

Simple tips to comply with PIPEDA

- Appoint Privacy Officer and communicate to patients how personal information is used (poster & dental office privacy policy)
- Provide to patients or have available dental office privacy policy
- Patient charts should not be left unattended or in view of personnel who have no reason to know chart content
- Position computer screens so that they can only be viewed by persons who need to know
- Discuss patient personal information (i.e. treatment plans) in operatories not reception areas
- Avoid the use/collection of Social Insurance Numbers as identifiers
- In multiple dentist practices, only the treating dentist and his/her staff should have access to the patient's personal information (i.e. records, charts, appointment books/software)
- Members with dental practice websites should discuss security issues (i.e. "cookies") with their website developer
- Electronic patient files should be password protected
- When replacing file storage systems purchase locking cabinets
- Private offices should be secured when unattended
- Make it a habit to enquire if a patient's personal information is in need of updating
- Avoid verbal consent for unusual requests for personal patient information such as medical history from a third party. Obtain written consent for these requests whenever possible and practical
- Use signage to indicate authorized access to open filing systems, operatories, offices, and reception/payment areas
- Use signage in patient area to indicate how dental office is using patient information
- Follow the 10 principles of PIPEDA



When can you disclose personal information without consent?

- For a life threatening, health or security emergency
- To a lawyer representing the dental practice
- To collect outstanding bills owed to the dental practice
- To comply with a subpoena, court order, or The Dental Association Act
- 20 years after the individual's death or 100 years after the record was created

When can I refuse a patient request to their personal information?

- If it would reveal personal information about another individual. In this case, photocopy information and white-out all personal information relating to the other individual
- Upon request by government authorities for security reasons not to grant access or reveal what information has been released to them

For More information on the Privacy Act, contact
The Privacy Commissioner of Canada
112 Kent Street, Ottawa, ON K1A 1H3
Telephone: 1 800 282-1376
Fax: 1 613 947-6850
Website: www.privcom.gc.ca
E-Mail: info@privcom.gc.ca

Included with this brochure are:

- Poster for all dental offices indicating how patient information is used
- Dental Office Privacy Policy

What Dentists
should know about
PIPEDA

PROTECTING PATIENT PRIVACY

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Manitoba Dental Association 

PIPEDA

Overview



10 INFORMATION PRINCIPLES

What is the purpose of PIPEDA?

- Regulate collection, use, and disclosure of personal information
- Provide individuals with right of access to personal information
- Establish formal complaints process for inappropriate personal information management practices

What information is regulated?

- Information about an identifiable individual
- Includes personal health information
- Personal health information, with respect to an individual, whether living or deceased means
 1. Information concerning the physical or mental health of an individual
 2. Information concerning any health service provided to an individual
 3. Information derived from the testing or examination of a body part or bodily substance
- DOES NOT include the name, title or business address or telephone number of an individual or an organization (business card)

What types of activities are regulated?

Businesses/Organizations that collect, use or disclose personal information in the course of COMMERCIAL ACTIVITIES

Your Responsibilities under the Act

A dental office/practice/provider is responsible for the protection of personal information and the fair handling of it at all times, throughout the office/practice/provider and in dealings with third parties. Care in collecting, using and disclosing personal information is essential to continued patient confidence and good will.

10 Information Principles

There are 10 principles of fair information practices, which form the ground rules for the collection, use and disclosure of personal information. These principles give patients control over how their personal information is handled in a dental office/practice.

The 10 principles that dental office/practice/provider must follow are:

1. **Accountability**
2. **Identifying purposes**
3. **Consent**
4. **Limiting Collection**
5. **Limiting use, disclosure, and retention**
6. **Accuracy**
7. **Safeguards**
8. **Openness**
9. **Individual Access**
10. **Challenging Compliance**

1. Accountability

- Appoint Privacy Officer who will ensure compliance of the 10 principles. Communicate the name of this individual to patients and staff.
- Review office policy of handling personal information to ensure compliance with fair information principles
- Develop office policies to protect patient information

2. Identifying Purposes

- Before personal information is collected, identify why it is needed and how it will be used
- Collect information that is needed only
- Make patients aware of how their personal information is being used



3. Consent

- In the course of care and treatment, the patient is giving consent to the collection, use and/or disclosure of their personal information (CIRCLE OF CARE)
- Ensure that employees collecting personal information are able to answer a patient's questions about the purposes of the collection
- Consent where required can also be obtained in person, by phone, by mail, or via the internet. In these circumstances record the consent received (ie. Note to patient chart, copy of e-mail, copy of check off box) For an individual who is a minor, seriously ill, or mentally challenged, consent may be obtained from a legal guardian, or person having power of attorney

4. Limit Collection

- Collect only what is needed for the delivery of dental care and payment of that care
- Ensure employees can explain why the information is needed

5. Limit use, disclosure and retention

- Use or disclose personal information only for the purpose for which it was collected
- Review and adopt MDA guidelines for the retention and destroying of personal health information
- Keep other personal information only as long as necessary to satisfy the purpose of collection

6. Be Accurate

- Keep personal information as accurate as possible
- Update personal information as necessary

7. Use Appropriate Safeguards

- Use appropriate safeguards such as
 1. Locked filing cabinets, restricting access to information
 2. Passwords for computer access, firewalls
 3. Limiting access on a need to know basis

8. Be Open

- Ensure that patients are aware how you use their personal information and that they have the right to review to ensure its accuracy
- Clearly identify who the office Privacy Officer is

9. Give Individual Access To Their Own Record

- Give access at minimal cost or no cost to the individual
- Correct any personal information if it's accuracy and completeness is challenged and found to be deficient

10. Provide Recourse

- Concerns regarding the use, disclosure, and inaccuracy of patient information should be filed with the dental office Privacy Officer
- Dental office must have own written inquiries investigation protocol
- Acknowledge receipt of concern
- Investigate all concerns and notify individual of findings
- Correct any inaccurate personal information or modify policies and procedures based on outcome of the investigation

