



Board Policy

Subject: Privacy	Policy No.: #500-9
Section: General Administration	
Approved by: Board of Directors	Date Approved: June 20, 2018 September 19, 2015 March 30, 2011 May 26, 2005
Reviewed by: Executive Committee	Date Reviewed: June 8, 2018 July 22, 2015 January 12, 2011 May 2, 2005

St. Joseph's Health Care Foundation ("the Foundation") is committed to protecting the privacy of donors, prospective donors, volunteers, staff and other stakeholders.

The Foundation has adopted the policies, procedures and practices of the Personal Information and Electronic Documents Act (PIPEDA), Freedom of Information and Protection of Privacy Act (FIPPA), and the Personal Health Information Protection Act (PHIPA) with respect to its information practices to ensure compliance with these principles and the legislation enumerated above. Any changes to the above legislations are intended to be adopted by this policy; and, in the event of any discrepancy between this policy and the legislation, the legislation will be deemed to apply, despite any conflicts of wording.

This policy applies to all personal information collected, used, disclosed and retained by the Foundation. In addition, all Foundation staff and affiliates are bound by St. Joseph's Health Care London's Privacy Policy, which can be found at www.sjhc.london.on.ca.

DEFINITIONS

Affiliate – for the purposes of this policy, refers to a person, whether or not the person is employed by the organization and whether or not the person is being remunerated, when that person is authorized to act on behalf of the Foundation in exercising powers or performing duties with respect to personal information. Affiliates include volunteers, students, physicians, consultants, vendors and contractors.

Personal information- refers to any information that can be used to identify, contact or distinguish a specific individual. This information can include an individual's opinions or beliefs, as well as facts about, or related to the individual. Business information and certain publicly available information such as names, title, business address or telephone numbers published in telephone directories are not considered public information.

PRIVACY PRACTICES

St. Joseph's Health Care Foundation collects and uses a limited amount of personal information about donors or potential donors including: name, title, address, telephone number, email, past donations, and other relevant contact information. This information is used for the processing of donations, keeping donors or prospective donors informed about the activities of the Foundation or the Hospital, providing donors with personalized appropriate recognition and stewardship, and to seek their support of the Foundation's work in support of St. Joseph's.

The Foundation may also collect information from donors about their relevant interests and other related facts to assist them in stewarding such relationships, or assisting donors with meeting their philanthropic goals.

Personal information collected by the Foundation is kept in confidence, and is only disclosed to meet the purposes stated above. All staff, board members and affiliates sign confidentiality agreements annually, and safeguards are put in place to ensure the information is protected and not shared more widely than is necessary to achieve the purpose for which it was gathered.

The Foundation abides by the ten guiding principles recommended by the Office of the Privacy Commission of Canada to ensure its privacy practices are in compliance with all applicable legislation.

GUIDING PRINCIPLES

1. Accountability for Personal Information

The Foundation is responsible for personal information under its control and has designated individuals who are accountable for the Foundation's compliance with the following principles:

- 1.1 Accountability for the Foundation's compliance with the policy rests with the Chief Executive Officer and Chief Operating Officer of the Foundation, the latter of which acts as the designated Chief Privacy Officer ("CPO") for the Foundation. Other individuals within the Foundation are responsible for the safeguarding of any personal information collected within the confines described above.
- 1.2 The name of the CPO designated by the Foundation to oversee compliance with these principles, is a matter of public record.

- 1.3 The Foundation is responsible for personal information in its possession, custody, or control, including information that has been transferred to a third party for processing. The Foundation will use contractual or other means to provide a comparable level of protection while the information is being processed by a third party. All third parties having access to donor information will be required to sign a confidentiality agreement with the Foundation, prior to the release of any information.
- 1.4 The Foundation has implemented policies and practices to support this policy, including:
 - 1.4.1 Implementing policies and procedures to protect personal information, including information relating to donors, potential supporters, employees, volunteers, physicians and other stakeholders;
 - 1.4.2 Establishing procedures to receive and respond to complaints and inquiries about privacy compliance;
 - 1.4.3 Training and communicating with staff and affiliates information about the Foundation's privacy policies and practices, and their importance;
 - 1.4.4 Developing and communicating to the public, the Hospital and key hospital stakeholders, information to explain the Foundation's privacy policies and procedures.

2. Identifying Purposes for the Collection of Personal Information

The Foundation collects, uses and discloses personal information for the purposes of processing donations, keeping donors and prospective donors informed about the activities of the Foundation and to build support for the mission of the Foundation. At, or before the time any personal information is collected, the Foundation will identify the purposes for which the information is being collected.

- 2.1 The identified purposes are specified at, or before, the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this may be done orally or in writing. Posters and brochures within the Hospital and/or forms, for example, give notice of the purposes. An individual will be given the option to accept or reject any given use proposed for his or her personal information, or refuse to have their personal information provided to the Foundation for fundraising purposes.
- 2.2 When personal information that has been collected is to be used for a purpose not previously identified to the individual, the consent of the individual will be obtained before the information is used for that purpose, unless otherwise provided by law.

- 2.3 Persons collecting personal information will explain to individuals the purposes for which the information is being collected.

3. **Consent for the Collection, Use, and Disclosure of Personal Information**

Donors and prospective donors are offered numerous privacy options including the option to limit or opt out of future contact. Patients who do not opt out may receive correspondence from the Foundation soliciting philanthropic support for the Hospital's mission. Patients may opt out of receiving any form of communication from the Foundation.

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

Note: For legal or security reasons it may be impossible or impractical to seek consent when information is being collected for the detection and prevention of fraud or for law enforcement. Seeking the consent of the individual might defeat the purpose of collecting the information.

- 3.1 Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, the Foundation will seek consent for the use or disclosure of the information at the time of initial collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when the Foundation wishes to use information for a purpose not previously identified).
- 3.2 The Foundation will make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual may reasonably understand how the information may be used or disclosed.
- 3.3 The Foundation will not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified and legitimate purposes.
- 3.4 The form of the consent sought by the Foundation may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, the Foundation will take into account the sensitivity of the personal information collected.

- 3.5 In obtaining consent, the reasonable expectations of the individual are also relevant. The Foundation can assume that a donation provided by the individual constitutes consent for specific purposes that relate to fundraising activities for St Joseph's. The Foundation will not use personal information for purposes other than those that would reasonably be expected by the individual.
- 3.6 The way in which the Foundation will seek consent may vary, depending on the circumstances and the type of information collected. The Foundation will generally seek *expressed consent* when the information is likely to be considered sensitive. *Implied consent* would generally be appropriate when the information is less sensitive. An authorized representative such as a substitute decision maker (if the donor is not capable), a legal guardian or person having power of attorney may also give consent.
- 3.7 Individuals can give consent in many ways. For example:
- 3.7.1 Notices within the Hospital may be used to seek implied consent and inform the individual of the use and disclosure that will be made of the information;
 - 3.7.2 A pledge form and other Foundation materials may be used to seek express consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving expressed consent to the collection and the specified uses and disclosures;
 - 3.7.3 Expressed consent may be given orally when information is collected over the telephone;
 - 3.7.4 Consent may be given at the time that an individual makes a donation;
 - 3.7.5 Consent may be implied by participation in any Foundation program, for example, attendance at an event sponsored by the Foundation, or participation as a volunteer in any Foundation activity.
- 3.8 An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The Foundation will inform the individual of the implications of such withdrawal.
- 3.9 In accordance with its Stewardship Policy (#200-1) the Foundation does not rent, sell or trade donor lists.

4. **Limiting Collection of Personal Information**

The collection of personal information will be limited to that which is necessary for the purposes identified by the Foundation. Information will be collected by fair and lawful means. The Foundation does not have access to patients' medical information, and only

receives limited information from the Hospital regarding the name and address of discharged patients for fundraising purposes. .

- 4.1 The Foundation will not collect personal information indiscriminately. Both the amount and the type of information collected will be limited to that which is necessary to fulfill the purposes identified.
- 4.2 The requirement that personal information be collected by fair and lawful means is intended to prevent the Foundation from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement means that consent with respect to collection must not be obtained through deception.

5. **Limiting Use, Disclosure, and Retention of Personal Information**

Personal information will 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 will be retained only as long as necessary for the fulfillment of those purposes, or to comply with Canada Revenue Agency guidelines. Safeguards are in place to ensure that information collected by the Foundation is not accessed, disclosed or shared inappropriately.

- 5.1 If using personal information for a new purpose, the Foundation will communicate this purpose to the individual and obtain consent for the use of the personal information for the new purpose.
- 5.2 The Foundation has developed guidelines and procedures with respect to the retention of personal information. These guidelines will include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual will be retained long enough to allow the individual access to the information after the decision has been made. The Foundation is subject to legislative requirements with respect to retention periods.
- 5.3 Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous. The Foundation has developed guidelines and procedures to govern the destruction of personal information in accordance with applicable legislative requirements.

6. **Records Maintenance to Ensure Accuracy of Personal Information**

The Foundation maintains complete and accurate personal information as is necessary for the processing of receipts and the dispersal of fundraising, program or special event materials. Material recording personal information will be disposed of in a manner which ensures the security of personal information..

7. Ensuring Safeguards for Personal Information

Security safeguards appropriate to the sensitivity of the information will protect personal information. Only those who require information to process receipts or to further the mission of the Foundation will be provided with access.

7.1 The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification. The Foundation will protect personal information regardless of the format in which it is held.

7.2. The methods of protection include:

7.2.1 Physical measures, for example, locked filing cabinets and restricted access to offices;

7.2.2 Organizational measures, for example, limiting access on a “need to know” basis;

7.2.3 Technological measures, for example, the use of passwords.

7.3 The Foundation will make their employees and affiliates aware of the importance of maintaining the confidentiality of personal information. As a condition of employment, appointment, or agency, all Foundation employees and affiliates must regularly review the Privacy Policy, and sign the applicable Confidentiality Agreement.

8. Openness About Personal Information Policies and Practices

The Foundation will provide donors and the public with the Foundation’s privacy policy upon request and will also make it readily available on the Foundation’s website. Statements reflecting the Foundation’s commitment and adherence to the privacy of donor information may also be included on various Foundation materials.

8.1 The information made available will include:

8.1.1 The name or title, and the address of the CPO, who is accountable for the Foundation’s privacy policies and practices, and to whom complaints or inquiries can be forwarded;

8.1.2 The means of gaining access to personal information held by the Foundation;

8.1.3 A description of the type of personal information held by the Foundation, including a general account of its use and/or disclosure;

8.1.4 A copy of any brochures or other information that explains the Foundation’s policies, standards, or codes;

8.1.5 What personal information is made available to affiliated organizations.

9. Individual Access to Own Personal Information

Individuals can request access to their personal information held within the Foundation. Individuals have the right to ensure their information is accurate and complete and amend the file if necessary. Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information.

Note: In certain situations, the Foundation may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions may include information that contains references to other individuals, information that cannot be disclosed for legal, security, or proprietary reasons, and information that is subject to solicitor-client or litigation privilege.

9.1 Upon request, the Foundation will inform an individual whether or not it holds personal information about the individual. The Foundation will seek to indicate the source of this information and will allow the individual access to this information. In addition, the Foundation will provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.

9.2 An individual will be required to provide sufficient information to permit the Foundation to provide an account of the existence, use, and disclosure of personal information. The information provided will only be used for this purpose.

9.3 In providing an account of affiliates to which it has disclosed personal information about an individual, the Foundation will attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, the Foundation will provide a list of the organizations to which it may have disclosed information about the individual.

9.4 The Foundation will respond to an individual's request within thirty (30) days of the request. If the Foundation is unable to respond to the individual's request within thirty (30) days, the Foundation will advise the individual in writing, and will respond to the request within sixty (60) days of the request. The requested personal information will be provided or made available in a form that is generally understandable. For example, if the Foundation uses abbreviations or codes to record information, an explanation will be provided.

- 9.5 When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, the Foundation will amend the information as required, in accordance with professional standards of practice. Depending upon the nature of the information challenged, the amendment may involve the correction, deletion, or addition of information. Information contained within donor receipt records will not be deleted, but rather, the original must be maintained, with any amendments or corrections being made in a transparent manner. Where appropriate, the amended information will be transmitted to affiliates having access to the information in question.
- 9.6 In the event that the Foundation and the individual are unable to agree on an amendment to be made to personal information, the Foundation will append a statement of disagreement as provided by the individual to the record and, when appropriate, the existence of the unresolved amendment request will be transmitted to affiliates having access to the information in question.

10. Challenging Compliance with St. Joseph's Health Care Foundation Privacy Policies and Practices

An individual will be able to address a challenge concerning the Foundation's compliance with this policy to the Foundation's Chief Operating Officer, who acts as the Foundation's Chief Privacy Officer.

- 10.1 The Foundation has put procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The complaint procedures will be easily accessible and simple to use;
- 10.2 The Foundation will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures;
- 10.3 The Foundation will investigate all complaints. If a complaint is found to be justified, the Foundation will take appropriate measures, including, if necessary, amending its policies and practices.