treatment, care and services in relationship to the oral and maxillofacial complex and dental care generally;
- to communicate with other treating health-care providers, including specialists and general dentists, who are the referring dentists and/or peripheral dentists;

- for teaching and demonstrating purposes on an anonymous basis;
- to allow us to efficiently follow-up for treatment, care and billing;
- to complete and submit dental and health services claims for third party adjudication and payment;
- to comply with legal and regulatory requirements;
- to comply with agreements/undertakings entered into voluntarily by this Office or a Service Provider with the College for regulatory and monitoring purposes;
- to permit potential purchasers, practice brokers or advisors to evaluate this Office, including an audit, on a confidential basis;
- to deliver your charts and records to insurance carriers to enable them to assess liability and quantify damages;
- to prepare materials for the Health Professions Appeal and Review Board as required;
- to manage patient and clients’ accounts, including invoicing, processing credit card payments and collecting unpaid accounts;
- to communicate with insurance companies and to otherwise process requests by you;
- for internal management purposes, including planning, resource allocation, policy development, quality improvement, monitoring, audit, evaluation, reporting, obtaining or processing payment for health services and human resource management; and
- to comply generally with Privacy Laws and all other applicable regulatory requirements.

When this Office collects Personal Information we will only collect Personal Information necessary for the purpose we identify to you before or at the time of collection.

When Personal Information has been collected and is to be used or disclosed for a purpose not previously identified, the new purpose will be identified prior to its use or disclosure. Your consent will be obtained before the Personal Information will be used or disclosed for any such new purpose.

This Office will take reasonable steps to inform the individual of the purposes for which Personal

Information is collected, before it is collected or as soon as practicable afterwards. Our Office will also inform you of how to contact our Privacy Officer.

When you sign the Patient Consent Form, you will be deemed to understand and accept this Office’s collection, use and disclosure of your Personal Information for the specified purposes, in each case subject to this Code and Privacy Laws.

Consent

A Trustee, such as this Office, requires either express consent or implied consent from our patients before we may collect, use, or disclose Personal Information. When we collect, use, and disclose your Personal Information for health care purposes, Privacy Laws generally permit us to rely upon your implied consent. However we may be required to obtain your express Consent in some instances. The Privacy Laws also provide instances where we may collect, use, or disclose your Personal Information without Consent.

Implied Consent enables us to conclude from surrounding circumstances that a patient would reasonably agree to the collection, use, or disclosure of Personal Information. We may rely upon your implied consent if we are collecting your Personal Information to provide health care or assisting in providing health care.

Express consent is required when we are disclosing your Personal Information to someone other than a Trustee, or to another Trustee for a purpose other than providing or assisting in providing health care.

In order for the principles of Consent to be satisfied, our Office has undertaken reasonable efforts to ensure that you are advised of the purposes for which Personal Information is being used, and that you understand those purposes. Once consent is obtained, we do not need to seek your consent again unless the use, purpose or disclosure changes.

Our existing protocols for electronic submissions of dental claims require a signature on file. Specific consent may be required for additional requests from insurers. This consent shall be collected at the time, or in conjunction with, predeterminations for extensive services, provided that the scope of Personal

Information released is disclosed. If there is any doubt, Personal Information shall be released directly to you for your review and submission.

Your consent for the collection, use and disclosure of Personal Information may be given in a number of ways, such as:

- signed medical history form;
- e-mail;
- signed introductory questionnaire;
- taken verbally over the telephone and then charted; or
- written correspondence.

You may withdraw your consent upon reasonable notice to our Office.

For an individual who is a minor and does not have the capacity to make health care decisions, a parent or guardian may consent to the collection, use or disclosure of Personal Information.

Limiting Use, Disclosure and Retention

Personal Information shall not be used or disclosed for purposes other than those for which the information is collected, except with your express Consent, or as required or permitted by law.

Our Office may disclose certain Personal Information in accordance Privacy Laws.

This Office and our Affiliates may perform activities outside of Canada through third party agents. You acknowledge and agree that as a result, your Personal Information may be processed, used, stored or accessed in other countries and may be subject to the laws of those countries. For example, Personal Information may be disclosed in response to valid demands or requests from government authorities, courts, or law enforcement in other countries.

We will use contractual and/or other means to provide a comparable level of protection over your Personal Information while it is being accessed and/or processed by any such third party.

Our Office has protocols in place for the retention of Personal Information.

In destroying Personal Information, our Office has developed guidelines to ensure secure destruction applicable guidelines.

As discussed in this Code, Personal Information may be transferred and stored outside of Canada. We encourage you to contact the Privacy Officer should you require further information.

Accuracy of Personal Information

This Office endeavours to ensure that your Personal Information is as accurate, complete, and as up-to-date as necessary for the purposes that it is to be used.

The extent to which your Personal Information is accurate, complete and up-to-date will depend upon the use of the Personal Information while at all times, taking into account the interest of our patients.

Your Personal Information needs to be sufficiently accurate, complete and up-to-date to minimize the possibility that inaccurate, incomplete or out-of-date Personal Information is used to make a decision about you as our patient.

If your Personal Information changes, or if you believe the Personal Information maintained by our Office is inaccurate, we ask that you contact our Office to have the information updated or corrected.

Safeguards for Personal Information

Our Office staff are aware of the importance of maintaining the confidentiality of your Personal Information and we have taken reasonable measures to safeguard your Personal Information.

These safeguards are in place to protect your Personal Information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

We use reasonable measures to ensure your Personal Information is protected, whether recorded on paper or electronically, and care is used in its care and destruction with the goal being to prevent unauthorized access while in our care and control.

Specific safeguards are in place to:

- limit the persons who may use Personal Information maintained by a Trustee to those specifically authorized by the Trustee to do so;

- ensure that Personal Information maintained by the trustee cannot be used unless the identity of the person seeking to use the information is verified as the person authorized to use it and the proposed use is verified as being authorized under PHIA;
- prevent the interception of electronic information by unauthorized persons; and
- ensure that requests for disclosure of Personal Information contains sufficient detail to uniquely identify the individual the information is about.

Your information is protected, whether recorded on paper or electronically. Our Office has implemented all additional safeguards for electronic information as required by the Regulations under PHIA.

Openness about Privacy

Our Office will make readily available to you specific information about our Office policies and practices relating to the management of Personal Information.

This information includes:

- the individuals at this Office and the Privacy Officer to whom you can direct any questions or complaints regarding your Personal Information;
- a copy of our Patient Consent Form that explains how this Office collects, uses and discloses your Personal Information; and
- this Code.

Patient Access to Personal Information

Upon written request and with reasonable notice, you shall be informed of the existence, use and disclosure of your Personal Information, and shall be given access to it.

Upon written request and with reasonable notice, our Office shall provide you with an accounting of how your Personal Information has been used, including third party disclosures. In providing this information, we will attempt to be as specific as possible.

As promptly as required in the circumstances, this Office will either:

- make the Personal Information available for examination, and provide a copy if requested;

- inform you in writing if the information does not exist or cannot be found; or
- inform you in writing that your request is refused for a specified reason listed in Section 11 of PHIA.

If access to the record or part of it is refused, our Office will advise you of your right to make a complaint about our refusal to the Ombudsman under Part 5 of PHIA.

You are free to challenge the accuracy and completeness of your Personal Information and seek to have it altered, amended, or changed.

When a challenge is not resolved to your satisfaction, we will record the substance of the unresolved challenge accordingly.

When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the Personal Information in question. This disclosure may be appropriate where a dentist has been challenged about a change to a service date or services rendered under consideration for insurance benefits.

Challenging Compliance

Our Privacy Officer generally facilitates our Office's compliance under PHIA.

You shall be able to make a complaint to the Ombudsman about any decision, act, or failure to act of our Office that related to your request to examine or receive a copy of your Personal Information.

You shall be able to challenge our Office's compliance under the Privacy Laws by making a complaint to the Ombudsman alleging that our Office has collected, used or disclosed your Personal Information contrary to PHIA, or has failed to protect your Personal Information in a secure manner as required under PHIA.

Your complaint must be in writing in a form acceptable to the Ombudsman.

Updating this Privacy and Anti-Spam Code

Any changes to our privacy standards and information handling practices will be reflected in this Code in a

timely manner. Our Office reserves the right to change, modify, add, or remove portions of this Code at any time.

Please check this page periodically for any modifications. To determine when this Code was last updated, please refer to the modification date at the bottom of this Code.

How to Contact Us

Our Privacy Officer is our Affiliate.

For more information about our privacy protection practices, or to raise a concern you have with our practices, contact our Affiliate at:

21 St. Clair Avenue East, Suite #1420
Toronto, Ontario
M4T 1L9

You have the right to complain to the Commission if you think we have violated your rights. The Ombudsman can be reached at:

Manitoba Ombudsman

750-500 Portage Avenue (Colony Square)
Winnipeg, Manitoba
R3C 3X1

1-800-665-0531

ombudsman@ombudsman.mb.ca

APPENDIX –A

DEFINITIONS

Affiliate – means DCC Health Services Inc. and/or an affiliate or agent thereof, which provides institutional health care services, including dental laboratory, radiological and other diagnostic services, and the operation of dental operatories and dental equipment

Collection – The act of gathering, acquiring or obtaining personal information from any source, including third party sources by any means

College – Manitoba Dental Association

Commercial Electronic Message or CEM – is a message sent directly to an electronic address (such as an email address, a phone number, an instant messaging account, or social media account) with the purpose, or one of its purposes, of encouraging participation in a commercial activity.

Consent – A voluntary agreement with what is being done or is being proposed to be done. Consent can either be express or implied. Express consent may be given explicitly, either orally or in writing

Disclosure – Making Personal Information available to other health information custodians or other persons

Health Information – Recorded information about an identifiable individual, if the information relates to the individual's health, or health care history, including genetic information about the individual, the provisions of health care to the individual, payment for health care provided to the individual, and include, the personal health identification number and any other identifying number, symbol or particular assigned to an individual, and any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care

Information Manager – Means a person or body that processes, stores or destroys Personal Information for a Trustee provides information management or information technologies services to a Trustee

Member – A member of the College and includes a health profession corporation holding a valid Certificate of Authorization issued by the College

Office – The dental office operated by Dr. Meikle Dental Corporation which provides professional dental services comprising of diagnosis, the interpretation of x-ray radiographs produced by the Affiliate, treatment planning and intra-oral professional services at **717 Harrow St., Winnipeg, MB R3M 3Y7.**

Ombudsman – The Manitoba Ombudsman

Patient – An individual about whom our Office collects Personal Information in order to carry out prognosis, diagnosis, and treatment, including controlled acts

Privacy Laws – *The Dental Association Act, The Dental Health Workers Act, The Dental Health Services Act, The Dental Hygienists Act, The Regulated Health Professions Act, Regulations made under these Acts, the By-laws of the College, the Personal Health Information Act (PHIA), the Personal Information Protection and Electronic Documents Act (PIPEDA), An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act (CASL)*

Personal Information – Identifying information about an individual, other than business contact information, and includes Health Information

Privacy Officer – means the contact person designated in this Privacy and Anti-Spam Code as the agent of our Office authorized on our behalf to, among other things, facilitate our compliance with the Privacy Laws

Service Providers – means dentists and dental professional corporations providing professional services at the Office in conjunction with Dr. Meikle Dental Corporation and the Affiliate

Trustees – Means health professionals, health care facilities, public bodies, or health services agencies that collect or maintain Health Information