

CSHP Board and Branch Reference Manual

CATEGORY: 2.1 Membership	PAGES: 12
NUMBER: 2.1.2	EFFECTIVE: March 13, 2005
TITLE: Privacy	REVISED: August 12, 2005

POLICY:

The Canadian Society of Hospital Pharmacists (CSHP) is committed to safeguarding the personal information of our members and customers according to privacy laws such as the Canadian federal *Personal Information Protection and Electronic Documents Act* (PIPEDA), and corresponding Canadian provincial privacy legislation.

This policy applies to CSHP National and all its branches.

DEFINITIONS:

What is personal information?

For the purposes of the privacy legislation, “personal information” is defined as any information that can be used to distinguish, identify or contact a specific individual. The act applies to individuals, not corporations. Members of most charities and professional associations are individuals, and directors of all not-for-profit companies are individuals.

Personal information is any factual or subjective information, recorded or not, about an identifiable individual. It includes:

- e-mail address;
- age, weight, height;
- medical records;
- identification numbers, income, ethnic origin, or blood type;
- opinions, evaluations, comments, social status, or disciplinary action; and,
- employee files, credit records, loan records, existence of a dispute between a consumer and a merchant, intentions (for example, to acquire goods or services, or change jobs.)

There are exceptions. Personal information does not include an employee’s name, job title, business address or telephone number, anything that might appear on a business card with the exception of e-mail address, or certain publicly available information (such as names, addresses and telephone numbers as published in telephone directories). Where an individual uses his or her home contact information as business contact information, the contact information provided is regarded as business contact information and is not subject to protection as personal information.

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Who are CSHP stakeholders?

Stakeholders are persons in the following relationship to CSHP:

- Board delegates
- CSHP employees
- Committee/Task Force/PSN chairs and members
- Canadian Hospital Pharmacy Residency Board members
- CSHP Foundation trustees
- Branch and Chapter councils and committees
- CJHP Editorial Board
- Contract staff

PROCEDURES:

1. This policy applies to all CSHP stakeholders at the national, branch and chapter level. See Appendix I for a Branch Compliance Checklist.
2. CSHP adopts the following 10 universal privacy principles as noted in the Canadian Standards Association *Model Code for the Protection of Personal Information* and as incorporated in privacy legislation:
 - 2.1. **Accountability:** CSHP shall appoint a privacy officer who will be accountable for the Society's compliance with the legislation's privacy principles.
 - 2.2. **Identifying Purposes:** CSHP shall identify the purposes for which personal information is to be used, disclosed, transmitted or reported at the time of or prior to the collection of the information. See Privacy Clearances in Appendix II.
 - 2.3. **Consent:** CSHP shall request the consent of its members and customers for the collection, use, or disclosure of personal information, except where inappropriate. See Privacy Clearances in Appendix II.
 - 2.4. **Limiting Collection:** CSHP shall limit the collection of personal information to that which is necessary for the identified purposes. CSHP shall collect information by fair and lawful means.
 - 2.5. **Limiting Use, Disclosure and Retention:** CSHP shall not use or disclose personal information (including, but not limited to, e-mail addresses, bank account numbers and credit card numbers) for purposes other than those for which it was collected, except with the consent of the member or customer or as required by law. When personal information must be discussed or otherwise shared with other CSHP stakeholders, it must be on a need-to-know basis within the course of the Society's activities. CSHP shall retain personal information only as long as necessary for the fulfillment of those purposes.

CSHP may share aggregate information about its members and customers – not individual data – with sponsors, potential sponsors and other parties to help them better understand CSHP

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members and their interests. Such aggregate information is used to give demographic data about CSHP members in order to improve the organization and the programs and services provided by CSHP.

- 2.6. **Accuracy:** CSHP shall work in partnership with its members and customers to ensure that their personal information is accurate, complete and up-to-date, as is necessary for the purposes for which it is to be used.
 - 2.7. **Safeguards:** CSHP shall protect personal information by security safeguards appropriate to the sensitivity of the information. CSHP shall make its stakeholders aware of the importance of maintaining the confidentiality of personal information. CSHP will conduct ongoing security assessments of its administrative, physical, and technical safeguards, and provide training reinforcing responsibilities regarding the privacy of personal information in any form – electronic or paper – in its possession.
 - 2.8. **Openness:** CSHP shall make its current policy and procedures relating to the management of personal information readily available to members and customers, and post them on its website (www.cshp.ca).
 - 2.9. **Individual Access:** Upon request, CSHP shall inform members and customers of the existence, use, and disclosure of their personal information and shall give access to that information. Members and customers shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
 - 2.10. **Challenging Compliance:** CSHP shall accept and investigate challenges from members and customers concerning compliance with the above principles.
3. While PIPEDA or certain provincial privacy laws may not apply to all of a non-profit's activities, CSHP will apply the aforementioned privacy principles throughout its operations (commercial or otherwise). See Appendix III for a discussion on the application of Canada's privacy laws to organizations with operations in a number of provinces.
 4. The Privacy Officer will submit an annual report to the Board at the annual general meeting describing: the use, disclosure, transmission or reporting of personal information; the number and nature of requests to access personal information; the number, nature and resolution of challenges concerning compliance with the policy.

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Privacy Legislation: Branch Compliance Checklist

CSHP Branches shall:

1. Adopt the following 10 universal privacy principles as noted in the Canadian Standards Association *Model Code for the Protection of Personal Information* and as incorporated in privacy legislation:
 - 1.1. **Accountability:** Each CSHP Branch shall appoint a privacy officer who will be accountable for the branch's compliance with the legislation's privacy principles.
 - 1.2. **Identifying Purposes:** CSHP Branches shall identify the purposes for which personal information is to be used, disclosed, transmitted or reported at the time of or prior to the collection of the information. See Privacy Clearances in Appendix II.
 - 1.3. **Consent:** CSHP Branches shall request the consent of its members and customers for the collection, use, or disclosure of personal information, except where inappropriate. See Privacy Clearances in Appendix II.
 - 1.4. **Limiting Collection:** CSHP Branches shall limit the collection of personal information to that which is necessary for the identified purposes. CSHP Branches shall collect information by fair and lawful means.
 - 1.5. **Limiting Use, Disclosure and Retention:** CSHP Branches shall not use or disclose personal information (including, but not limited to, e-mail addresses, bank account numbers and credit card numbers) for purposes other than those for which it was collected, except with the consent of the member or customer or as required by law. When personal information must be discussed or otherwise shared with other CSHP stakeholders, it must be on a need-to-know basis within the course of the Society's activities. CSHP Branches shall retain personal information only as long as necessary for the fulfillment of those purposes.

CSHP Branches may share aggregate information about its members and customers – not individual data – with sponsors, potential sponsors and other parties to help them better understand the CSHP Branch members and their interests. Such aggregate information is used to give demographic data about the CSHP Branch members in order to improve the organization and the programs and services provided by the CSHP Branches.
 - 1.6. **Accuracy:** CSHP Branches shall work in partnership with its members and customers to ensure that their personal information is accurate, complete and up-to-date, as is necessary for the purposes for which it is to be used.
 - 1.7. **Safeguards:** CSHP Branches shall protect personal information by security safeguards appropriate to the sensitivity of the information (including, but not limited to, e-mail addresses, bank account numbers and credit card numbers). CSHP Branches shall make its stakeholders aware of the importance of maintaining the confidentiality of personal information.
 - 1.8. **Openness:** CSHP Branches shall make their current policy and procedures relating to the management of personal information readily available to members and customers, and post them on their respective website.

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- 1.9. **Individual Access:** Upon request, CSHP Branches shall inform members and customers of the existence, use, and disclosure of their personal information and shall give access to that information. Members and customers shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- 1.10. **Challenging Compliance:** CSHP Branches shall accept, report to the national privacy officer and investigate challenges from members and customers concerning compliance with the above principles.
2. While PIPEDA or certain provincial privacy laws may not apply to all of a non-profit's activities, CSHP will apply the aforementioned privacy principles throughout its operations (commercial or otherwise). See Appendix III for a discussion on the application of Canada's privacy laws to organizations with operations in a number of provinces.
3. The Branch Privacy Officer will submit an annual report to the national privacy officer describing: the use, disclosure, transmission or reporting of personal information; the number and nature of requests to access personal information; the number, nature and resolution of challenges concerning compliance with the policy.

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CSHP PRIVACY CLEARANCES

All personal information collected by CSHP is done so in accordance with the CSHP privacy policy. All data is stored within CSHP's membership database. In compliance with the principle of openness in its policy, CSHP will make the following statements available to interested parties through appropriate channels, in order to advise of the purposes for which the information will be used and to obtain the consent of its members, express or implied, for the collection, use, or disclosure of personal information.

Membership renewal form¹

The information you provide to CSHP such as your name, address, and e-mail address is used to notify you of issues, events, activities or special offers.

From time to time, we make our membership list available to specific reputable companies and organizations whose products and/or services we believe may be beneficial to you. If you do not want CSHP to make your contact information with other companies or organizations, please check here:

CSHP Website

The Canadian Society of Hospital Pharmacists (CSHP) is committed to safeguarding the personal information of our members and customers according to privacy laws such as the Canadian federal *Personal Information Protection and Electronic Documents Act* (PIPEDA), and corresponding Canadian provincial privacy legislation. All personal information collected by CSHP via this website or otherwise is done so in accordance with the following privacy policy.

CSHP defines "personal information" as any information, recorded or not, that can be used to distinguish, identify or contact a specific individual, with the exception of business contact information (such as name, job title, business address and telephone number).

CSHP will identify the purposes for which personal information is to be used, disclosed, transmitted or reported at the time of or prior to the collection of the information, and will limit the collection of personal information to that which is necessary for the identified purposes. CSHP will collect information by fair and lawful means.

CSHP will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the member or customer or as required by law. When personal information must be discussed or otherwise shared with other CSHP stakeholders, it must be on a need-to-know basis within the course of the Society's activities. CSHP will retain personal information only as long as necessary for the fulfillment of those purposes.

CSHP may share aggregate information about its members and customers – not individual data – with sponsors, potential sponsors and other parties to help them better understand CSHP members and their interests. Such aggregate information is used to give demographic data about CSHP members in order to improve the organization and the programs and services provided by CSHP.

CSHP will work in partnership with its members and customers to ensure that their personal information is accurate, complete and up-to-date, as is necessary for the purposes for which it is to be used.

CSHP will protect personal information by security safeguards appropriate to the sensitivity of the information. CSHP will make its stakeholders aware of the importance of maintaining the confidentiality

¹ Approved by CSHP Board, August 12, 2005

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of personal information. CSHP will conduct ongoing security assessments of its administrative, physical, and technical safeguards, and provide training reinforcing responsibilities regarding the privacy of personal information in any form – electronic or paper – in its possession.

For general enquires about CSHP’s privacy policy, to request access to and amend your personal information on file or to challenge compliance with the above principles, please contact Laurie Frid, Privacy Officer at:

Canadian Society of Hospital Pharmacists
30 Concourse Gate, Unit 3
Ottawa, ON K2E 7V7
Telephone: (613) 736-9733, ext. 226
Fax: (613) 736-5660
E-mail: ddavidson@cshp.ca

CSHP Website

CSHP requests your email address and password on its site to allow you access to the Members Area. Depending on the purpose of your visit, you may be required to input your information at various times.

The operating system for the CSHP website (www.cshp.ca) may automatically record some general information about your visit, such as:

- The Internet domain for your Internet service provider, such as "company.com" or "service.ca" and the IP address of the computer accessing the website, such as "10.10.10.10";
- The type of browser (such as "Netscape version x" or "Internet Explorer version x") you are using;
- The type of operating system you are using (such as Macintosh, Unix, or Windows);
- The date and time you visit our site and the web pages that you visited, along with the address of the previous website you were visiting, if you linked to us from another website;
- If you logged onto our site, the Internet Information Server log file format records the following data:
 - Client IP address
 - User name
 - Password
 - Date
 - Time
 - Service and instance
 - Server name
 - Server IP address
 - Time taken
 - Client bytes sent
 - Server bytes sent
 - Service status code (A value of 200 indicates that the request was fulfilled successfully.)
 - Windows status code (A value of 0 indicates that the request was fulfilled successfully.)
 - Request type
 - Target of operation

CSHP uses this information for statistical analysis, to help us make our site more useful to visitors. We may disclose this information in aggregate only to third parties such as sponsors, clients or advertisers and/or use it for auditing purposes.

CSHP stores the username and password information on file. Members may use the ‘Forgot my password’ feature on the CSHP website to retrieve forgotten passwords. Passwords may also be changed

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by the individual member. Username and password information will not be disclosed to any third party, with the exception of CSHP's Internet service provider who is under a contractual requirement to keep this information confidential, to use it solely for the purposes of providing services to CSHP and its members, and to protect it by appropriate security safeguards.

The CSHP website **may** use "cookies" that identify you as a return visitor. A cookie is a piece of data that a website can send to your browser, which may then store the cookie on your hard drive. So, when you come back to visit CSHP's website again, information can be tailored to suit your individual preferences. The goal is to save you time and provide you with a more meaningful visit and to measure website activity. Specifically, we use cookies in order to allow members to access features (i.e. "Remember Me" function) without logging into the website each time. Browsers such as Netscape allow you to disable cookie collection if you wish, or inform you when a cookie is being stored on your hard drive.

The CSHP website contains links to other sites. Once you link to another site, you are subject to the privacy and security policies of the new site.

E-announcements

Under PIPEDA, electronic mail addresses are considered personal information. With the exception of the addresses of the CSHP national Executive, e-mail addresses are blinded within this e-announcement. This e-mail and any attachment in this transmission are directed in confidence solely to the addressee(s) and may contain confidential and/or privileged material. This information may not otherwise be distributed, copied or disclosed. If you have received this e-announcement in error, please notify the sender immediately and destroy the original message. If you wish to remove your address from the mailing list for CSHP e-announcements, please contact Laurie Frid, CSHP Privacy Officer, at lfrid@cshp.ca.

Conference Registration and Publication Order Forms

The information provided on this form allows CSHP to verify that the information on file is current and to ensure correspondence, such as receipts, are sent to the appropriate location.

CSHP Executive, Board, Affiliated Boards, Committees, Task Forces and PSNs

If you volunteer on one of CSHP's bodies, your full name, address, phone number and e-mail address *may* be posted on the CSHP website as contact information for the CSHP members. Under PIPEDA, information found on a business card is not considered personal information. If you use your personal phone number or address for business purposes, it is no longer considered personal information. CSHP will at all times use your business contact information, unless instructed otherwise.

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Early Privacy Law Developments for Non-Profit Organizations

Eve Munro and Rachel Blumenfeld

The Association Agenda 2004 (Aug 23).

Canada's not-for-profit organizations have now had over six months experience under Canada's new privacy regime. The federal Personal Information Protection and Electronic Documents Act (PIPEDA) commenced to apply on January 1, 2004 to the provincially regulated private sector in provinces that had not passed legislation deemed to be substantially similar to PIPEDA. At that time the only province that had such legislation was Quebec.

Privacy legislation also came into force in British Columbia and Alberta on January 1, but that new legislation has not yet been declared to be substantially similar. The Minister of Industry has recommended that both the Alberta Personal Information Protection Act (Alberta PIPA) and the B.C. Personal Information Protection Act (B.C. PIPA) are substantially similar to PIPEDA. Based on this recommendation, the Governor in Council proposes to make orders which will exempt from PIPEDA organizations subject to Alberta PIPA or B.C. PIPA in respect of the collection, use and disclosure of personal information that occurs in Alberta and B.C. respectively. Notices of the proposed orders were published in Part 1 of the Canada Gazette on April 10, 2004. As at the time of writing this article, these orders have not been registered, but this is something that can be anticipated in the near future.

Unlike the broad legislation adopted in Alberta and B.C., Ontario has to date restricted its new privacy legislation to personal health information. Bill 31, the Personal Health Information Protection Act, which incorporates the 10 Fair Information Principles, received Royal Assent on May 20. Beginning on November 1, the Act will regulate the collection, use and disclosure of personal health information in Ontario by "personal health custodians."

Issues for National Organizations

Organizations with operations in a number of provinces will need to determine which laws apply to them as the laws vary quite substantially in relation to their application to not-for-profit organizations.

While for provincially regulated undertakings, PIPEDA only applies to the collection, use and disclosure of personal information in the course of commercial activities, the laws of B.C. and Quebec are not so restricted. Those Acts apply to organizations in respect of all their activities, including information about employees.

Alberta PIPA has no general commercial activities limitation as found in PIPEDA, however Alberta PIPA is specifically limited in its application to "non-profit organizations" to personal information collected, used or disclosed by the organization in connection with a commercial activity. However, the term "non-profit organization" has a very restricted definition under the Act - namely an organization that:

(a) is incorporated under the Societies Act or the Agricultural Societies Act or registered under Part 9 of the Companies Act, or;

(b) meets the criteria established under the regulations to qualify as a non-profit organization (to date, no such regulations have been enacted).

Thus, the manner of incorporation of a not-for-profit entity in Alberta may determine the applicability of Alberta PIPA to it. For example, churches generally do not fall under the definition of "non-profit organization" found in Alberta PIPA; consequently, many churches would be required to comply fully with the legislation. (See, e.g., Q.2 at

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<http://www.pipa.gov.ab.ca/index.cfm?page=fags/NonProfitFAQs.html>.) Further, organizations incorporated outside of Alberta do not presently fall within the definition of “non-profit organization” and the Alberta Act will apply to all of their activities in Alberta, including employee, volunteer and client information.

Nationally-based not-for-profit organizations must make a policy decision as to how they will approach privacy compliance: whether to apply the privacy principles throughout their operations or restrict the application of those principles to commercial activities in those jurisdictions where only PIPEDA currently applies. For the most part, professional organizations in the charitable and not-for-profit sector have promoted the view that while the legislation may not apply to all of a non-profit’s activities, prudence dictates that the principles be implemented throughout the organization. This approach has the benefit of providing uniformity to the organization’s policies and practices, thereby creating organizational efficiency, while at the same time ensuring user and member satisfaction.

“Commercial activities”

Not-for-profit organizations subject to PIPEDA that do not elect to apply the 10 Fair Information Principles to all of their operations will be concerned with the meaning of “commercial activities” under PIPEDA because PIPEDA only applies to personal information collected, used and disclosed in the course of these activities.

“Commercial activities” is defined in PIPEDA specifically to include the selling, bartering or leasing of donor, membership or other fundraising lists. However, it also includes other activities of not-for-profits that are “commercial” in character. Defining what activities of such organizations will be considered commercial is not necessarily a straightforward task. While not legally binding, guidance can be sought from government information tools.

For example, the Office of the Privacy Commissioner of Canada has issued a Fact Sheet on the application of PIPEDA to charitable and not-for-profit organizations (www.privcom.gc.ca/fs-fi/02_05_d_19_e.asp). Although the Fact Sheet confirms that non-profit status does not automatically exempt an organization from the application of the Act, the guidance it provides relating to the meaning of “commercial activities” to which PIPEDA will apply is limited. The Fact Sheet states in part:

Most non-profits are not subject to the Act because they do not engage in commercial activities. Collecting membership fees, organizing club activities, compiling a list of members’ names and addresses, and mailing out newsletters are not considered commercial activities, neither is fundraising. However some clubs, for example many golf clubs and athletic clubs, may be engaged in commercial activities which are subject to the Act.

It is not clear that these and similar comments by Industry Canada extend to activities where value is exchanged, such as the carrying on of a related business by a charity (e.g., retail or on-line sales), holding fundraising dinners, raffles, lotteries, hosting conferences and seminars and the like. The question will be whether the activity involves the making or provision of a product or service that is commercial in nature.

Alberta’s Access and Privacy Branch has published an Information Sheet (<http://www.pipa.gov.ab.ca/index.cfm?Page=resources/NonProfit.html>) with guidance for “non-profit organizations” regarding factors which will be considered in determining whether a transaction is a commercial activity, including:

Is the activity financially supported by the activities of the organization or operated on a cost recovery basis rather than intended to make a profit to be used to support other activities)? Does the activity

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involve consideration by one party (rather than consideration for both parties)?

The recently-released “FAQ for Non-Profit Organizations” (<http://www.pipa.gov.ab.ca/index.cfm?page=faqs/NonProfitFAQs.html>) provides further examples of what Alberta’s Access and Privacy Branch considers to be a “commercial activity,” including the operation of an “early childhood service program” and the running of conferences, seminars and training sessions.

Further experience under the new legislation will help to define what activities of not-for-profit organizations are considered to be “commercial activities” for the purposes of application of PIPEDA and Alberta PIPA.

Outsourcing

Many organizations are concerned with how to deal with third party service providers in a manner which complies with the privacy law requirements.

B.C. PIPA, which applies to all operations of not-for-profit organizations in B.C., has specific exceptions permitting these types of disclosures and uses but the organization which engages the service provider remains responsible for the safekeeping of its personal information even when in the custody of the third party. Information provided to a third party service provider may only be used for the purposes for which the information was previously collected and to assist the service provider in carrying out work on behalf of the organization.

Appropriate agreements are required to be put in place for third party service providers in order to ensure that an organization’s obligations are met in respect of information transferred to, used or collected by third party service providers.

While PIPEDA and Alberta PIPA do not have express provisions permitting such uses and disclosures to third party service providers, they do contain provisions (Principle 4.1.3. of Schedule A to PIPEDA and subs. 5(2) of Alberta PIPA) making an organization responsible for its personal information while in the possession of its third party service providers. Again, appropriate agreements are required to meet these obligations and it is also recommended to build these types of disclosures and uses into the organization’s privacy policy, notices of purposes and consents.

Communication and Consent Strategies

In these early days of the application of Canada’s new privacy laws to organizations across Canada, non-profits are continuing to work out their communication strategies with individuals in their databases, including their clients, users and members. These issues will, of course, be much more limited in jurisdictions where compliance is required only in respect of commercial activities. However, in those jurisdictions where the privacy rules apply to all operations, and for those organizations which choose to adopt the model privacy code as “best practices,” these are important issues for consideration. Issues include:

- How will the organization communicate with individuals in its database in order to ensure that adequate notice of purposes and consent is provided for the existing uses for which this information is made?
- What type of consent (express, implied) is appropriate for specific circumstances? What consent documents are required (opt-in, opt-out)?

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Another issue of importance is an organization's internal communication strategies. It is important to put in place procedures to deal with complaints, access requests, and withdrawals and variations of consent; and to have in place well thought-out implementation procedures and internal communication programs so that an organization's staff and volunteers know how to deal with these issues when they do arise.

Experience under Canada's new privacy laws is still evolving. Many non-profits are still in the process of working through their approach to protection of personal information in view of the limited application of privacy law principles to such organizations under PIPEDA. Further experience will bring better definition to these and other issues relating to the application of Canada's new privacy laws to the not-for-profit sector.

***Eve Munro** is a partner with the Vancouver office of Miller Thomson LLP. She practices in the area of Intellectual Property and Information Technology and is coordinator of the Privacy Law Practice in the Miller Thomson Vancouver office.*

***Rachel Blumenfeld** is an associate with Miller Thomson LLP's Toronto office. She practices in the area of Trusts and Estates and Charities and Not For Profit Law.*