



## **Privacy Policy and Principles**

### **Policy**

St. Joseph's Health Care London Foundation (the "Foundation") is responsible for personal information under its custody and control and adopts, to the fullest extent possible, a high standard of privacy for its personal information practices. The Foundation adopts the Principles set out in the Personal Information Protection and Electronic Documents Act as well as the National Standard of Canada, Model Code for the Protection of Personal Information; and abide by the St. Joseph's Health Care London Privacy Principles. The Foundation is adopting policies, procedures and practices with respect to fair information practices. The Foundation's principal activity is to raise funds for St. Joseph's Health Care, London (the "Hospital").

This Policy will apply to personal information and personal health information collected, used, disclosed and retained by the Foundation, subject to legal requirements.

### **Definitions**

"Agent" in relation to an organization, means 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 for or on behalf of the foundation in exercising powers or performing duties with respect to personal information. For greater certainty, "agent" includes volunteers, students, physicians, consultants, vendors and contractors.

"Personal information" means information about an identifiable individual, but does not include the name, title or business address or business telephone number of an employee of an organization.

### **Principle 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:

- Accountability for the Foundation's compliance with the policy rests with the Executive Director, who will act as Chief Privacy Officer. Other individuals within the Foundation are responsible for the day-to-day collection and processing of personal information. In addition, other individuals within the Foundation are delegated to act on behalf of the Executive Director, as required.



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- The name of the Privacy Officer designated by the Foundation to oversee compliance with these principles is a matter of public record.
- The Foundation is responsible for personal information in its possession or custody, 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.
- The Foundation will implement policies and practices to give effect to this policy, including:
  - Implementing policies & procedures to protect personal information, including information relating to donors, potential supporters, employees, volunteers, physicians and other stakeholders
  - Establishing procedures to receive and respond to complaints and inquiries about privacy compliance
  - Training and communicating to staff, volunteers and agents information about the Foundation's privacy policies and practices
  - Developing and communicating to the public, the Hospital and key hospital stakeholders information to explain the Foundation's privacy policies and procedures.

### **Principle 2 - Identifying Purposes for the Collection of Personal Information**

At or before the time personal information is collected, the Foundation will identify the purposes for which personal information is collected. The primary purposes are fundraising, providing donors and supporters with stewardship and recognition information and providing donors and potential supporters with information about Hospital and Foundation initiatives, as well as meeting legal and regulatory requirements.

- Identifying the purposes for which personal information is collected at or before the time of collection allows the Foundation to determine the information it needs to collect to fulfill these purposes.
- 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 can be done orally or in writing. Notices within the Hospital and/or on Hospital forms, for example, may give notice of the purposes. An individual will be given the option to accept or reject such uses.



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- When personal information that has been collected is to be used for a purpose not previously identified, the new purpose will be identified prior to use. Unless law requires the new purpose, the consent of the individual is required before information can be used for that purpose.
- Persons collecting personal information will be able to explain to individuals the purposes for which the information is being collected.

### Principle 3 - Consent for the Collection, Use, and Disclosure of Personal Information

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

**Note:** In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal or security reasons may make it 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. In addition, if the Foundation does not have a direct relationship with the individual, it may not be possible to seek consent.

- 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).
- The principle requires "knowledge and consent". 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 can reasonably understand how the information will be used or disclosed.
- 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.
- 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 personal information.



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- 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. On the other hand, an individual would not reasonably expect that personal information given to the Foundation would be given to another fundraising organization.
- 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 express 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 can also give consent.
- Individuals can give consent in many ways. For example:
  - Notices within the Hospital may be used to seek consent and inform the individual of the use and disclosure that will be made of the information.
  - A pledge form and other Foundation materials may be used to seek 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 consent to the collection and the specified uses and disclosures
  - Consent may be given orally when information is collected over the telephone
  - Consent may be given at the time that an individual make donation
  - Consent may be given through participation in any foundation program such as attendance at an event sponsored by the Foundation, participation as a volunteer in any foundation activity, etc.
- 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.

### Principle 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.



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- 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.
- 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(s) for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

### **Principle 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.

- If using personal information for a new purpose, the Foundation will document this purpose.
- The Foundation has developed guidelines and will implement 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.
- Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous unless required by law to keep it for a longer period. The Foundation has developed guidelines and will implement procedures to govern the destruction of personal information in accordance with applicable legislative requirements.

### **Principle 6 - Ensuring Accuracy of Personal Information**

Personal information will be kept as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used and/or disclosed.

- The extent to which personal information will be accurate, complete, and up to date will depend upon the use/disclosure of the information, taking into account the



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interests of the individual. Information will be sufficiently accurate, complete, and up to date to minimize the possibility that inappropriate information may be used to make a decision about the individual.

- The Foundation will not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.
- Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up to date, unless limits to the requirement for accuracy are clearly set out.

### Principle 7 - Ensuring Safeguards for Personal Information

Security safeguards appropriate to the sensitivity of the information will protect personal information.

- 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.
- The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. A higher level of protection will be used to safeguard more sensitive information.
- The methods of protection will include:
  - Physical measures, for example, locked filing cabinets and restricted access to offices
  - Organizational measures, for example, limiting access on a "need-to-know" basis
  - Technological measures, for example, the use of passwords, encryption and audits.
- The Foundation will make their employees and agents aware of the importance of maintaining the confidentiality of personal information. As a condition of employment, appointment, or agency, all Foundation employees and agents must sign the applicable Confidentiality Agreement. In addition, all volunteers must sign the Foundation Volunteer Confidentiality Agreement.



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- Care will be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

### Principle 8 - Openness About Personal Information Policies and Practices

The Foundation will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

- The Foundation will be open about its policies and practices with respect to the management of personal information. Individuals will be able to acquire information about its policies and practices without unreasonable effort. This information will be made available in a form that is generally understandable.
- The information made available will include:
  - The name or title, and the address of the Chief Privacy Officer, who is accountable for the Foundation's privacy policies and practices, and to whom complaints or inquiries can be forwarded
  - The means of gaining access to personal information held by the Foundation
  - A description of the type of personal information held by the Foundation, including a general account of its use and/or disclosure
  - A copy of any brochures or other information that explains the Foundation's policies, standards, or codes
  - What personal information is made available to associated organizations.
- The Foundation may make information on their policies and practices available in a variety of ways. For example, the Foundation may choose to make brochures available in its places of business, mail information to its donors and potential supporters, post signs, provide online access through the Internet or Intranet.

### Principle 9 - Individual Access to Own Personal Information

Upon request, an individual will be informed of the existence, use, and disclosure by the Foundation of his or her personal information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

**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*



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*be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions may include information that is prohibitively costly to provide, information that contains references to, or personal information about other individuals, information that cannot be disclosed for legal, security, or proprietary reasons, and information that is subject to solicitor-client or litigation privilege.*

- 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.
- 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.
- In providing an account of agents 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. It should be noted that the Foundation does not rent, sell or trade contact lists.
- The Foundation will respond to an individual's request within 30 days. The Foundation may charge a fee to cover the costs of providing the information. 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.
- 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, 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 agents having access to the information in question.
- When a challenge is not resolved to the satisfaction of the individual, the Foundation will record the substance of the unresolved challenge. When appropriate, the



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existence of the unresolved challenge will be transmitted to agents having access to the information in question.

### **Principle 10 - Challenging Compliance with the Foundation Privacy Policies and Practices**

An individual will be able to address a challenge concerning compliance with this policy to the Chief Privacy Officer.

- 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.
- The Foundation will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures.
- 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.

Approved by the Board: January 22, 2004