



POLICY CATEGORY:	Governing the Office
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## **PRIVACY POLICY**

### **Collection, Use and Disclosure of Registration Information by the New Brunswick College of Pharmacists**

#### **INTRODUCTION**

1. The New Brunswick College of Pharmacists (“NBCP”) regulates the profession of pharmacy in the Province of New Brunswick. Its “Registrants” are pharmacists, certified dispensers, pharmacy technicians, student pharmacists, student pharmacy technicians, pharmacies and wholesalers. The NBCP considers Registrant privacy a high priority, particularly in light of the sensitive nature of the personal information in each Registrant’s record. The majority of personal information contained in each Registrant’s record is collected, stored and used by the NBCP for the Identified Purposes (as defined below). The NBCP has a defined policy of protecting the privacy of its Registrants in all of the operations of the NBCP.
2. The objective of this NBCP Privacy Policy (the “Policy”) is to promote responsible and transparent practices in the management of Personal Information by the NBCP, in accordance with the provisions of current privacy legislation<sup>1</sup>. The NBCP believes that this Policy meets all of the requirements set out in legislation for the protection of Personal Information as provided to the NBCP, as described in this Policy.
3. This Policy is current as of the “Last modified date” set out below. The NBCP will continue to review this Policy to ensure that it is relevant and remains current with changing laws, regulations and technologies. Most importantly, the NBCP wants to ensure it continues to meet the evolving needs of its Registrants. While this Policy may therefore change, the NBCP will treat a Registrant’s Personal Information in a manner consistent with the Policy under which it was collected, unless the NBCP has the Consent of the Registrant to treat it differently.
4. Registrants of the NBCP shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for the NBCP’s compliance with the NBCP Policy.
5. This Policy applies to Personal Information about the NBCP’s Registrants that is collected, used, or disclosed by the NBCP.

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1 - *Personal Information Protection and Electronic Documents Act* (Canada)

<http://laws-lois.justice.gc.ca/eng/acts/P-8.6/index.html> ;

- *Right to Information and Protection of Privacy Act* (New Brunswick)

<http://laws.gnb.ca/en/ShowPdf/cs/R-10.6.pdf>

6. This Policy applies to the management of Personal Information in any form whether oral, electronic or written.
7. This Policy does not impose any limits on the Collection, Use or Disclosure of:
  - a) the name, title, business address, business e-mail address, or business telephone number of any Registrant of the NBCP, or any other organization;
  - b) a Registrant's name, address, telephone number and e-mail address, when (i) listed in a public directory (where the Registrant can refuse to have the Personal Information appear in the directory) or (ii) available through other publicly accessible means, except where the Personal Information appears in:
    - A. a professional or business directory, listing or notice;
    - B. a registry collected under a statutory authority and to which a right of public access is authorized by law; or
    - C. a record or document of a judicial or quasi-judicial body;or
  - c) information required or permitted pursuant to the *Pharmacy Act, 2014* or its *Regulations*.

in which case the Collection, Use and Disclosure of the Personal Information must relate directly to the purpose for which the information appears in, as applicable, the directory, listing or notice; the registry; or the record or document.

## DEFINITIONS

**Registrant**- means all pharmacists, certified dispensers, pharmacy technicians, student pharmacists, student pharmacy technicians, pharmacies and wholesalers entered on any register with the NBCP.

**Collection** - means the collection of information regarding a Registrant, personal or otherwise that is required by the NBCP for the purpose of registering/licensing that individual.

**Consent** - voluntary agreement to the Collection, Use or Disclosure of Personal Information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express Consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of the NBCP. Implied Consent is Consent that can reasonably be inferred from an individual's action or inaction.

**Disclosure** - means the release of information to an individual, organization, Pharmacy Regulatory Authority or an information manager who acts on behalf of a Pharmacy Regulatory Authority or an agency that is not a Pharmacy Regulatory Authority.

**Identified purpose** – means the registration, regulation and discipline of Registrants.

**Registration Information** - information that is collected about an individual by the NBCP or by the Information Manager on behalf of the NBCP that is required for the purpose of registering and regulating that individual.

**Use** - means the use of registration information by the NBCP or an information manager acting on behalf of the NBCP, for the purpose of fulfilling the legislated mandate of the NBCP.

## **THE NBCP's PRIVACY POLICY**

### ***Principle 1 - Accountability***

THE NBCP is responsible for Personal Information under its control and shall designate one person who is accountable and responsible for the NBCP's compliance with this Policy and all applicable laws and regulations regarding Personal Information and privacy ("Privacy Laws"), and for ensuring that this Policy complies with then-current Privacy Laws (see contact information at the end of this Policy). This designated person shall have the title of Information Manager of the NBCP.

1.1 Responsibility for ensuring compliance with the provisions of this Policy rests with the senior management of the NBCP, which shall designate the Information Manager to be accountable for compliance with this Policy. Other individuals within the NBCP may be delegated to act on behalf of the Information Manager or to take responsibility for the day-to-day Collection and processing of Personal Information.

1.2 The NBCP shall publish the title of the Information Manager as the person designated to oversee the NBCP's compliance with this Policy (see contact information at the end of this Policy).

1.3 The NBCP is responsible for Personal Information in its possession or control, including information which has been transferred to a third party for processing. The NBCP shall also use appropriate means to provide a comparable level of protection while information is being processed by a third party (see Principle 7).

1.4 The NBCP shall implement procedures to give effect to this Policy, including:

- a) implementing procedures to protect Personal Information and to oversee the NBCP's compliance with this Policy;
- b) establishing procedures to receive and respond to inquiries or complaints;
- c) training and communicating to staff about the NBCP's policies and practices; and
- d) publishing this Policy as public information to explain the NBCP's policies, practices and compliance.

### ***Principle 2 - Identifying Purposes for Collection of Personal Information***

The NBCP shall identify the purposes for which Personal Information is to be collected, used and disclosed at or before the time the information is collected.

2.1 The NBCP collects Personal Information from its Registrants and may collect further Personal Information from pharmacies, other Pharmacy Regulatory Authorities, medical practitioners, hospitals, clinics or other medical or medically related facilities, insurance companies, or any other organization, institute or person, that has any records or knowledge of the Registrant's Personal Information:

- a) **Demographic Information:** Name, date of birth, home address, home telephone number, home fax number, e-mail address, gender, place of birth

- b) **Education Information:** Educational facility and credentials, date of graduation, Pharmacy Examination Board of Canada registration number, all other certification in regards to the pharmacy profession
- c) **Registration Status:** Registration Category, Conditions on practice, competency information, complaint or discipline information, current or past registration with other jurisdiction or Pharmacy Regulatory Authorities
- d) **Employment Information:** Place of all employment, name of employer, address of employer, telephone, fax number and e-mail address of employer.

2.2 The Personal Information collected by the NBCP is collected only for the following Identified Purposes:

- a) To admit and regulate Registrants and oversee their conduct;
- b) To discipline, where appropriate;
- c) To conduct business as mandated under federal and provincial legislation.

In the case of each Registrant, the NBCP shall ensure that the consent or Registrant application form shall specify in writing the Identified Purposes for which the NBCP uses and discloses the Personal Information of such Registrant at or before the time Personal Information is collected. Upon request, the Information Manager of the NBCP shall explain the Identified Purposes for which the NBCP collects, uses and discloses such Personal Information.

2.3 Unless required by law, the NBCP shall not use or disclose for any new purpose Personal Information that has been collected without first identifying and documenting the new purpose and obtaining the specific Consent of the Registrant for such Use and Disclosure.

### ***Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information***

The knowledge and specific Consent of a Registrant are required for the Collection, Use, or Disclosure of Personal Information.

3.1 The NBCP consent and disclosure statement for Registrants as it reads in the statement on the Registrant's application form and/or consent form will advise the Registrant that their Personal Information is being Collected and will be Used and Disclosed for the following purposes:

- a) Professional Development and education
- b) Practice based Research
- c) Health promotion programs
- d) Populating electronic health systems
- e) Workforce planning and management
- f) Confirmation of registration and standing to other Pharmacy Regulatory Authorities
- g) Confirmation of registration to Third Party Payers
- h) Confirmation of registration to Medication distribution Centers (wholesalers and manufacturers)
- i) Confirmation of registration to any member of the public or media
- j) Information access by an organization contracted to manage registration information for conducting business that the NBCP is mandated to perform under provincial legislation

- k) Information access by an organization involved in providing the Registrants with communications for the purposes of:
  - i. Professional development and education
  - ii. Practice based information
  - iii. Health Canada Notices
  - iv. Practice based research
  - v. Health promotion programs

3.2 In certain circumstances, Personal Information can be collected, used, or disclosed without the knowledge and Consent of the individual. For example:

- a) collect and use Personal Information where it is reasonable to expect that the Collection with the knowledge and Consent of the individual would compromise the availability or accuracy of the information and the Collection is reasonable for purposes relating to investigating a breach of ethics or a contravention of the laws of Canada;
- b) use of Personal Information where, in the course of its activities, the NBCP becomes aware of information that it has reasonable grounds to believe could be useful in the investigation of a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, and the information is used for the purpose of investigating that contravention; or
- c) disclose Personal Information where the Disclosure is made to an advocate or notary in Quebec, or, in any other province, to a barrister or solicitor who is representing the NBCP or where Disclosure is required by law.

This is not an exhaustive list of such circumstances.

3.3 In obtaining Consent, the NBCP shall use reasonable efforts to ensure that a Registrant is advised of the Identified Purposes for which Personal Information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the Registrant.

3.4 Generally, the NBCP shall seek Consent to use and disclose Personal Information at the same time it or its agents collect the information. However, the NBCP may seek Consent to use and disclose Personal Information after it has been collected, but before it is used or disclosed. The NBCP will also obtain a new Consent where the Personal Information is to be used or disclosed for a new purpose not identified in the Consent originally obtained from the individual.

3.5 The NBCP will only require Registrants to Consent to the Collection, Use or Disclosure of Personal Information as a condition of registration and maintaining membership.

3.6 In determining the appropriate form of Consent, the NBCP shall take into account the sensitivity of the Personal Information and the reasonable expectations of its Registrants.

3.7 A Registrant may withdraw Consent at any time, subject to legal or contractual restrictions and reasonable notice. Registrants may contact the NBCP's Information Manager for more information regarding the implications of withdrawing Consent, including without limitation the possibility of no

longer being able to remain a Registrant.

***Principle 4 - Limiting Collection of Personal Information***

The NBCP shall limit the Collection of Personal Information from Registrants to that which is necessary for the Identified Purposes. The NBCP shall collect information by fair and lawful means.

4.1 The NBCP collects Personal Information in respect of Registrants from Registrants and may also collect Personal Information in respect of Registrants from pharmacies, other Pharmacy Regulatory Authorities, medical practitioners, hospitals, clinics or other medical or medically related facilities, as well as insurance companies, or any other organization, institute or person, that has any records or knowledge of the Registrant's Personal Information

4.2 The NBCP will not collect Personal Information at random without regard to an identified purpose. The amount and the type of information collected shall be limited to what is necessary to fulfil the Identified Purposes.

4.3 The NBCP will not mislead any individual regarding the Collection of their Personal Information.

***Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information***

The NBCP shall not use or disclose Personal Information for purposes other than those Identified Purposes for which it was collected, except with the Consent of the individual or as necessary for the fulfillment of those purposes, or as required by law.

5.1 The NBCP may disclose a Registrant's Personal Information to other Registrants, pharmacies, other Pharmacy Regulatory Authorities, medical practitioners, hospitals, clinics or other medical or medically related facilities, as well as insurance companies, or any other organization, institute or person, that has any records or knowledge of the Registrant's Personal Information for the purposes of collecting additional personal information from such person/entities for the purposes set out in Section 2.2.

5.2 Only the NBCP's employees with a business "need-to-know", or whose duties reasonably so require, in order to fulfil the Identified Purposes, are granted access to Personal Information about its Registrants.

5.3 The NBCP shall keep Personal Information only as long as it remains necessary or relevant for the Identified Purposes or as required by law. Depending on the circumstances, the NBCP shall retain the Personal Information for a period no less than 15 years after the Registrant ceases to be registered with the NBCP, and shall destroy the information thereafter if requested by the Registrant or the Registrant's estate or successor.

5.4 The NBCP shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to Personal Information that is not

longer necessary or relevant for the Identified Purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

5.5 If all or part of the NBCP is merged or otherwise transferred to another entity, the Personal Information associated with that part of the NBCP may be transferred as part of that transaction. However, the NBCP will take steps to ensure that the transferred Personal Information is used for the purposes collected and in the manner contemplated under this Policy.

***Principle 6 - Accuracy of Personal Information***

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

6.1 Personal Information used by the NBCP shall be sufficiently accurate, complete, and up-to-date as possible, based on the Personal Information provided by each Registrant and other sources.

6.2 Upon receiving a written request by the applicable Registrant to update Personal Information, the NBCP shall update same. To the extent that the additional information required to update the Personal Information of an individual is collected from that individual, such individual must provide their Consent to such Collection.

***Principle 7 - Security Safeguards***

The NBCP shall protect Personal Information by security safeguards appropriate to the sensitivity of the information.

7.1 The NBCP shall protect Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate physical, organizational and security measures. The NBCP shall protect the information regardless of the format in which it is held.

7.2 The NBCP shall protect Personal Information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.

7.3 All of the NBCP's Employees with access to Personal Information shall be required to maintain the confidentiality of that information.

***Principle 8 - Openness Concerning Policies and Practices***

The NBCP shall make readily available to Registrants specific information about this Policy relating to the management of Personal Information.

8.1 The title and address of the person or persons accountable for the NBCP's compliance with this Policy and to whom inquiries or complaints can be forwarded is as set out at the end of this Policy. Personal Information held by the NBCP and as here set out can be accessed by contacting that person.

### ***Principle 9 - Registrant Access to and Correction of Personal Information***

The NBCP shall, upon written request, inform a Registrant of the existence, Use, and Disclosure of his or her Personal Information and shall give the individual access to that information. A Registrant shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

9.1 Personal Information so accessed shall be provided in understandable form within a reasonable time and at a minimal or no cost to the individual.

9.2 In certain limited and specific situations, the NBCP may not be able to provide access to all the Personal Information that it holds about a Registrant. For example, the NBCP may not provide access to information if the information:

- a) would reveal confidential commercial, legal or security information;
- b) is protected by solicitor-client or litigation privilege;
- c) would be prohibitively costly to provide;
- d) would likely reveal Personal Information about a third party; or
- e) was generated in the course of a formal dispute resolution process between the Registrant and the NBCP,

and in the case of sensitive medical information, the NBCP may refer the Registrant to the Registrant's physician to disclose such Personal Information to the Registrant. If access to Personal Information cannot be provided, the NBCP shall provide the reasons for denying access upon receiving a written request for same.

9.3 Upon written request from the applicable Registrant, the NBCP shall (a) inform the Registrant whether or not the NBCP holds Personal Information about that Registrant, and, where reasonably possible, shall state the source of the information and, (b) provide an account of the Use that has been made or is being made of the Personal Information, and account of the third parties to which it has been disclosed. In providing an account of Disclosure, the NBCP shall provide a list of organizations to which it has, or may have, disclosed Personal Information about the individual.

9.4 In order to safeguard Personal Information, a Registrant may be required to provide sufficient identification to permit the NBCP to account for the existence, Use and Disclosure of Personal Information and to authorize access to the individual's file. Any such information shall be used only for this purpose.

9.5 Upon written request from the applicable individual, the NBCP shall promptly correct or complete any Personal Information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the Registrant's file. Where appropriate, the NBCP shall transmit to third parties having access to the Personal Information in question any amended information or the existence of any unresolved differences as required.



***Principle 10 - Challenging Compliance***

A Registrant shall be able to address a challenge concerning compliance with the above principles to the NBCP’s Information Manager as the designated person accountable for the NBCP’s compliance with this Policy.

10.1 The procedure for addressing and responding to all inquiries or complaints from its Registrants about NBCP’s handling of Personal Information shall be to make a written request or complaint to the Information Manager.

10.2 The NBCP shall inform its Registrants and Employees about the existence of these procedures as well as the availability of complaint procedures.

10.3 The Information Manager is accountable for compliance with this Policy may seek external advice where appropriate before providing a final response to individual complaints.

10.4 The NBCP shall investigate all complaints concerning compliance with this Policy. If a complaint is found to be justified, the NBCP shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A Registrant shall be informed of the outcome of the investigation regarding his or her complaint.

***Contact Information***

Please address all NBCP Privacy Policy questions, concerns, complaints, inquiries and requests to access or correct Personal Information, in writing to:

Information Manager  
New Brunswick College of Pharmacists  
686 St. George Blvd, Suite 200  
Moncton, New Brunswick E1E 2C6  
Tel.: 506.857.8957  
Fax: 506.857.8838

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Name (please print) Signature

Date: .....