

PRIVACY AND ANTI-SPAM CODE AND PATIENT CONSENT FOR OUR DENTAL OFFICE

INTRODUCTION

The Personal Health Information Protection Act (PHIPA) came into effect on November 1, 2014, and governs the collection, use, and disclosure of Personal Health Information within Ontario's health care system, and the Personal Information Protection and Electronic Documents Act, which came into effect in 2001, governs the collection, use and disclosure of Personal Information other than Health Information. In addition, Canada's anti-spam legislation (CASL) came into effect on July 1, 2014. Canada's anti-spam legislation regulates how businesses and individuals communicate electronically.

This Office collects Personal Information about our patients directly from the patient or from the person acting on their behalf. Occasionally, we collect Personal Information about a patient from other sources if we have obtained the patient's consent to do so or if the law permits.

Privacy of Personal Information is an important principle in the provision of quality care to our patients. We understand the importance of protecting your Personal Information. We are committed to collecting, using and disclosing your personal information responsibly and in accordance with the law. We also try to be as open and transparent as possible about the way we handle your Personal Information.

This Office has developed this Privacy and Anti-Spam Code (this "Code") to provide a general description of our information and communication practices, how to obtain access to your Personal Information, how to amend incorrect information, and how to make a complaint to our Office. As the rules governing the collection, use, and disclosure of Personal Information may change, our practices will evolve and adapt in response to such changes and this Code may be amended from time to time as a result thereof.

At our office, Dr. Lancelot A. Brown acts as our Privacy Officer. We ask that you contact our Privacy Officer in the event you have any questions or concerns regarding this Code or its implementation.

ANTI-SPAM POLICY OVERVIEW

When we communicate with you, we may communicate via electronic means, such as by e-mail or text messaging. We strive to ensure that our communications are sent with consent, identifying information and unsubscribe mechanisms (if applicable). In the event that our Office inadvertently sends out an electronic message without consent, we commit to investigating every such instance and assisting the employee(s) or managers involved with renewing their understanding and awareness of our compliance responsibilities.

PERSONAL INFORMATION

HANDLING PRINCIPLES

Accountability

Accountability for this Office's compliance with Privacy Laws rests with our Privacy Officer even though others in the Office may be responsible for the day-to-day collection and processing of Personal Information.

Our staff are briefed on the importance of privacy and receive training on the handling of your Personal Information. Our Office is comprised of many persons working together to ensure that our patients and clients receive proper care.

Our Office will implement policies and practices to give effect to the principles regarding the collection, use and disclosure of Personal Information, including:

- implementing policies to protect Personal Information
- training staff about this Code and our practices
- establishing procedures to receive and respond to complaints and inquiries regarding Personal Information
- developing information to explain this Code and privacy procedures.

Identifying Purposes for Collecting Information

The purposes for which Personal Information is collected in this Office will be identified before or at the time it is collected. When Personal Information has been collected and is to be used or disclosed for a purpose not previously identified, the new purpose will be identified prior to its use or disclosure. Your Consent will be obtained before the Personal Information will be used or disclosed for any such new purpose.

This Office collects Personal Information that is reasonably appropriate in the circumstances in order to fulfill the purposes disclosed by our office as well as those that are otherwise permitted under applicable laws, including the following purposes:

- to deliver safe and efficient patient care
- to identify and to ensure continuous high quality service
- to assess your health needs
- to advise you of treatment options
- to enable us to contact you
- to provide health care
- to establish and maintain communication with you, including to distribute health care information and to book and confirm appointments
- to offer and provide treatment, care and services in relationship to the oral and maxillofacial complex and dental care generally

- to communicate with other treating health-care providers, including specialists and general dentists, who are the referring dentists and/or peripheral dentists
- for teaching and demonstrating purposes on an anonymous basis
- to allow us to efficiently follow-up for treatment, care and billing
- to complete and submit dental and health services claims for third party adjudication and payment
- to comply with legal and regulatory requirements
- to comply with agreements/undertakings entered into voluntarily by this Office or a Service Provider with the College for regulatory and monitoring purposes
- to permit potential purchasers, practice brokers or advisors to evaluate this Office, including an audit, on a confidential basis
- to deliver your charts and records to insurance carriers to enable them to assess liability and quantify damages
- to manage patient and clients' accounts, including invoicing, processing credit card payments and collecting unpaid accounts
- to communicate with insurance companies and to otherwise process requests by you
- for internal management purposes, including planning, resource allocation, policy development, quality improvement, monitoring, audit, evaluation, reporting, obtaining or processing payment for health services and human resource management
- to comply generally with Privacy Laws and all other applicable regulatory requirements.

Consent

Our Office requires either express consent or knowledgeable implied consent from our patients before we may collect, use, or disclose Personal Information. When we collect, use, and disclose your Personal Information for health care purposes, Privacy Laws generally permit us to rely upon your implied consent. Implied consent enables us to conclude from surrounding circumstances that a patient would reasonably agree to the collection, use, or disclosure of Personal Information.

Unless otherwise authorized by law, express consent is required when we are disclosing your Personal Information in the following instances:

- to someone for purposes other than providing health care
- for market research or marketing any service for a commercial purpose
- for fund-raising activities
- to the media
- to a person or organization for the purpose of research.

In order for the principles of consent to be satisfied, our Office either will explain the purpose of the collection, use or disclosure of Personal Information or provide notice in writing of the purpose. Once consent is obtained, we do not need to seek your consent again unless the use, purpose or disclosure changes.

Our existing protocols for electronic submissions of dental claims require a signature on file. Specific consent may be required for additional requests from insurers. This consent shall be collected at the time, or in conjunction with predeterminations for extensive services, provided that the scope of Personal Information released is disclosed. If there is any doubt, Personal Information shall be released directly to you for your review and submission.

Your consent for the collection, use and disclosure of Personal Information may be given in a number of ways, such as:

- signed medical history form
- e-mail
- taken verbally over the telephone and then charted
- written correspondence.

You may withdraw your consent upon reasonable notice to our Office. For children under 16, a parent or other lawful guardian may consent to the collection, use or disclosure of the child's Personal Information. This does not apply to Personal Information that relates to :

- treatment within the meaning of the Health Care Consent Act (1996) about which the child, having capacity, has made his or her own decision
- counselling in which the child, having capacity has participated on his or her own under the Child and Family Services Act

When our Office needs consent for the collection, use or disclosure of Personal Information about a child less than 16 years of age, we may either obtain it from that child if capable, or the parent or other lawful guardian (but not the access parent, unless such a parent has been lawfully authorized in place of the custodial parent to make information decisions). If there is a conflict in consent between the child, having capacity, and the parent, the capable child's decision prevails with respect to the consent.

Limiting Use, Disclosure and Retention

Personal Information shall not be used for purposes other than those for which the information is collected, except with your express Consent, as required or permitted by law.

Our Office may perform activities outside of Canada through third party agents. You acknowledge and agree that, as a result, your Personal Information may be transferred to, processed, used, stored or accessed in other countries and may be subject to the laws of those jurisdictions. For example, Personal Information may be disclosed in response to valid demands or requests from government authorities, courts, or law enforcement in other countries. We will use contractual and/or other means to provide a comparable level of protection over your Personal Information while the information is being accessed and/or processed by any such third party.

Our Office keeps Personal Information only as long as necessary to satisfy the purposes for which it was collected, however, some Personal Information is kept for a number of

years to comply with legal requirements. Our Office has protocols in place for the retention of Personal Information in accordance with applicable law and with the College's guidelines on dental recordkeeping. In destroying Personal Information, our Office has developed guidelines to ensure secure destruction in accordance with applicable regulatory guidelines.

Accuracy of Personal Information

This Office endeavours to ensure that your Personal Information is as accurate, complete, and as up-to-date as necessary for the purposes that it is to be used. The extent to which your Personal Information is accurate, complete and up-to-date will depend upon the use of the Personal Information while at all times, taking into account the interest of our patients.

Your Personal Information needs to be sufficiently accurate, complete and up-to-date to minimize the possibility that inaccurate, incomplete or out-of-date Personal Information is used to make a decision about you as our patient.

If your Personal Information changes, or if you believe the Personal Information maintained by our Office is inaccurate, we ask that you contact our Office to have the information updated or corrected.

Safeguards for Personal Information

Our Office staff are aware of the importance of maintaining the security and confidentiality of your Personal Information and we have taken appropriate measures to safeguard your Personal Information. These safeguards are in place to protect your Personal Information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

We use reasonable measures to ensure your information is protected, whether recorded on paper or electronically and care is used in its retention and destruction to prevent unauthorized access at all times while in our care and control.

Openness about Privacy

Our Office will make readily available to you specific information about our Office policies and practices relating to the management of Personal Information.

This information includes:

- the individuals at this Office and the Privacy Officer to whom you can direct any questions or complaints regarding your Personal Information
- a copy of this Code and Patient Consent Form that explains how this Office collects, uses and discloses your Personal Information

I, _____, have reviewed the information set forth above and give my consent to the collection, use and disclosure of my Personal Information by the Office of Dr. Lancelot A. Brown.

Signature : _____

Date : _____

Patient Access to Personal Information

You have a right of access to your Personal Information, subject to specific and limited exceptions, and a right of correction or accurate amendment of your Personal Information. Upon written request and with reasonable notice, you shall be informed of the existence, use and disclosure of your Personal Information, and shall be given access to it, subject to certain legal exceptions. Upon written request and with reasonable notice, our Office shall provide you with an accounting of how your Personal Information has been used – we will attempt to be as specific as possible. We will respond to your request within a reasonable period of time, and at minimal or no cost to you. The request for information will be provided or made available in a form that is generally understandable.

You are free to challenge the accuracy and completeness of your Personal Information and seek to have it altered, amended, or changed for accuracy and completeness. When a challenge is not resolved to your satisfaction, we will record the substance of the unresolved challenge accordingly. When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the Personal Information in question. This disclosure may be appropriate where a dentist has been challenged about a change to a service date or services rendered under consideration for insurance benefits.

Our Office may refuse to grant access to information in certain instances as outlined under Privacy Laws.

Challenging Compliance

You shall be able to challenge compliance with these principles with the Privacy Officer who is accountable for compliance with the Privacy Laws within our office. Our Office has in place procedures to receive and respond to your complaints or inquiries.

The procedures are easily accessible and simple to use. Our Office has an obligation to inform our patients who make inquiries about how to access the privacy complaint process in our Office, and about how to access that process. The Privacy Officer will investigate each and every complaint made to the Office in writing. If a complaint is found to be justified, the Privacy Officer will take appropriate measures, including, if necessary, amending any office policies and practices.

Updating this Privacy and Anti-Spam Code

Any changes to our privacy standards and information handling practices will be reflected in this Code in a timely manner. Our Office reserves the right to change, modify, add, or remove portions of this Policy at any time.