

OFFICE PRIVACY POLICY

Dr. Valerie Fitzpatrick

Privacy of personal information is an important principle to the office of Dr. Valerie Fitzpatrick. We are committed to collecting, using and disclosing personal information responsibly and only to the extent necessary for the goods and services we provide. We also try to be open and transparent as to how we handle personal information and we take steps to safeguard your personal health information. This document describes our privacy policy.

What is Personal Information?

On November 1, 2004, the **Personal Health Information Protection Act (PHIPA)** came into force. This new law sets out rules that healthcare providers (or health information custodians) must follow when collecting, using and sharing your personal health information. Personal information is information about an identifiable individual and includes information that relates to your personal characteristics (e.g., gender, age, income, home address or phone number, ethnic background, family status), your health (e.g., health history, health conditions, health services received by you) or your activities. Personal information is to be contrasted with business information (e.g., an individual's business address and telephone number), which is not protected by privacy legislation.

What is Consent?

Under PHIPA, you have the right to consent to how your information will be collected, used and shared – except in specific circumstances where the law authorizes healthcare providers to collect, use or share a person's information without consent, such as reporting for public health safety.

PHIPA allows for two types of consent:

Implied Consent: In general, we will assume that you give consent for the sharing of your health information to provide healthcare to you without directly asking you or requiring you to sign a consent form. PHIPA allows us to assume your implied consent to collect, use or disclose your health information with other healthcare providers who are involved in your care unless you state otherwise. You should let us know if you do not want us to use, share or give out some or all of your personal health information to people who provide you with health care.

Express Consent: In certain situations we are required to request your consent – either orally, in writing or electronically – before sharing your health information. Anyone who is not a health care provider under PHIPA (like an employer, lawyer, or an insurance company, for example) must obtain your express consent to obtain your health information. **You may have other family or friends to whom you would like us to give more detailed information about your health, like how your treatment is working or what kind of care you will need at home. You can let us know if we have your permission to discuss your health with family and friends.**

There are limits to using and giving out your personal health information. If you choose to limit how we give out some or all of your personal health information, you should be aware that when we give out your personal health information to others, we are required to tell them when we think the information is inaccurate or incomplete, including when we think the missing information could affect your health.

The law protects you by making sure your health information is never shared for marketing purposes unless you want it to be. For example, if your health care provider knows that a particular medical device could help you, they would have to ask you before giving your name to someone who wanted to sell you the device.

When your Consent is Not Required

We are allowed or may be required to use and/or give out some of your personal health information without consent in the following situations:

- to report certain information, such as a health condition that makes you unfit to drive or to report certain diseases to public health authorities
- when we suspect certain types of abuse
- to identify a person who has died
- to give the spouse or child of the person who has died personal health information to assist them in making decisions about their own care
- to reduce a significant risk of serious bodily harm to a person or the public
- to give information to certain registries or planning bodies that use personal health information to improve health care services or health system management, as long as strict privacy protections are in place
- to assist health researchers for research, as long as strict privacy requirements are met
- to improve or maintain the quality of care or any related program or service for risk management and legal purposes
- to transfer or sell the professional practice to another person and to allow that person to assess the practice, so long as he or she signs an agreement to keep the information confidential and secure
- to assess a person's ability to make health care and other important decisions
- for administration or enforcement of laws about the practices of health care providers, such as to allow professional Colleges and other legal bodies to regulate the practices of health care professionals
- for the purpose of a legal proceeding or complying with a court order, or other legal requirement

Research

Your personal health information may be used for research projects, including those that are designed to improve health care. Sometimes, we will ask you before we give your personal health information to researchers. However, with some research projects, an independent ethics review board will look at the goals and benefits of the research, the safeguards for your information and whether it would be impractical to ask for your consent. If the researcher meets these and other tests, your consent may not be required. If that happens, researchers are not allowed to use your personal health information for any other purpose and will not contact you

unless you have said they can. Sometimes, a research ethics board will require us to have your consent before we can give information about you to a researcher.

Education, Planning and Management

We are allowed to use your personal health information without your consent to educate our staff and students and to plan and manage the services and programs we offer. We use personal health information for risk management and error management and for other activities to improve or maintain the quality of the care we provide.

We are allowed to give your personal health information to certain organizations that are responsible for planning and managing the health care system. These organizations compile personal health information to help study and plan the delivery of health care. Currently, the law allows us to give your personal health information to:

- Cancer Care Ontario, The Ministry of Health's principal advisor on cancer issues, which manages the Ontario Cancer Registry and other cancer care programs.
- The Canadian Institute for Health Information, an independent organization that maintains statistics and analysis about the performance of the Canadian Health care system, the delivery of the health care services and the status of Canadians' health.
- The Institute for Clinical Evaluative Sciences, an independent organization that does research to improve health care and the delivery of health care services.
- The Pediatric Oncology Group of Ontario, which works to ensure that all of Ontario's children have access to advanced diagnosis, treatment and other cancer care services.

We are also allowed to give your personal health information to certain organizations that gather health information to improve and make health care delivery easier. These organizations carry out important work, such as keeping track of which people need special health care services, like treatment for a particular disease, to make sure they get the care they need. If relevant, we can give your personal health information to:

- Cardiac Care Network of Ontario, an advisory body to the Ontario Ministry of Health and Long-Term Care which coordinates all advanced cardiac services for adults throughout Ontario and maintains a registry of cardiac services for this purpose.
- Incyte Corporation, an information system that manages health care services for cervical disease.
- London Health Sciences Centre, which maintains the Ontario Joint Replacement Registry to collect data on hip and knee joint replacements.
- Canadian Stroke Network, which maintains the Canadian Stroke Registry and conducts research and training to reduce the impact of stroke.

People Who Can Make Decisions for You

We will presume that you are able to make your own decisions about your personal health information. If we determine that you cannot, another person, usually a family member, will be asked to make decisions for you. The law tells us who to turn to first on a list of "substitute decision-makers". For example, if you have a substitute decision-maker for treatment, that person will make decisions about your health information that is related to that treatment. Since a substitute decision-maker needs information about a person's health to make these kinds of decisions, our office can give them that kind of information. Your substitute decision-maker can

also ask us to see your records and our staff will give him or her information about your health. We will ask for your consent, or your substitute decision-maker's consent, before giving your personal health information to your other family members. You may also decide in advance who should act as your substitute decision-maker when you are no longer capable to make these decisions.

Who We Are

The office of Dr. Valerie Fitzpatrick includes at the time of writing one chiropractor. We use several consultants and agencies that may, in the course of their duties, have limited access to personal information we hold. These include computer consultants, bookkeepers and accountants, temporary staff and chiropractors to cover vacations, credit card companies, and lawyers. We restrict their access to any personal information we hold as much as is reasonably possible. We also have their assurance that they follow appropriate privacy principles.

We Collect Personal Information: Primary Purposes

About Clients

Like all chiropractors, we collect, use and disclose personal information in order to serve our clients. For our clients, the primary purpose for collecting personal information is to provide chiropractic treatment. For example, we collect information about a client's health history, including their family history, physical condition and social situation in order to help us assess what their health needs are, to advise them of their options, and then to provide health care. A second primary purpose is to obtain a baseline of health and social information so that in providing ongoing health services we can identify changes that are occurring over time. It would be rare for us to collect such information without the client's consent, but this might occur where we believe the client would consent if asked (e.g., a family member passes a message on from our client about an injury and we have no reason to believe that the message is not genuine). We collect only the information needed to provide ongoing health services and take reasonable steps to ensure that health records are accurate and complete for the work they do.

About Members of the General Public

For members of the general public, our primary purposes for collecting personal information are to provide notice of special events (e.g., a wellness workshop) or to make them aware of chiropractic services in general or our clinic in particular (e.g., a clinic newsletter). For example, we might collect home or work phone numbers, and home addresses. We will, upon request, immediately remove any personal information from our distribution list.

About Permanent and Temporary Staff

For permanent and temporary staff, our primary purpose for collecting personal information is to ensure we can contact them in the future (e.g. for new assignments) and for necessary work-related communication (e.g., sending out paycheques, year-end T4 tax receipts). Examples of the type of personal information we collect for those purposes include home address, home telephone number, and social insurance number. If staff requests a letter of reference, we will collect information about their work-related performance and provide a report as authorized by them.

We Collect Personal Information: Related and Secondary Purposes

Like most organizations, we also collect, use and disclose information for purposes related to or secondary to our primary purposes. The most common examples of our related and secondary purposes areas follow:

- To invoice clients for goods or services that were not paid for at the time, to process credit card payments or to collect unpaid accounts.
- To advise clients and others of special events or opportunities (e.g., a wellness workshop, development of a new service) that we have available.
- Chiropractors are regulated by the College of Chiropractors of Ontario who may inspect our records and interview our staff as a part of their regulatory activities in the public interest. In addition, as professionals, we will report serious misconduct, incompetence or incapacity of other practitioners, whether they belong to other organizations or our own. Also, our organization believes that it should report information suggesting serious illegal behaviour to the authorities. External regulators have their own strict privacy obligations. Sometimes these reports include personal information about our clients, or other individual, to support the concern. Also, like all organizations, various government agencies (e.g., Canada Customs and Revenue Agency, Information and Privacy Commissioner, Human Right Commission, etc.) have the authority to review our files and interview our staff as a part of their mandates. In these circumstances, we may consult with professionals (e.g. lawyers, accountants) who will investigate the matter and report back to us.
- The cost of some goods/services provided by the organization to clients is paid for by third parties (e.g., Private Extended Healthcare Insurance, Assistive Devices Program). These third-party payers often have your consent or legislative authority to direct us to collect and disclose to them certain information in order to demonstrate client entitlement to this funding.
- Clients or other individuals we deal with may have questions about our goods or services after they have been received. We also provide ongoing services for many of our clients over a period of months or years for which our previous records are helpful. We retain our client information for a minimum of ten years after the last contact to enable us to respond to those questions and provide these services (our regulatory College also requires us to retain our client records).
- If the professional business of Dr. Valerie Fitzpatrick or its assets were to be sold, the purchaser would want to conduct a “due diligence” review of the Centre’s records to ensure that it is a viable business that has been honestly portrayed to the purchaser. This due diligence may involve some review of our accounting and service files. The purchaser would not be able to remove or record personal information. Before being provided access to the files, the purchaser must provide a written promise to keep all personal information confidential. Only reputable purchasers who have already agreed to buy the organization’s business or its assets would be provided access to personal information, and only for the purpose of completing their due diligence search prior to closing the purchase.

You can choose not to be part of some of these related or secondary purposes (e.g., by declining to receive notice of special events or opportunities, by paying for your services in advance). We do not, however, have much choice about some of these related or secondary purposes (e.g., external regulation).

Protecting Personal Information

We understand the importance of protecting personal information. For that reason, we have taken the following steps.

- Paper information is either under supervision or in a restricted staff area.
- Electronic hardware is either under supervision or in a restricted staff area.
- Paper information is transmitted through sealed, addressed envelopes or boxes by reputable companies.
- Staff are trained to collect, use and disclose personal information only as necessary to fulfill their duties and in accordance with our privacy policy.
- External consultants and agencies with access to personal information must enter into privacy agreements with us.

Retention and Destruction of Personal Information

We need to retain personal information for some time to ensure that we can answer any questions you might have about the services provided and for our own accountability to external regulatory bodies. However, we do not want to keep personal information too long in order to protect your privacy.

We keep our client files for about ten years. Our client and contact electronic directories are much more difficult to systematically destroy, so we remove such information when we can if it does not appear that we will be contacting you again. However, if you ask, we will remove such contact information right away. For people who are not clients, we keep any personal information relating to our general correspondence (i.e., newsletters, seminars and marketing activities) for about six months after the newsletter ceases publication or a seminar or marketing activity is over.

We destroy paper files containing personal information by shredding. We destroy electronic information by deleting it and, when the hardware is discarded, we ensure that the hard drive is "scrubbed" of all programs and data. Alternatively, we may send some or all of the client file to our client.

You Can Look At Your Information

Under PHIPA, you have the right to access your personal health information and to get a copy of it by asking us for it, or by writing to us, and paying a reasonable fee. When you make a request we can help you identify what records we might have about you. We will also try to help you understand any information you do not understand (e.g., short forms, technical language, etc.). We will need to confirm your identity, if we do not know you, before providing you with this access. If your request is in writing, we will respond to your request within 30 days, but in certain situations may require an extension of up to 30 days. You can request faster access where you can show that you urgently need the information. We reserve the right to charge a nominal fee for such requests.

Under PHIPA, health information custodians can only deny you access to your record of personal health information in certain situations, such as when health information was collected

as part of an investigation. When the information relates to law enforcement, legal proceedings or another individual, you may not get to see the record. Generally, health information custodians who deny you access to your record or a part of your record must give you an explanation. If you are not satisfied with a custodian's decision, you may complain to the Information and Privacy Commissioner of Ontario.

If you believe that the information in your personal health record is not accurate or complete, you may make a request to have it corrected. We must reply to your request within 30 days, or later, if it is reasonable to do so. You are entitled to be told how long it will take to get back to you if it is longer than 30 days. We may not correct a record that was created by someone else and we do not know enough about the record to change it or where, for example, the opinions or observations in the record were made in good faith. You are entitled to be told the reasons for not making a correction and of your right to have a statement of disagreement attached to your records. You can also ask to have this statement made available to those who see the record. When we correct a record, it must be done carefully so that the full corrected record remains visible or by ensuring that the corrected version is readily available. This applies to factual information and not to any professional opinions we may have formed. We may ask you to provide documentation that our files are wrong. Where we agree that we made a mistake, we will make the correction and notify anyone to whom we sent this information. If we do not agree that we have made a mistake, we will still agree to include in our file a brief statement from you on the point and we will forward that statement to anyone else who received the earlier information.

If we do not respond to your request quickly enough, or at all, or if we do not give you access to the record or charge more than is allowed, you may complain to the Information and Privacy Commissioner of Ontario and they will review the matter. You may also complain if we refuse to correct your records or attach a statement of disagreement, or if you believe that the correction was not done properly.

Do You Have a Question or Concern?

Please come to us first if you are not happy about something that has been done with your personal health information. If you wish to make a complaint, we want to resolve your concerns with you. Areas that you may wish more information about include:

- If you would like to see our Privacy Policy Statement that describes what we do and our safeguards in greater detail
- If you wish to talk to someone about your health information or you want to know more about how to consent, withdraw consent or withhold consent to part of your personal health information being given out to someone else
- If you want to see your personal health information or to correct it
- If you are wondering about something that may have happened to your personal health information and need more detailed information
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To discuss your question or concern please speak to our Information Officer:

Our Information Officer, Valerie Fitzpatrick, can be reached at:

77 Weeping Willow Lane, Thornhill, ON L3T 3S1
dr.val@rogers.com

If you wish to make a formal complaint about our privacy practices, you may make it in writing to our Information Officer. She will acknowledge receipt of your complaint, ensure that it is investigated promptly and that you are provided with a formal decision and reasons in writing.

If you have a concern about the professionalism or competence of our services or the mental or physical capacity of any of our professional staff, we would ask you to discuss those concerns with us. However, if we cannot satisfy your concerns, you are entitled to complain to our regulatory body:

COLLEGE OF CHIROPRACTORS OF ONTARIO
130 Bloor St. West, Suite 902, Toronto, ON M5S 1N5
Tel: 416-922-6355 Fax: 416-925-9610
E-mail: cco.info@cco.on.ca

Sometimes we may be unable to resolve all of your concerns about how your personal health information has been handled. In this case, you may wish to contact the Information and Privacy Commissioner of Ontario. The Commissioner is the person who has general responsibility for ensuring that the Act is followed. You can make a complaint to the Commissioner about any decision, action or inaction that you believe is not in compliance with the act, including:

- If you are unable to see all of your personal health information, or want to complain about a delay in responding to your request
- If you feel your personal health information in your record is incorrect and you have been unable to persuade us to correct the information
- If you disagree with the fee that we charged for you to see or get a copy of your personal health information.

You must make your complaint within one year of the matter you are complaining about and it should be in writing. The Commissioner will try to resolve the matter through mediation in his or her office. If your complaint cannot be resolved in this way, the Commissioner has the power to investigate and to make an order that sets out what must happen.

You can contact the Commissioner in writing at:

Information and Privacy Commissioner/Ontario
2 Bloor St. E. Suite 1400
Toronto, Ontario M4W 1A8
Telephone: 416-325-9195
Fax: 416-325-7539
Website: www.ipc.on.ca
Email: info@ipc.on.ca

For more general inquiries, the Information and Privacy Commissioner of Canada oversees the administration of the privacy legislation in the private sector. The Commissioner also acts as a kind of ombudsman for privacy disputes. The Information and Privacy Commissioner of Canada can be reached at:

112 Kent St., Ottawa, ON K1A 1H3
Tel: 613-995-8210 Fax: 613-947-6850
Toll-Free: 1-800-282-1376 TTY: 613-922-9190
www.priv.gc.ca

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