



Personal Information Protection Policy

Effective date: January 15, 2023

Amended:

About this policy

The purpose of this policy is to provide an overview of obligations and guidelines for dealing with personal, privileged and/or confidential information. It is critical that Registered Massage Therapists (RMTs) maintain the privacy and confidentiality of their clients' personal health information.

RMTs are obligated to ensure that personal information, to which they may have access, remains confidential, is only used for the purposes for which it was collected, and is not disclosed without written authorization or used for personal gain. An "Authorization to Release Information Form" is included with this policy. They are also required to follow all procedures regarding collection, use, and disclosure of personal information as set out in this policy. RMTs who disclose personal information contrary to this policy may be subject to disciplinary measures.

For the purposes of this policy:

- **"Personal health information"** is information about an identifiable individual that relates to the physical or mental health of the individual, the provision of health care to the individual, the individual's entitlement to payment for health care, the individual's health card number, the identity of providers of health care to the individual or the identity of substitute decision-makers on behalf of the individual.
- **"Personal information"** is any information about an identifiable individual and includes race, ethnic origin, colour, age, marital status, family status, religion, education, medical history, criminal record, employment history, financial status, address, telephone number, and any numerical identification, such as health provider policy and identification numbers.

RMT responsibilities to clients

- Comply with Nova Scotia's *Personal Health Information Act (PHIA)* that governs the manner in which personal health information may be collected, used, disclosed, and retained by regulated health-care professionals in Nova Scotia. While PHIA only legally applies to regulated health-care professions, MTANS abides by the requirements outlined recognizing it is best practice;
- Comply with Canada's *Personal Information Protection and Electronic Documents Act (PIPEDA)*, the federal private sector privacy law which covers the collection, use, and disclosure of personal information in the course of commercial activities;
- For consent to be valid to collect, access, use, or disclose personal information, RMTs must ensure that:
 - It is reasonable to believe that the client knows the purpose of the collection, use, or disclosure, and that they may give or withhold consent;
 - The consent relates to the personal health information; and
 - The consent is not obtained through deception or coercion.
- Obtain the client's written consent before disclosing personal health information.
- Obtain written consent from the client's substitute decision-maker for the collection, use, or disclosure of personal health information if the client is incapable.
- Only collect, use, or disclose personal health information that is necessary to meet the client's health needs or to eliminate or reduce a significant risk of bodily harm.
- Only provide access to personal health information to authorized persons, except as required or allowed by law.
- Allow clients to access their own personal health information.
- Only discuss the client's personal health information in a way that ensures the client's privacy (for example, avoid treatment-related conversations in non-private places).
- Use any electronic communication, social media, client booking and management software, and other forms of digital technology ethically and professionally, in a way that protects client privacy and confidentiality.
- Store, share, transfer, and dispose of client data on personal devices in a way that maintains the privacy and confidentiality of clients.

- Comply with requirements for mandatory reporting of privacy breaches.
- Consult the Maintenance of Client Records Policy for specific requirements relating to client files keeping in mind that:
 - RMTs and their employees must ensure that no personal, privileged, and/or confidential information is disclosed without consent and then only if security procedures are satisfied;
 - Information is only to be accessed by employees with appropriate authorization;
 - Ensure proper disposal of unnecessary files/information.
- While personal information and personal health information should not be disclosed outside of the organization, RMTs must cooperate with law enforcement agencies and comply with any court order or law requiring disclosure of personal information;
- Please note that personal information that is the subject of a request by an individual or a privacy commission shall be retained as long as necessary to allow individuals to exhaust any recourse they may have under PIPEDA.

Relevant documents

- *Personal Information Protection and Electronic Documents Act (Canada)*
- Maintenance of Client Records Policy
- Authorization to Release Information Form