

Personal Information Protection

Private Sector Privacy Legislation

AllCare Nursing Inc.

Personal Information Protection Policy

At AllCare Nursing Inc., we are committed to providing our clients, their designate, substitute decision maker and/or next of kin exceptional service. As providing this service involves the collection, use and disclosure of some personal information about our clients, their designate, substitute decision maker and/or next of kin, protecting their personal information is one of our highest priorities.

While we have always respected our clients, their designate, substitute decision maker and/or next of kin's privacy and safeguarded their personal information, we have strengthened our commitment to protecting personal information as a result of British Columbia's *Personal Information Protection Act* (PIPA). PIPA, which came into effect on January 1, 2004, sets out the ground rules for how B.C. businesses and not-for-profit organizations may collect, use and disclose personal information.

We will inform our clients, their designate, substitute decision maker and/or next of kin of why and how we collect, use and disclose their personal information, obtain their consent where required, and only handle their personal information in a manner that a reasonable person would consider appropriate in the circumstances. We uphold our guiding principle of a need-to-know basis and therefore will only collect, use and disclose our clients, their designate, substitute decision maker and/or next of kin's personal information according to the need-to-know guiding principle.

This Personal Information Protection Policy, in compliance with PIPA, outlines the principles and practices we will follow in protecting our clients, their designate, substitute decision maker and/or next of kin's personal information. Our privacy commitment includes ensuring the accuracy, confidentiality, and security of our clients, their designate and/or substitute decision maker and loved ones' information and allowing our clients, their designate,

substitute decision maker and/or next of kin to request access to, and correction of, their personal information.

Scope of this Policy

This Personal Information Protection Policy applies to AllCare Nursing Inc.

This policy also applies to any service providers collecting, using or disclosing personal information on behalf of AllCare Nursing Inc.

Definitions

Personal Information – means information about an identifiable individual such as but not limited to name, age, date of birth, home or residential address, phone number and/or e-mail address, social insurance number, marital status, religion, medical information, personal health number, diagnoses, current medications, education, employment information, smoking and other substance use, environmental and/or social history, and any other pertinent information necessary in AllCare Nursing Inc. and its care providers' provision of service. These personal information does not include the contact information described below.

Contact information – means information that would enable an individual to be contacted at a place of business and includes name, position name or title, business telephone number, business address, business email or business fax number. Contact information is not covered by this policy or PIPA.

Privacy Officer – means the individual designated responsibility for ensuring that AllCare Nursing Inc. complies with this policy and PIPA.

Client – means the individual receiving the care and supportive services provided by AllCare Nursing Inc. and its staff or service providers.

Designate / Substitute Decision Maker – means the court-appointed substitute decision-maker or person with a power of attorney for personal care or proxy.

Next of Kin – means primarily the spouse or various family members in accordance with the statutory list.

Section 1 – Collecting Personal Information

1.1 Unless the purposes for collecting personal information are obvious and the client, their designate, substitute decision maker and/or next of kin voluntarily provides his or her personal information for those purposes, we will communicate the purposes for which personal information is being collected, either orally or in writing, before or at the time of collection.

1.2 We will only collect our client, their designate, substitute decision maker and/or next of kin's information that is necessary to safely carry out and fulfill our duty, services agreed upon and for the following purposes:

- To verify identity;
- To identify client, their designate, substitute decision maker and/or next of kin preferences;
- To understand the health care, personal and/or home support needs of our clients through themselves or via their designate, substitute decision maker and/or next of kin;
- To design, create and implement a client's care plan or mutually agreed services;
- To provide nursing, home or residential health care and/or personal support and services;
- To enrol the client in a program;
- To assist in booking the client's medical and/or social appointments;
- To pick-up the client's prescription medications and/or medical requisitions
- To contact the client's designate, substitute decision maker and/or next of kin to convey the client's needs and/or wishes, to inform about the client's condition and in case of emergency
- To ensure a high standard of service to our clients, their designate, substitute decision maker and/or next of kin
- To meet regulatory requirements;
- To collect and process payments.

Section 2 – Consent

2.1 We will obtain client, their designate, substitute decision maker and/or next of kin consent to collect, use or disclose personal information (except where, as noted below, we are authorized to do so without consent).

2.2 Consent can be provided orally, in writing and/or electronically by the client or *through their designate, substitute decision maker and/or next of kin* or it can be implied where the purpose for collecting, using or disclosing the personal information would be considered obvious and the client, their designate, substitute decision maker and/or next of kin voluntarily provides personal information for that purpose.

2.3 Consent may also be implied where a client, their designate, substitute decision maker and/or next of kin is given notice and a reasonable opportunity to opt-out of their personal information being used for mail-outs, the marketing of new services or products, fundraising and the client, their designate, substitute decision maker and/or next of kin does not opt-out.

2.4 Subject to certain exceptions (e.g., the personal information is necessary to provide the service or product, or the withdrawal of consent would frustrate the performance of a legal obligation), clients, their designate, substitute decision maker and/or next of kin can withhold or withdraw their consent for AllCare Nursing Inc. to use their personal information in certain ways. A client, their designate, substitute decision maker and/or next of kin's decision to withhold or withdraw their consent to certain uses of personal information may restrict our ability to provide a particular service or product. If so, we will explain the situation to assist the client, their designate, substitute decision maker and/or next of kin in making the decision.

2.5 We may collect, use or disclose personal information without the client's, their designate, substitute decision maker and/or next of kin's knowledge or consent in the following example limited circumstances in accordance to sections 12, 15 and 18 of PIPA :

- In an emergency that threatens an individual's life, health, or personal security and the individual is unable to provide consent or consent cannot be obtained in a timely manner;
- When the collection, use or disclosure of personal information is permitted or required by law;

- When the personal information is available from a public source (e.g., a telephone directory);
- When we require legal advice from a lawyer;
- To protect ourselves from fraud;
- To investigate an anticipated breach of an agreement or a contravention of law;
- When there is reasonable grounds to believe that circumstances exist that may potentially affect the health, well-being or safety of an individual.

Section 3 – Using and Disclosing Personal Information

3.1 We will only use or disclose client, their designate, substitute decision maker and/or next of kin's personal information where necessary to fulfill the purposes identified at the time of collection or for a purpose reasonably related to those purposes such as:

- To conduct client, their designate, substitute decision maker and/or next of kin feedback or surveys in order to enhance the provision of our services;
- To contact client, their designate, substitute decision maker and/or next of kin directly about products and services that may be of interest.

3.2 We will not use or disclose client, their designate, substitute decision maker and/or next of kin personal information for any additional purpose unless we obtain consent to do so.

3.3 We will not sell client, their designate, substitute decision maker and/or next of kin lists or personal information to other parties.

Section 4 – Retaining Personal Information

4.1 If we use client, their designate, substitute decision maker and/or next of kin personal information to make a decision that directly affects the client, their designate, substitute decision maker and/or next of kin, we will retain that personal information for at least one year so that the client, their designate, substitute decision maker and/or next of kin has a reasonable opportunity to request access to it.

4.2 Subject to policy 4.1, we will retain client, their designate, substitute decision maker and/or next of kin personal information only as long as necessary to fulfill the identified purposes or a legal or business purpose.

Section 5 – Ensuring Accuracy of Personal Information

- 5.1 We will make reasonable efforts to ensure that client, their designate, substitute decision maker and/or next of kin's personal information is accurate and complete where it may be used to make a decision about the client through themselves or via their designate, substitute decision maker and/or next of kin or disclosed to another organization only on a need-to-know basis.
- 5.2 Our client, their designate, substitute decision maker and/or next of kin may request correction to their personal information in order to ensure its accuracy and completeness. A request to correct personal information must be made in writing, either electronically or in paper, and provide sufficient detail to identify the personal information and the correction being sought.
- 5.3 If the personal information is demonstrated to be inaccurate or incomplete, we will correct the information as required and send the corrected information to any organization to which we disclosed the personal information to only in a need-to-know basis. If the correction is not made, we will note the client, their designate, substitute decision maker and/or next of kin correction request in the file.

Section 6 – Securing Personal Information

- 6.1 We are committed to ensuring the security of our client, their designate, substitute decision maker and/or next of kin's personal information in order to protect it from unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.
- 6.2 The following security measures will be followed to ensure that our client, their designate, substitute decision maker and/or next of kin's personal information is appropriately protected:
- The use of locked filing cabinets;
 - Physically securing offices where personal information is held;
 - The use of user IDs, passwords, encryption or secure sockets layer (SSL), firewalls;
 - Restricting employee access to personal information on a need-to-know principle;

- Contractually requiring any service providers to provide comparable security measures.

6.3 We will use appropriate security measures when destroying client, their designate, substitute decision maker and/or next of kin's personal information such as shredding documents, deleting electronically stored information.

6.4 We will continually review and update our security policies and controls as technology changes to ensure ongoing personal information security.

Section 7 – Providing Access to Personal Information

7.1 Our client, their designate, substitute decision maker and/or next of kin have a right to access their personal information, subject to limited exceptions as set out in section 23 of PIPA.

7.2 A request to access personal information must be made in writing and provide sufficient detail to identify the personal information being sought.

7.3 Upon request, we will also tell the client, their designate, substitute decision maker and/or next of kin how we use their personal information and to whom it has been disclosed if applicable.

7.4 We will make the requested information available within 30 business days, or provide written notice of an extension where additional time is required to fulfill the request.

7.5 A minimal fee may be charged for providing access to personal information. Where a fee may apply, we will inform the client, their designate, substitute decision maker and/or next of kin of the cost and request further direction from the client, their designate, substitute decision maker and/or next of kin on whether or not we should proceed with the request.

7.6 If a request is refused in full or in part, we will notify the client, their designate, substitute decision maker and/or next of kin in writing, providing the reasons for refusal and the recourse available to the client, their designate, substitute decision maker and/or next of kin.

Section 8 – Questions and Complaints: The Role of the Privacy Officer or Designated Individual

- 8.1 The Privacy Officer or designated individual is responsible for ensuring AllCare Nursing Inc.'s compliance with this policy and the *Personal Information Protection Act*.
- 8.2 Clients, their designate, should direct any complaints, concerns or questions regarding AllCare Nursing Inc. compliance in writing to the Privacy Officer or designated individual. If the Privacy Officer or designated individual is unable to resolve the concern, the client, their designate, substitute decision maker and/or next of kin may also write to the Information and Privacy Commissioner of British Columbia.

Contact information for AllCare Nursing Inc. Privacy Officer or designated individual will be routed via e-mail to support@allcarenursing.ca.

Resource: [Personal Information Protection Act \(gov.bc.ca\)](#)