



AP 01: Data Privacy Policy

Policy Type:

Council

Policy No:

AP 01

Effective Date:

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Last Approval/Revision Date:**Policy Review Frequency:**

Every Five Years

Purpose

The CPhM of Pharmacists of Manitoba (CPhM) has developed this policy to comply with our ethical obligations, the [Pharmaceutical Act](#) (the Act) of Manitoba, and privacy best practices and principles as demonstrated by the *Freedom of Information and Protection of Privacy Act* (FIPPA), the *Personal Health Information Act* ([PHIA](#)), and the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA).

Privacy protection is important to the CPhM, and we want to make every effort to protect and respect the privacy of personal information that we collect, use, and disclose. This Privacy Policy explains CPhM's privacy and security practices with respect to all personal information (including personal health information where applicable) in the possession and control of CPhM, and may be supplemented by specific procedures, standards, and practices.

Additional Information

1. Residents of the European Union: In order to comply with the requirements of the European General Data Protection Regulation (GDPR) for European users, this Policy outlines the legal basis on which we process your personal data (also referred to as personal information in this Policy) and provides other information required by the GDPR.
2. Website Users: Please see the CPhM [Privacy](#) and [Security](#) statements at cphm.ca for more information about our privacy practices as it relates to your use of the CPhM website.

Definitions

- “**Act**” means the Pharmaceutical Act of Manitoba, its regulations, and any amendments thereto.
- “**CPhM**” means the College of Pharmacists of Manitoba.
- “**Data Subject**” means the person to whom the personal information relates, including but not limited to a registrant.
- “**Employee**” means any person providing services to the CPhM, whether as a salaried employee, contracted employee or volunteer.
- “**Information**” includes:
 - Personal information which means any information about an identifiable registered or listed pharmacy professional, employee, or other person, including identifiers and other information pertaining to an identifiable individual, but does not include information about a corporation.

- Personal health information which means any health-related information about an identifiable individual within the meaning of applicable laws, and is a subset of personal information;
- Pharmacy information which means any information about an identifiable pharmacy and its owner.
- **“Owner”** means a person who holds a pharmacy licence of any category and whose name is entered on the register of licensed pharmacies.
- **“Public Profile”** means a record about a registered or listed individual that includes personal, professional and other information about the individual, compiled for the purpose of being made available to the public as required by the Act.
- **“Registrant”** means an individual who is either registered or listed under the Pharmaceutical Act as a pharmacy professional in the province of Manitoba in one of the classes of registration established by the College of Pharmacists of Manitoba bylaws.
- **“Retention period”** means the period of time that CPhM is required to retain records containing personal or personal health information pursuant to the Pharmaceutical Act of Manitoba and its regulations or the Personal Health information Act, as applicable, but not less than seven years.
- **“Server”** means computer equipment that stores data in the custody or control of CPhM, or that provides computer applications used by CPhM, including those located on CPhM premises and the premises of third-party service providers which ensure information is stored and processed in Canada wherever possible.

Policy

1. CPhM employees, members of Council, committees and appointees are expected to adhere to these policies that require the safeguarding and proper use of information and may have access to and collect, use or disclose information as approved by the Registrar.
2. Privacy policies concerning information collected, used, or disclosed during the fulfillment of our legislated mandate shall be disclosed in writing to the affected party.
3. CPhM shall provide information about its privacy policies and procedures upon request.
4. CPhM shall protect information against accidental or malicious disclosure, modification, removal or destruction.
5. CPhM's office shall be locked at all times and maintain a security system that shall be alarmed at all times after regular daily business hours.
6. Documents containing information shall be stored in cabinets capable of being secured or located in an area of the office that is capable of being secured, and such cabinets shall be located in an area of the office with fire protection systems.
7. Electronic files containing information shall be stored on the CPhM server and secured to prevent unauthorized access. Electronic files on portable computers shall be secured with a username and password.

8. The CPhM server shall be automatically backed up daily offsite with daily reporting and automatically backed up daily onsite with monthly reporting as well as on-demand Clou¹d storage usage reports and error notifications.
9. CPhM shall retain on file for the retention period defined herein, all requests for information or access to information, consents and revocation of consents.
10. CPhM staff will be trained on these policies and any amendments thereto and shall be required to execute a declaration promising to comply with these policies.
11. The protection of information is of paramount concern to CPhM. In addition to adopting reasonable policies to protect information with security safeguards that are appropriate to the sensitivity of the information, CPhM is prepared to take appropriate and timely steps in the event of any incidents involving information in accordance with applicable laws.

Collection of Information

1. CPhM collects, uses, and discloses information to achieve the purposes and meet its obligations as set out in the [Act](#) in accordance with applicable laws. Please see below for more particulars about how and when CPhM collects, uses, and discloses information.
2. Where possible, CPhM collects information directly from the individual to whom it relates. The CPhM may collect information from third party sources when doing so is required to meet the purposes set out in the [Act](#) and this Policy with the knowledge and consent of the subject individual or where otherwise authorized by law.

Personal Health Information

1. Except where authorized by law, personal health information may not be collected, used or disclosed without the express written consent of the subject individual.
2. Collection, use and disclosure related to a complaint shall comply with the Personal Health Information Act ([PHIA](#)), as well as the [Act](#), Regulations, and Bylaws governing CPhM. Specifically, personal health information (and any related personal information) may be disclosed without consent to the Complaints and Discipline Committees, related CPhM staff and Solicitors, and Council,² so that they may discharge their duties.
3. In accordance with the [Act](#), hearings called by a discipline panel are open to the public with limited exceptions. During these hearings CPhM staff, Committee members, and related Solicitors and consultants will ensure compliance with [PHIA](#) when it is necessary to disclose personal health information.
4. The [Act](#) and Regulations authorize designated CPhM staff to access personal health information while conducting pharmacy and professional practice evaluations or inspections

¹ CPhM requires Cloud storage to be located in Canada.

² Personal information would only be shared with Council in certain situations related to Complaints as outlined in Section 39 of the Pharmaceutical [Act](#) as well as Sections 23(2) and 23(3).

in pharmacies. These staff shall not disclose such information any further without the expressed written consent of the subject individual and such consent shall specify the information to be disclosed.

5. CPhM keeps documents (or copies) and other material such as exhibits like prescription containers that may identify a patient on file in secure areas that are only accessible to authorized staff. The original documents and materials are kept in these files until the matter in question is resolved. At that time, original documents and materials, where appropriate, are copied and returned to their source. For example, original prescription documents seized during an inspection or investigation of a complaint are returned to the pharmacy.
6. The copies of original documents and materials are kept on file in secure areas accessible only to authorized staff for the retention period defined herein from the date the matter in question is resolved. After that, these copies are destroyed in a secure manner such as shredding.
7. Personal health information retained electronically is secured on the CPhM server accessible only to authorized staff. Data on the server is backed up in a secure manner and the back-up media are stored in secure locations to prevent unauthorized access or damage. Personal health information retained electronically is securely destroyed after the retention period of 7 days (14 days for Cloud storage) from the date the matter in question is resolved.
8. Any member of the public who believes that CPhM is retaining their personal health information, may have access to it, or may place limits on how CPhM uses or discloses this information by submitting a request in writing. CPhM will keep such requests securely on file for the retention period defined herein.
9. Any other inquiries regarding the privacy of personal information and our privacy policies should be directed to the Registrar.

Personal Information

1. CPhM may collect the following information about a registered or listed pharmacy professional, or prospective pharmacy professional:
 - a) Demographic – title, name, date of birth, place of birth, home address, alternate address, home telephone number, home fax number, e-mail address, gender;
 - b) Education – educational certificate, diploma or university degree(s) and the institution from which these were granted, date of graduation, Pharmacy Examining Board of Canada registration number, internship or practical training time served, and any other educational qualifications related to the profession;
 - c) Registration or membership status – registration or membership category, classification or sub-classification, condition or restriction on practice, competency information, complaint or discipline information, current or past registration or membership with other jurisdictions;
 - d) Practice – place of practice, and the name, address, e-mail address, telephone number, fax number of employers;

- e) professional competency—continuing education or professional development activities or programs being undertaken or completed, and any competency assessment undertaken or completed and the results thereof;
 - f) Records of achievements and awards including the personal information related thereto;
 - g) Records of service to CPhM;
 - h) Affiliations with professional and other organizations; and,
 - i) Any other information deemed necessary to fulfill CPhM's obligations under the [Act](#).
2. CPhM may use personal information for the purpose of registering that individual, renewing the membership and to maintain registers, records, and public profiles to be kept by CPhM. CPhM may also use registered or listed pharmacy professional status information for conducting the affairs of CPhM that is required under federal and provincial legislation. For example, CPhM may share a member's status with a licensed dealer to verify eligibility to order Controlled Substances.
3. The [Act](#) requires the Registrar to comply with a request from any person to inspect the information contained in the Register established pursuant to the [Act](#) within the timelines set out in [PHIA](#).
4. The following types of information on the registers are required to be accessible to the public.
- a) All information that forms part of a pharmacist licence or pharmacy licence
 - b) The name of the registrant or, in the case of the register of licensed pharmacies, the name of the licensed pharmacy, the name or names under which it conducts business and the name of the owner who holds the pharmacy licence
 - c) Except on the register of pharmacists and the register of students, a business address and business telephone number
 - d) The conditions imposed on every certificate of registration
 - e) A notation of every cancellation and suspension of a certificate of registration or a licence that is in effect
 - f) Every censure, and the result of every disciplinary proceeding in which a panel has made a finding,
 - g) in which a certificate of registration, pharmacist licence or pharmacy licence was cancelled or suspended or had conditions imposed on it, or
 - h) in which a pharmacist or owner was required to pay a fine or attend to be censured or reprimanded
 - i) Any other information deemed 'public' by the [Act](#) and Regulation.
5. This "Public Register" includes disclosing the name, address (practice or employment site only) and registration or membership category of every registered or listed pharmacy professional. Disclosures authorized or required by legislation (Manitoba or Canada) do not require the consent of the data subject(s) unless the legislation requires consent.
6. CPhM discloses registration or membership status information for a variety of purposes consistent with administration of the [Act](#). One purpose is to publicize an order made by the Discipline Committee.

Examples of other purposes include confirmation of registered or listed pharmacy professional status to:

- a) the College of Pharmacy, University of Manitoba for education, training and research;
 - b) other regulatory authorities;
 - c) third party payers (e.g., confirmation of registration within a specific timeframe for insurance companies);
 - d) drug distribution centers (drug wholesalers and manufacturers); or,
 - e) any member of the public or press.
7. Consent of the registered or listed pharmacy professional is not required for the collection, use and disclosure of personal information that CPhM is required to obtain by legislation. CPhM will not disclose a pharmacy professional's home address, home telephone or fax number, or personal e-mail address without expressed written consent of the pharmacy professional.
8. With expressed written consent of the registered or listed pharmacy professional, CPhM may disclose personal information for the following purposes:
- a) professional development and education;
 - b) practice based information or research;
 - c) health promotion programs;
 - d) Health Canada notices; or,
 - e) human resource or workforce research, planning and management.
9. A registered or listed pharmacy professional may at any time withdraw consent to the disclosure of personal information by giving written notice to CPhM. Such withdrawal of consent cannot be retroactive.
10. A registered or listed pharmacy professional upon giving CPhM reasonable notice may access any personal information on file about himself or herself,
11. A registered or listed pharmacy professional may challenge CPhM's compliance with these policies by submitting a complaint to the Registrar. Complaints that are not handled to the registered or listed pharmacy professional's satisfaction may be appealed to the CPhM Council,
12. CPhM may provide aggregate "Public Register" information to government and other related organizations.
13. When a registered or listed pharmacy professional ceases to be a registered or listed pharmacy professional or is deceased, this information shall be recorded on the "Public Register" according to the manner in which CPhM is required to report such information pursuant to the [Act](#). Under these circumstances, electronic and paper files containing personal information shall be archived for an indefinite period of time. Access to such archived files shall only be permitted for legitimate purposes upon approval of the Registrar, within the timelines set out in [PHIA](#).

Pharmacy Information

1. CPhM may collect the following information about a pharmacy or its owner:
 - a) name, trade name or other names associated with the owner or pharmacy;
 - b) address, including mailing, location and e-mail;
 - c) employee pharmacists, including the pharmacy manager;
 - d) directors if appropriate;
 - e) telephone and fax numbers;
 - f) hours of operation;
 - g) internet name and address; and,
 - h) any other information deemed necessary to fulfill CPhM's obligations under the [Act](#).
2. CPhM may use pharmacy information for the purpose of granting or renewing a permit, and to maintain registers and records to be kept by CPhM. CPhM may also use such information for conducting the affairs of CPhM that is required under federal and provincial legislation.
3. The [Act](#) requires the Registrar to comply with a request from any person (within the timelines set out in [PHIA](#)) to inspect the information contained in the Register established pursuant to the [Act](#) and to annually file this Register with government. This "Public Register" includes disclosing the name and address of every pharmacy, its manager and owner. To confirm identity as part of the registry data CPhM also discloses the pharmacy number.
4. CPhM discloses pharmacy information for a variety of purposes consistent with administration of the [Act](#). One purpose is to publicize an order made by the Discipline Committee.

Examples of other purposes include confirmation of the pharmacy's status to:

- a) the College of Pharmacy, University of Manitoba for education, training and research;
 - b) other regulatory authorities;
 - c) third party payers (e.g., confirmation of registration within a specific timeframe for insurance companies);
 - d) drug distribution centers (drug wholesalers and manufacturers); or,
 - e) any member of the public or press.
5. Consent of the owner is not required for the collection, use and disclosure of pharmacy information that CPhM is required to obtain by legislation. CPhM may disclose without consent pharmacy information for the following purposes:
 - a) Professional development and education;
 - b) Practice based information or research;
 - c) Health promotion programs;
 - d) Health Canada notices; or,
 - e) Human resource or workforce research, planning and management.
6. The owner upon giving CPhM reasonable notice may access any pharmacy information on file about their pharmacy.

7. An owner may challenge CPhM's compliance with these policies by submitting a complaint to the Registrar. Complaints that are not handled to the owner's satisfaction may be appealed to the CPhM Council.
8. CPhM may provide aggregate "Public Register" information to government and other related organizations.
9. When a pharmacy ceases to operate, this information shall be recorded on the "Public Register" according to the way CPhM is required to report such information pursuant to the [Act](#). Under these circumstances, electronic and paper files containing pharmacy information shall be archived for an indefinite period. Access to such archived files shall only be permitted for legitimate purposes upon approval of the Registrar.

Changes to Policy

CPhM may update this Policy at any time. It will be updated on an ongoing basis.