

# Saskatchewan Dental Assistants' Association Privacy Policy

## STATUTORY AUTHORITY

*The Dental Disciplines Act* being Chapter D-4.1 of *The Statutes of Saskatchewan, 1997* authorizes the Saskatchewan Dental Assistants' Association (SDAA) to serve as the regulatory authority for dental assistants in Saskatchewan. Subsection 15(1) defines the role of Administrative Bylaws including joint participation with other organizations with common goals or objectives. Subsection 15(2) defines the role of Regulatory Bylaws and authorizes credentialing, registration & licensing, standard setting and ethical practice as well as the authority for handling professional misconduct, professional incompetence and discipline. Subsection 19 of the Act authorizes the keeping of a register containing the name and address of registrants, and provides that the register shall be open for inspection by members of the public. Subsection 30 outlines the process for a Professional Conduct Committee to obtain a member's records or other property for the purpose of an investigation. Subsection 33(15), the Act provides that disciplinary hearings may hold closed sessions to protect the privacy of individuals other than the member.

The SDAA is a trustee under HIPA (1999 CHAPTER H-0.021) under the regulatory body provision in paragraph 2(t)(xiii). Collection of personal health information will be consistent with Subsection 23, 24, and 25. Use will be consistent with Subsection 26 and disclosure of personal information shall be consistent with Subsection 27.

## SDAA RESPONSIBILITY

SDAA values the relationship it has with its members and employees and is committed to the protection of privacy. SDAA employees, members of Council, committees, and appointees are expected to ensure the safeguarding and proper use of information. Accordingly, SDAA, its employees and volunteers must adhere to this Privacy Policy which is based on the privacy principles set out in the "Best Practices" as outlined in the *CSA Model Code* and the *Health Information Protection Act* (Saskatchewan). SDAA will collect the minimum amount of personal information and personal health information necessary for the purpose of the efficient administration of the association as required by *The Dental Disciplines Act* and any other legislative requirements. SDAA is responsible for all personal information under its control and designates the Executive Director as the Chief Privacy Officer, the individual accountable for the associations' compliance with established best practices for the protection of personal information and personal health information. The Chief Privacy Officer will deal with internal use of information and all access requests. All agents of the SDAA will disclose information to third parties only as authorized by the Chief Privacy Officer.

This Privacy Policy shall be publicized on the association website and shall be available upon request.

## DEFINITIONS:

Personal Information (PI): is information about an identifiable individual that is recorded in any form. PI includes any factual or subjective information, recorded or not, about an identifiable person. This includes information in any form, such as: age, name, ID numbers, opinions, evaluations, comments, or disciplinary actions; employee files, medical records. Personal information does not include name, title or business address or telephone number of an employee of an organization.

Personal Health Information (PHI): means, with respect to any individual, living or deceased:

- Information with respect to the physical or mental health of the individual
- Information with respect to any health service provided to the individual

- Information with respect to the donation by the individual of any body part or any body substance of the individual or information derived from the testing or examination of a body part or bodily substance of the individual
- Information that is collected: in the course of providing health services to the individual or incidentally to the provision of health services to the individual, or
- Registration purposes.

Access: An individual shall be given access to their personal information and shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Access Request: Upon request an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information.

Consent: Voluntary agreement with what is being done or proposed. The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information except where inappropriate. Third Parties must provide written consent to SDAA to subpoena their dental records and must provide consent for SDAA to use their information in the course of a disciplinary hearing.

Use: Refers to the treatment and handling of personal information within an organization. Information shall be used for the purpose for which it was collected, except with the consent of the individual or as required by law.

Disclosure, and Retention: Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

Possession or control: Refers to information that is in the actual possession of the organization or information that is in storage and remains under the control of the organization.

Register: Access database and numerical paper files of all dental assistants registered in Saskatchewan.

Registration information: Information that identifies the registrant, confirms and validates their credentials and allows ongoing contact information.

Third Party: anyone who is not directly involved (not applicant, not government institution).

## USE AND DISCLOSURE OF PERSONAL INFORMATION

### Collections

SDAA collects information directly from members. SDAA will collect personal data only as necessary for the purpose of identification and registration.

### Use

SDAA uses information collected internally; solely for the purpose of registration and to communicate effectively with licenced members by providing you with regulatory information and services.

The following are some specific uses:

- To register initially as a member with the association
- To verify member identity
- To keep track of member activity

- To distribute newsletters and other communications
- To send out membership renewal information and process payments
- To distribute receipts and certificates
- To obtain appropriate educational credits
- To maintain communications with you

## Disclosure

*The Dental Disciplines Act* requires the Registrar to comply with a request from any person to inspect the information contained in the Register established pursuant to the Act. This "Public Register" includes disclosing the name, address (place of employment), skill list, and licensure category of every member or temporary (restricted) member. Dental assistants will understand that their credentials may be verified by employers and prospective employers.

Under *The Dental Disciplines Act*, the SDAA must annually file the "Public Register" with the Minister of Justice, to which we are required to include each member's initial registration date. To confirm identity as part of the data, the association also discloses the membership number.

Under *The Dental Disciplines Act*, the SDAA must annually report to the Minister of Health; de-identified information relative to complaints, professional conduct investigations and disciplinary hearings against members.

Information disclosed to third parties will occur only to the extent listed on, and consented to on the registration form. We will not disclose your information for any other purpose without obtaining additional "specific" consent. Information will be disclosed on a limited, "need to know" basis. The member, by virtue of their signature on the "Application for Registration" authorizes the following disclosure:

- To verify registration/licensure status for the public, employers and prospective employers
- To conduct member surveys and research if necessary
- To provide CDAA web site access to members [Under a membership agreement with the Canadian Dental Assistants Association, the SDAA is also required to release the following information: First Name, Last Name, Maiden Name, Provincial ID, NDAEB ID, Gender, Date of Birth, Complete mailing address, Home Phone, Work Phone, Fax Number, Email, Status of Membership (Active, Inactive)].

## USE AND DISCLOSURE OF PERSONAL HEALTH INFORMATION

### Collections

Personal Health Information of members shall not be collected except where required in the conduct of a professional conduct investigation and/or disciplinary hearing.

Personal health information relative to employees may be acquired only as it is applicable to their employment. Express consent will be required, except in accordance with HIPA Subsection 26(3). Examples are:

- Workers Compensation claims
- Medical leaves
- Medical conditions requiring reassignment of work responsibilities

### Use

*The Dental Disciplines Act* states that the association must provide a member a copy of the formal complaint that the Discipline Committee will hear.

The Professional Conduct Committee is required to produce a written report regarding any investigation and provide a copy to the council, the complainant and the member whose conduct is the subject of the complaint.

In the course of a Professional Conduct investigation, any relevant personal health information related to the complainant will be obtained and released to the SDAA by the complainant.

In the course of a Professional Conduct investigation, any relevant personal health information relative to the member will be obtained and released to SDAA by the member.

In the course of a Professional Conduct investigation, any relevant personal health information related to a third-party will be obtained and released to the SDAA by the third party. In the event that third party information is utilized during a disciplinary hearing, it will be de-identified.

Any personal health information acquired for the aforementioned purposes, held by the SDAA that is not "active" but does not meet the retention schedule timeline for destruction can be sent to a designated archive for storage until such time as the record either becomes active or the retention schedule is met.

The SDAA Complaint Report form provides authorization for the "use" of information and any supporting dental records (which may contain personal health information) to the Professional Conduct Committee; The Discipline Committee and the President of the Association.

### **Disclosure to a Third Party**

*The Dental Disciplines Act* authorizes the disclosure of personal information in the custody and control of the Executive Director without the consent of the individual:

- Where a professional conduct committee in its investigation believe that the member may be guilty of a criminal offence and must report its findings to the President of the association and the Deputy Minister of Justice;
- Or to the local judicial registrar in response to a notice of appeal noting that upon application of the appellant's solicitor a copy of all documents filed to comply with the appeal;

in which case we will not disclose more information than is required.

The SDAA authorizes the disclosure of personal information in the custody and control of the Executive Director without the consent of the individual:

- When we are required by law, ordered to do so by a court order, warrant of subpoena

in which case we will not disclose more information than is required.

The SDAA shall provide information in writing to the affected party about information used or disclosed during the course of fulfilling our legislated mandate.

The SDAA Complaint Report form provides authorization for "disclosure" to the Minister of Justice where the Professional Conduct Committee determines that a Criminal Act has occurred; the College of Dental Surgeons of Saskatchewan where a subsequent investigation by the CDSS is deemed appropriate. Authorization is also provided by the complainant authorizing the SDAA to notify the dental assistant of the allegations, the name of the complainant and to meet the obligation of the full disclosure requirement of the disciplinary process.

### **Third Party PHI Used In Disciplinary Investigations & Hearings**

*The Dental Disciplines Act*, Subsection 33 (14) requires that Disciplinary hearings are open to the public. Subsection 33 (15) also allows for Subsections of the hearing to be closed in order to protect the privacy of any individual other than the member. Refer to "Disciplinary Processes" for specific criteria relative to closed hearings.

The SDAA Regulatory Bylaws require that beyond meeting the requirements of the Dental Disciplines Act in Subsection 33(14) and Subsection 36, the Professional Conduct Committee and Discipline Committee shall hold in confidence all sessions, documentation and information received, save and except findings of guilt.

The SDAA will de-identify any personal information utilized in the reporting of said disciplinary hearing.

## **Contractors**

The SDAA shall use contracts to provide a comparable level of protection while any information is being processed or stored by a third party.

## **TYPE OF PERSONAL INFORMATION**

### **Collections**

The SDAA collects the following information for each individual member. Note that in certain instances not all of this information will be complete.

- Demographics: name, date of birth, place of birth, home address, telephone (both personal and employment) and fax numbers, e-mail address, gender;
- Education: educational certificate and the institution from which these were granted, date of graduation, skills obtained, NDAEB registration number, and any additional training program information submitted from time to time;
- Registration or Membership Status: Membership number, registration date, historical date (if variance), licensure or membership category, complaint or discipline information, professional development arrears, registration information from another jurisdiction and payment information associated with licenses;
- Practice: Employer, Community Employed, Status of employment (fulltime/part-time/not employed in dentistry);
- Professional Competency: Professional development activities completed; and any competency assessment undertaken or completed and the results thereof;
- Records of achievement: Record of service within the organization or profession and awards including the personal information related thereto;
- Information as required to ensure efficient administration and obligations of the association as required by *The Dental Disciplines Act* and any other legislative requirements.

The member, or anyone to whom you give written permission including legal representative, have access to this information at any time by contacting our office via phone, fax, or e-mail. When a member provides personal information to SDAA they do so with the understanding that their personal information will be used or disclosed for the purposes previously mentioned. Information will be collected by fair and lawful means.

SDAA collects personal information about its staff and as it pertains to what is deemed necessary under the Employee requirements. Such information includes:

- Name, address, date of birth, Social Insurance Number, and any other information necessary.

## **RETENTION OF INFORMATION**

Personal information with the exception of the registry is retained only as long as we require it to effectively provide products and services to members and for a reasonable length of time thereafter in order to comply with potential contractual, legal or government requirements. SDAA uses appropriate care when storing or destroying member personal information in order to prevent unauthorized access.

Personal Health Information acquired in the manner of public protection shall be destroyed seven years following the conclusion of the situation for which the information was collected.

## PROTECTION OF INFORMATION

All staff members of the Association shall be required to sign an Employee Confidentiality form to ensure they understand their obligations under the legislation, privacy best practices and the SDAA Privacy Policy.

The SDAA office shall be locked at all times that it is not regularly open for business.

Whether in electronic or paper-based format, SDAA will safeguard member personal information from unauthorized access, disclosure or misuse. Documents containing personal information shall be stored in cabinets which shall be secured.

Electronic files containing information shall be stored on the SDAA computer and secured by username and password. Computers containing registration information shall not be accessible through the internet.

The SDAA system shall be backed up weekly with the back-ups stored in the SDAA fireproof safe and that year end back-up's will be stored off site at a secure location (safety deposit box).

In the event that SDAA transfers personal information to a third party we contractually require such persons or organizations providing services on our behalf to protect our member's confidentiality in a manner consistent with our own internal "use" measures and as required by law.

The SDAA makes every reasonable effort to ensure that our member information is accurate and up to date. SDAA will make all policies, practices and procedures related to the management of personal information readily available to all members and employees of the organization.

With the exception of registration records, when no longer needed, we take great care to ensure the complete destruction and disposal of personal health information.

<b>PRIVACY REQUESTS:</b> Susan Anholt, Chief Privacy Officer Saskatchewan Dental Assistants' Association PO Box 294 Kenaston SK S0G 2N0 Phone: (306)252-2769 Fax: (306)252-2089 Email: <a href="mailto:sdaa@sasktel.net">sdaa@sasktel.net</a>	<b>COMPLAINTS:</b> Office of the Saskatchewan Information and Privacy Commissioner 503 1801 Hamilton St Regina SK S4P 4B4 1-877-748-2298 787-8350 (Regina) E-mail: <a href="mailto:webmaster@oipc.sk.ca">webmaster@oipc.sk.ca</a> Website: <a href="http://www.oipc.sk.ca">www.oipc.sk.ca</a>
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Approved: September 6, 2006