

6 – PRIVACY POLICY

General

1. Background – Privacy of personal information is governed by the federal *Personal Information Protection and Electronics Documents Act* ("PIPEDA"). This policy describes the way that the CPA collects, uses, safeguards, discloses and disposes of personal information, and states the CPA's commitment to collecting, using and disclosing personal information responsibly. This policy is based on the standards required by PIPEDA and the CPA's interpretation of these responsibilities.
2. Purpose – The purpose of this policy is to govern the collection, use and disclosure of personal information in the course of commercial activities in a manner that recognizes the right to privacy of individuals with respect to their personal information and the need of the CPA to collect, use or disclose personal information.
3. Definitions – Terms in this Policy are defined as follows:
 - a) **Act** – *Personal Information Protection and Electronics Documents Act* ("PIPEDA")
 - b) **Commercial Activity** – Any particular transaction, act or conduct that is of a commercial character.
 - c) **IP Address** – A numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices.
 - d) **Personal Information** – Stakeholders' personal information includes their home address, email address, personal phone numbers, date of birth, financial information, medical information, information submitted as part of a screening process, and information submitted as part of a complaint, appeal, or dispute resolution process.
 - e) **Representatives** – Refers to individuals employed by, or engaged in activities on behalf of, the CPA. Representatives include, but are not limited to, staff, contractors, administrators, committee members, volunteers, and Directors and Officers.
 - f) **Stakeholders** – Refers to all categories of individual members defined in the By-laws of the CPA as well as individuals who are subject to the policies of the CPA including, but not limited to, employees, contractors, volunteers, managers, administrators, committee members, and Directors and Officers.

Application of this Policy

4. Application – This Policy applies to Representatives in connection with personal information that is collected, used or disclosed during any commercial activity related to the CPA.
5. Ruling on Policy – Except as provided in the Act, the Board of Directors will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

Obligations

6. Statutory Obligations – The CPA is governed by the Act in matters involving the collection, use and disclosure of personal information in the course of a commercial transaction.
7. Additional Obligations – In addition to fulfilling all requirements of the Act, the CPA and its Representatives will also fulfill the additional requirements of this Policy. Representatives of the CPA will not:
 - a) Disclose personal information to a third party during any business or transaction unless such business, transaction or other interest is properly consented to in accordance with this Policy;
 - b) Knowingly place themselves in a position where they are under obligation to any organization to disclose personal information;
 - c) In the performance of their official duties, disclose personal information to family members, friends or colleagues, or to organizations in which their family members, friends or colleagues have an interest;
 - d) Derive personal benefit from personal information that they have acquired during the course of fulfilling their duties with the CPA; or
 - e) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, the disclosure of Personal Information.

Accountability

8. **Privacy Officer** – The Privacy Officer is responsible for the implementation of this policy and monitoring information collection and data security and for ensuring that all staff receives appropriate training on privacy issues and their responsibilities. The Privacy Officer also handles personal information access requests and complaints. The Privacy Officer may be contacted at the following address:

Privacy Officer – Elisa Beselt
Email: ebeselt@physiotherapy.ca
Phone: 1 (613) 564-5454 ext. 221

9. **Representatives** – The CPA shall be responsible to ensure that Representatives are compliant with the Act and this Policy.

Identifying Purposes

10. **Purpose** – Personal information may be collected from members and prospective members for purposes that include, but are not limited to, the following:

Communications

- a) Receiving communications from the CPA that are related to newsletters, renewal, programs, training, discipline, appeals, events, activities, meetings and other pertinent information.
- b) Published articles, media relations and postings on the CPA website, displays or posters.
- c) Award nominations, biographies, published articles and media relations.
- d) Communication within and between committees, volunteers and Directors.
- e) Discipline results and any long-term suspension or banned list.

Registration, Database Entry and Monitoring

- g) Registration and communication of programs, events and activities, such as:
 - a. Clinical Speciality Program applications.
 - b. Events and educational opportunity registrations.
 - c. Speaker and instructor applications for events and education.
 - d. Information collected through member benefits program registrations.
 - e. Consulting with the CPA's insurance provider.
- h) Technical monitoring, training, educational purposes, and media publications.
- i) Single-sign-on (SSO) for purchased Branches, Divisions and/or Assemblies.
- j) Membership reports for Branches, Divisions and/or Assemblies.

Sales, Promotions and Merchandising

- k) Purchasing equipment, manuals, resources and other products.

General

- l) Payroll, honorariums, organization insurance and health plans.
- m) Travel arrangement and administration.
- n) Determining eligibility for elections and appointments (for the Board or committees).
- o) Determination of membership demographics and programming needs.
- p) Information collected through the CPA's membership survey.
- q) Information collected through the lapsed member survey.
- r) Information collected through the call centre or information@physiotherapy.ca email address for the purpose of supporting the member or providing a service.
- s) Other ad hoc surveys such as insurance surveys, post conference feedback forms, etc.

11. **Purposes not Identified** – The CPA shall seek consent from individuals when personal information is used for Commercial Activity not previously identified. This consent will be documented as to when and how it was received.

Consent

12. Consent – The CPA shall obtain consent by lawful means (**Appendix A – Consent**) from individuals at the time of collection and prior to the use or disclosure of this information. The CPA may collect personal information without consent where reasonable to do so and where permitted by law.
13. Implied Consent – By providing personal information to the CPA, individuals are consenting to the use of the information for the purposes identified in this policy.
14. Withdrawal – An individual may declare to the Privacy Officer in writing to withdraw consent to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions. The CPA will inform the individual of the implications of such withdrawal.
15. Legal Guardians – Consent shall not be obtained from individuals who are minors, seriously ill, or mentally incapacitated and therefore shall be obtained from a parent, legal guardian or person having power of attorney of such an individual.
16. Exceptions for Collection – The CPA is not required to obtain consent for the collection of personal information if:
 - a) It is clearly in the individual's interests and consent is not available in a timely way;
 - b) Knowledge and consent would compromise the availability or accuracy of the information and collection is required to investigate a breach of an agreement or contravention of a federal or provincial/territorial law;
 - c) The information is for journalistic, artistic or literary purposes; or
 - d) The information is publicly available as specified in the Act.
17. Exceptions for Use – The CPA may use personal information without the individual's knowledge or consent only:
 - a) If the CPA has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial/territorial or foreign law and the information is used for that investigation;
 - b) For an emergency that threatens an individual's life, health or security;
 - c) For statistical or scholarly study or research;
 - d) If it is publicly available as specified in the Act;
 - e) If the use is clearly in the individual's interest and consent is not available in a timely way; or
 - f) If knowledge and consent would compromise the availability or accuracy of the information and collection was required to investigate a breach of an agreement or contravention of a federal or provincial/territorial law.
18. Exceptions for Disclosure – The CPA may disclose personal information without the individual's knowledge or consent only:
 - a) To a lawyer representing the CPA;
 - b) To collect a debt the individual owes to the CPA;
 - c) To comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
 - d) To a government institution that has requested the information, identified its lawful authority, and indicated that disclosure is for the purpose of enforcing, carrying out an investigation, or gathering intelligence relating to any federal, provincial/territorial or foreign law; or that suspects that the information relates to national security or the conduct of international affairs; or is for the purpose of administering any federal or provincial/territorial law;
 - e) To an investigative body named in the Act or government institution on the CPA's initiative when the CPA believes the information concerns a breach of an agreement, or a contravention of a federal, provincial/territorial, or foreign law, or suspects the information relates to national security or the conduct of international affairs;
 - f) To an investigative body for the purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial/territorial law;

- g) In an emergency threatening an individual's life, health, or security (the CPA must inform the individual of the disclosure);
- h) For statistical, scholarly study or research;
- i) To an archival institution;
- j) 20 years after the individual's death or 100 years after the record was created;
- k) If it is publicly available as specified in the regulations; or
- l) If otherwise required by law.

Limiting Collection, Use, Disclosure and Retention

- 19. Limiting Collection, Use and Disclosure – The CPA shall not collect, use or disclose personal information indiscriminately. Information collected will be for the purposes specified in this Policy, except with the consent of the individual or as required by law.
- 20. Retention Periods – Personal information shall be retained as long as reasonably necessary to enable participation in the CPA, to maintain accurate historical records and or as may be required by law.
- 21. Destruction of Information – Documents shall be destroyed by way of shredding and electronic files will be deleted in their entirety.

Safeguards

- 22. Safeguards – Personal information shall be protected by security safeguards appropriate to the sensitivity of the information against loss or theft, unauthorized access, disclosure, copying, use or modification.

Breaches

- 23. Breaches – The CPA is required to report breaches of its security safeguards and any unauthorized disclosure of, or access to, personal information to the Office of the Privacy Commissioner if the breach, disclosure, or access may pose a “real risk of significant harm” to an individual. A “real risk of significant harm” is defined as: *“Bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property”*.
- 24. Reporting – The CPA will report the breach or unauthorized access or disclosure to the Office of the Privacy Commissioner in the form and format specified by the Office of the Privacy Commissioner or will be subject to financial penalties.
- 25. Records and Notification – In addition to reporting the breach or unauthorized access or disclosure, the CPA will keep records of the breach and remedy (if any) and inform affected individuals.

Individual Access

- 26. Access – Upon written request, and with assistance from the CPA, an individual may be informed of the existence, use and disclosure of their personal information and shall be given access to that information. Further, an individual is entitled to be informed of the source of the personal information along with an account of third parties to whom the information has been disclosed..
- 27. Response – Requested information shall be disclosed to the individual within 30 days of receipt of the written request at no cost to the individual, or at nominal costs relating to photocopying expenses, unless there are reasonable grounds to extend the time limit.
- 28. Denial – An individual may be denied access to their personal information if the information:
 - a) Is prohibitively costly to provide;
 - b) Contains references to other individuals;
 - c) Cannot be disclosed for legal, security, or commercial proprietary purposes; or
 - d) Is subject to solicitor-client privilege or litigation privilege.

29. **Reasons** – Upon refusal, the CPA shall inform the individual the reasons for the refusal and the associated provisions of the Act.
30. **Identity** – Sufficient information shall be required to confirm an individual's identity prior to providing that individual an account of the existence, use, and disclosure of personal information.

Challenging Compliance

31. **Challenges** – An individual shall be able to challenge compliance with this Policy and the Act to the designated individual accountable for compliance.
32. **Procedures** – Upon receipt of a complaint the CPA shall:
- a) Record the date the complaint is received;
 - b) Notify the Privacy Officer who will serve in a neutral, unbiased capacity to resolve the complaint;
 - c) Acknowledge receipt of the complaint by way of telephone conversation and clarify the nature of the complaint within three (3) days of receipt of the complaint;
 - d) Appoint an investigator using the CPA's personnel or an independent investigator, who shall have the skills necessary to conduct a fair and impartial investigation and shall have unfettered access to all relevant file and personnel, within ten (10) days of receipt of the complaint;
 - e) Upon completion of the investigation and within twenty-five (25) days of receipt of the complaint, the investigator will submit a written report to the CPA; and
 - f) Notify the complainant about the outcome of the investigation and any relevant steps taken to rectify the complaint, including any amendments to policies and procedures within thirty (30) days of receipt of the complaint.
33. **Whistleblowing** – The CPA shall not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any Representative or deny that person a benefit because the individual, acting in good faith and on the basis of reasonable belief:
- a) Disclosed to the commissioner that the CPA has contravened or is about to contravene the Act;
 - b) Has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the Act; or
 - c) Has refused to do or stated an intention of refusing to do anything that is in contravention of the Act.

IP Address

34. **IP Address** – The CPA does not use or disclose IP Addresses but IP Addresses may be cached to assist with users' auto-login to CPA's third-party platforms such as Zoom, Survey Monkey, or Wicket.

Applicable Law

35. **Applicable Law** – The CPA's website is created and controlled by the CPA in the province of Ontario. As such, the laws of the province of Ontario shall govern these disclaimers, terms and conditions.

Date Approved: February 26, 2022	Approved By: Board of Directors
Date(s) Revised: N/A	Dept. Responsible: Governance

Appendix A – Consent

The CPA will include the following paragraph (or a variation) whenever Personal Information is being collected:

1. I authorize the CPA to collect and use personal information about me for the purposes described in the CPA's *Privacy Policy*.
2. I understand that I may withdraw such consent at any time by contacting the CPA's Privacy Officer. The Privacy Officer will advise the implications of such withdrawal.

Appendix B – Website Disclaimer

The CPA will include the following copyright and legal disclaimer (or similar statements) in the applicable section on the CPA's website:

Website – This website is a product of the CPA. The information on the website is provided as a resource to those interested in the CPA. The CPA disclaims any representation or warranty, express or implied, concerning the accuracy, completeness or fitness for a particular purpose of the information. Persons accessing this information assume full responsibility for the use of the information and understand and agree that the CPA is not responsible or liable for any claim, loss or damage arising from the use of this information. Reference to specific products, processes or services does not constitute or imply recommendation or endorsement by the CPA. The CPA also reserves the right to make changes at any time without notice.

Outside Links – Links made available through the website may allow you to leave the website. Please be aware that the internet sites available through these links are not under the control of the CPA. Therefore, the CPA does not make any representation to you about these sites or the materials available there. The CPA is providing these links only as a convenience to you, and in no way guarantees these links and the material available there. The CPA is not responsible for privacy practices employed by other companies or websites.