



NEWFOUNDLAND AND LABRADOR
MEDICAL ASSOCIATION

Privacy Policy

Version 2020.10.27



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Introduction

The Newfoundland and Labrador Medical Association (“NLMA”) is committed to fair information practices for the collection, use and disclosure of members’ and other individuals’ personal information. The NLMA follows the principles of the *Personal Information Protection and Electronic Documents Act* (PIPEDA) to meet the privacy and confidentiality expectations of its members and others who provide personal information to the organization.

While PIPEDA applies to personal information collected, used and disclosed in commercial transactions, an activity the NLMA is involved in only nominally, NLMA members expect their personal information will be protected at the same standard as they protect the personal information of their patients.

This *Privacy Policy* outlines the NLMA responsibilities for protecting the personal information as established by the provisions of PIPEDA which recognizes the privacy rights of individuals with respect to their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances. (PIPEDA S. C. 2000 C.5, Schedule 1).

Except where expressly stated otherwise, this *Privacy Policy* applies to all personal information about members and other individuals, except for information concerning employees, former employees and potential employees of the NLMA. The protection of this information is addressed in the *Employee Handbook*.

Member personal information in the public domain, as required by the *Medical Act, 2011* and the College of Physicians and Surgeons of Newfoundland and Labrador (CPSNL), is name, practice address, practice telephone number, area of practice, status and license number.

The *General Data Protection Regulation* (GDPR) of the European Union (EU) applies to the processing of personal data of citizens of the EU even if the data processing occurs outside of the EU when the processing relates to the offering of goods and services to individuals in the EU, or monitoring the behavior of individuals in the EU. The NLMA’s privacy policies are in-line with the GDPR requirements. Any members subject to GDPR may contact the Director, Administration & Membership, or delegate, for more details.

1 Members’ Rights

1.1 Purpose of Collection

The NLMA collects personal information from members through membership forms (NLMA Membership Application Form and Membership Renewal Form), telephone contact, conferences, seminars and other educational activities, involvement in committees, and other initiatives with the Association.

The NLMA will identify the purposes for which personal information is collected at or before the time the information is collected, normally through the form or conversation used to collect the information.

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The primary purposes for collecting information are to fulfill the NLMA's objectives and mandate, including:

- Meeting the conditions of the *Medical Act*;
- Communicating with NLMA members and other individuals;
- Managing the NLMA's relationship with the member;
- Engaging NLMA members and physicians in NLMA policy development including involvement in committees and other governance activities;
- Providing products, services, and information to NLMA members, including conferences, seminars and other educational activities;
- Permitting reputable third-party organizations approved by the NLMA to provide products, services, and information to NLMA members, as explained in the Third Parties section;
- Understanding the demographics of the membership;
- Assessing the needs of NLMA members;
- Conducting surveys of NLMA members in order to identify and analyze issues of importance to members;
- Determining an individual's eligibility for membership in the NLMA or the CMA;
- Determining an individual's eligibility to benefit from NLMA or CMA services;
- Assisting the CMA (and its subsidiaries) and provincial or territorial medical associations with maintenance of their membership and client contact information;
- Meeting any legal or regulatory requirement;
- Other purposes consistent with the above; and
- Other purposes with proper notification

1.2 Consent

By completing the NLMA Membership Application Form the member is providing new information or confirming the accuracy of the information held by the NLMA.

By completing the Membership Form and checking the consent box, the member agrees the NLMA may use the personal information collected on the form for maintaining information about the member and for the purposes identified on the form or in this *Policy*. Member information will be used for NLMA administration and communication with the member, as required by membership in the NLMA.

By indicating "disagree" with the consent statement, the member states they do not wish to receive information from the NLMA and third parties. If a member does withhold consent to any, or a specific, further use or disclosure of their personal information then the NLMA will make reasonable efforts to adhere to the member's request.

The NLMA will obtain the consent of the member for any use or disclosure not identified at the time of collection or in this *Privacy Policy*, except where the use or disclose of personal information without consent is authorized by law.

1.3 Withdrawal of Consent

The NLMA requires certain information from each physician to maintain an up-to-date membership roster. Subject to the NLMA's requirements, a member may withdraw consent to

the further collection, use, disclosure or retention of personal information by the NLMA for some or all the purposes identified in this *Privacy Policy*.

Such withdrawal of consent must be provided to the NLMA in writing indicating the conditions of the withdrawal of consent.

The withdrawal of consent to the disclosure of some information may mean that the NLMA is unable to continue to provide the member with some products or services. The NLMA will inform the member of any consequences to the withdrawal of consent to the collection, use, disclosure or retention of personal information.

1.4 Accuracy

The member is responsible for providing the NLMA with accurate and up-to-date information.

1.5 Access and Correction

On written request to the attention of the Director, Administration & Membership, or delegate, the NLMA will inform the member or individual of the existence and retention of his or her personal information and will provide the person with a copy of his or her personal information, subject to the limitations specified in PIPEDA. Such requests will be fulfilled within 30 calendar days following the request. The NLMA can provide information on the general uses and disclosures of personal information. Whenever possible the member will be provided with information about specific uses and disclosures of their membership information.

The individual to whom the personal information relates may challenge the accuracy and completeness of the information maintained by the NLMA. If an individual identifies inaccurate or incomplete personal information the NLMA will amend the information by adding information to the member's record.

Under very limited circumstances the NLMA will not be able to disclose some personal information. In such an occurrence the member will be provided with the reason the information was not provided to them.

The NLMA will not charge individuals for access to, or correction of, their personal information.

1.6 Openness

In the event of questions about this policy or any matters related to the collection, use, disclosure or retention of personal information, please contact:

- Director, Administration & Membership
Newfoundland and Labrador Medical Association
NLMA House, 164 MacDonald Dr.
St. John's, NL, Canada, A1A 4B3
E-mail: nlma@nlma.nl.ca

2 NLMA Responsibilities

2.1 Accountability

The NLMA is responsible for all personal information under its control, including personal information transferred to third parties for processing or analysis. The NLMA has designated the Director, Administration & Membership responsible for the NLMA's compliance with this *Privacy Policy*.

The NLMA considers “personal information” to mean any information, recorded or oral, about an identified individual or an individual whose identity may be inferred or determined from the information by itself or when linked or matched with other information. This does not apply to business contact information that is publicly available (e.g., name, title, practice address, practice telephone, and area of practice).

The NLMA's obligations under this *Privacy Policy* apply to all officers, employees, consultants and agents of the NLMA who provide services to or on behalf of the NLMA in connection with the delivery of products, services or information to NLMA members.

2.2 Collection and Use

The NLMA limits the collection of personal information of its members to that which is reasonably necessary for the purposes identified at the time of collection, including the purposes identified in this *Privacy Policy*. The NLMA only collects, uses, discloses and retains personal information for purposes that would be considered reasonable in the circumstances.

NLMA may use the personal information collected on the form for maintaining information about the member and for the purposes set out in the *Privacy Policy*, including but not limited to:

- Communicating with NLMA members and other individuals;
- Managing the NLMA's relationship with the member;
- Engaging NLMA members and physicians in NLMA policy development including involvement in committees and other governance activities;
- Providing products, services, and information to NLMA members, including conferences, seminars and other educational activities;
- Permitting reputable third-party organizations, specifically CMA subsidiaries and NLMA approved entities, to provide products, services, and information to NLMA members, as explained in the Third Parties section in the Privacy Policy.

In most cases, the NLMA collects personal information directly from its members. The NLMA also collects personal information from individuals who attend NLMA sponsored events. It may also collect information from the College of Physicians and Surgeons of Newfoundland and Labrador (CPSNL), the Canadian Medical Association (CMA), its subsidiaries, or one of the provincial or territorial medical associations to determine an individual's eligibility for membership in the NLMA.

A member may inform the NLMA if he or she does not want personal information collected indirectly from CPSNL or the CMA by contacting the Director, Administration & Membership, or delegate.

The NLMA assigns an "NLMA Number" to each NLMA member. This number is used only for verification purposes. It is not used to track NLMA members' activity. This number is disclosed to the Newfoundland and Labrador Centre for Health Information (NLCHI) and other third parties for verification of physicians in provincial health databases.

The NLMA holds personal information in confidence and provides staff access to the information when it is required to do their job for the NLMA, or it is authorized by the member to whom the personal information relates.

2.2.1 Electronic Communications

The NLMA complies with the Canadian Anti-Spam Legislation (CASL) which governs all electronic messages that encourage a commercial activity including emails, text/sound/voice messages, and messages using social media. Providing information to members about the activities of the NLMA is not considered a commercial activity.

The NLMA allows members to opt out of all electronic communications regarding a commercial activity. If the NLMA transmits an electronic communications for a commercial purpose to members who have not opted out, it will include an opportunity for the member to withdraw from receiving further messages related to the commercial activity within the e-mail.

The NLMA uses cookies to collect information anonymously and track user patterns on NLMA websites. This cookie remains on a visitor's computer until the visitor deletes it. "Cookies" contain a unique identification number that identifies a browser, but not the visitor, to the NLMA computers each time a user visits the website. Cookies record the pages of the NLMA website visited and by how many people. They also save the visitor's settings and preferences for future visits, enabling visitors to customize their experience on the website. Information gathered through the use of cookies is not related to any personally identifiable details and is not released to any third party. The only exception to this is if the NLMA is legally compelled to provide such information.

2.3 Disclosure to Third Parties

The NLMA may disclose personal information to third parties when in the opinion of the NLMA such usage constitutes a service relevant to members, and the NLMA has the written agreement of such organizations to adhere to specific requirements with respect to usage of that information.

The NLMA does not sell member information but it may disclose information, including identifiable information about members to third parties when authorized by the NLMA *Privacy Policy* or the member has provided written consent.

The NLMA will release upon request the information about an individual member that is classified as public information under the *Medical Act* and by the CPSNL and that is available on the College website. Public information is limited to:

- Name;
- Practice address;
- Practice telephone number;
- Area of practice;
- Practice status; and,

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- License number.

Disclosure of other identifiable information about members shall be approved by the NLMA Board of Directors by amendment to the NLMA *Privacy Policy* or on a case-by-case basis. As of September 30, 2020 personal information about members is disclosed to:

- Newfoundland and Labrador Centre for Health Information
- Quality of Care/Choosing Wisely, Memorial University

NLMA will release member identifiable information to:

- Affiliated organizations such as the CMA or CPSNL;
- Reputable suppliers such as a mailing house;
- Organizations, when in the opinion of the NLMA Board of Directors such disclosure constitutes a service relevant to members;
- A government department or agency, or researchers when the NLMA is a member of the governing body or program advisory group, such as Quality of Care/Choosing Wisely, and the purpose is consistent with the reason the personal information was collected.

The factors the NLMA will consider before disclosing personal information to a Third Party are:

- Is the organization requesting the information a trusted party? Has the NLMA disclosed personal information to the organization before?
- What personal information is being requested? Is it in the public domain and the NLMA is just providing it in a format that is easier to use?
- Does the disclosure meet the purpose the information was collected from the members?
- Have members been notified of this type of disclosure?
- Is the purpose the organization will be using the information of benefit to members, as a group or individually?
- Is the purpose the Third Party will be using the personal information for within the mandate of the NLMA?
- How accurate is the information being requested?

A request from a member for additional personal information about another member(s) for a purpose not identified at the time of collection will not be met without the consent of the member the information is about.

The NLMA may disclose personal information to third parties, such as a bulk mailing business, to help the NLMA provide its own products and services. In such cases, the NLMA will put in place contractual precautions to ensure that personal information is protected by the third parties at a level comparable to that of the NLMA.

If there is a legal requirement to disclose personal information to a third party the NLMA will not disclose more information than is required by law.

2.4 Accuracy and Integrity

The NLMA takes reasonable steps to ensure the personal information collected, used and disclosed about members is accurate and complete and its integrity is preserved as necessary for the purposes for which the NLMA is responsible. Should the NLMA become aware that personal information is inaccurate through notification by the member or through its own work, the NLMA will correct or amend the personal information and, if necessary, use its best efforts to inform third parties provided with inaccurate information so that those third parties may also correct their records.

The NLMA does not regularly update information about former NLMA members unless the former member initiates contact regarding updated information.

2.5 Safeguards

The NLMA makes reasonable efforts to protect personal information with security safeguards appropriate to the sensitivity of the information it holds. These include steps to maintain appropriate physical, procedural and technical safeguards with respect to its offices and information storage facilities so as to prevent any loss, misuse, unauthorized access, disclosure, or modification of personal information. This also applies to the NLMA's disposal or destruction of personal information.

The NLMA maintains an up-to-date contract with external IT service provider, including for data storage, requiring them to maintain the protection of member information.

The NLMA further protects personal information by restricting access to member information to those NLMA employees and consultants that the Director, Administration & Membership has determined need to know that information for the NLMA to provide services and products. The NLMA ensures that its employees and consultants are aware of the importance of maintaining the confidentiality of personal information through educational activities.

The NLMA considers a privacy breach as a collection, use or disclosure of member information contrary to this *Privacy Policy*. The NLMA will respond promptly to potential, suspected and confirmed privacy and security breaches and will engage the necessary expertise in managing breaches.

If any third-party misuses personal information provided to them for the purpose of providing services to members, this will be considered a privacy breach for which punitive action may be taken, up to and including termination of any agreement between the NLMA and the offending party.

3 NLMA Privacy Procedures, Forms and Templates

- Procedures for the Disclosure of Member Information to Third Parties
- Procedures Related to Employee and Consultant Access to Member Information
- Privacy Breach Protocols
- Collection
 - Consent Notice on Membership Application and Renewal Forms
- NLMA Website
 - Website Privacy Notice and Cookie Notice

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- Forms and Templates
 - Employee/Consultant Confidentiality Agreement
 - Content of Employee/Consultant Request for Access to NLMA Member Data
 - Third Party Request for Access to NLMA Member Data
 - Evaluation of Third Party Requests for NLMA Member Data
- Information Sharing Agreement Template

Related Policies

- Employee Personal Information Policy
- Board of Directors Confidentiality Policy