

## The Orthotic Group Privacy Policy

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## 1. Purpose of The Orthotic Group (“TOG”) Privacy Policy

This privacy policy has been developed to comply with Canada’s Personal Information Protection and Electronic Documents Act (“PIPEDA”). PIPEDA sets out rules for the collection, use and disclosure of personal information in the course of commercial activity as defined in the Act.

## 2. The Ten Principles of PIPEDA Summarized

The ten Principles of PIPEDA that form the basis of this Privacy Policy are as follows:

- I. **Accountability:** organizations are accountable for the personal information they collected, use, retain and disclose in the course of their commercial activities, including, but not limited to, the appointment of a Chief Privacy Officer;
- II. **Identifying Purposes:** organizations are to explain the purposes for which the information is being used at the time of collection and can only be used for those purposes;
- III. **Consent:** organizations must obtain an Individual’s express or implied consent when they collect, use, or disclose the individual’s personal information;
- IV. **Limiting Collection:** the collection of personal information must be limited to only the amount and type that is reasonably necessary for the identified purposes;
- V. **Limiting Use, Disclosure and Retention:** personal information must be used for only the identified purposes, and must not be disclosed to third parties unless the Individual consents to the alternative use or disclosure;
- VI. **Accuracy:** organizations are required to keep personal information in active files accurate and up-to-date;
- VII. **Safeguards:** organizations are to use physical, organizational, and technological safeguards to protect personal information from unauthorized access or disclosure.
- VIII. **Openness:** organizations must inform their clients and train their employees about their privacy policies and procedures;

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- IX. **Individual Access:** an individual has a right to access personal information held by an organization and to challenge its accuracy if need be; and
- X. **Provide Recourse:** organizations are to inform clients and employees of how to bring a request for access, or complaint, to the Chief Privacy Officer, and respond promptly to a request or complaint by the individual.

This Privacy Policy applies to The Orthotic Group's Board of Directors, members, employees and contracted employees.

### 3. Definitions

"Personal information" means any information about an identifiable individual. It includes, without limitation, information relating to identity, nationality, age, gender, address, telephone number, e-mail address, Social Insurance Number, date of birth, marital status, education, employment health history, assets, liabilities, payment records, credit records, loan records, income and information relating to financial transactions as well as certain personal opinions or views of an Individual.

"Business information" means business name, business address, business telephone number, name(s) of owner(s), officer(s) and director(s), job titles, business registration numbers (GST, RST, source deductions), financial status. Although business information is not subject to PIPEDA, confidentiality of business information will be treated with the same security measures by TOG staff, members and Board members, as is required for individual personal information under PIPEDA.

"Client" means the medical practitioner with which TOG is working, (including sole proprietorships and individuals carrying on business in a partnership);

"Individual" means the client's owner(s) or shareholders, co-signors, and/or any guarantor associated with a client.

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"Patient" means the client's medical patient who's orthotic and Gait related information is being shared with TOG.

"Member" means a person who volunteers on a TOG committee, but who is not a current or active board member, or chair of the committee.

"Prescription/Diagnosis" means the information transferred either through written notes, plaster casts, foam casting, Gait analysis or any other method between the client and TOG with respect to a patient.

"Data base" means the list of names, addresses and telephone numbers of clients and individuals held by TOG in the forms of, but not limited to, computer files, paper files, and files on computer hard-drives.

"File" means the information collected in the course of processing an application, as well as information collected/updated to maintain /service the account.

"Express consent" means the individual signs the application, or other forms containing personal information, authorizing TOG to collect, use, and disclose the individual's personal information for the purposes set out in the application and/or forms.

"Implied Consent" means the organization may assume that the individual and their patient's consent to the information being used, retained and disclosed for the original purposes, unless expressly notified by the either the individual or patient.

"Third Party" means a person or company that provides services to TOG in support of the programs, benefits, and other services offered by TOG, but does not include any Government office or department to whom TOG reports in the delivery of such programs, benefits or services. In the event

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of a sale or other acquisition of TOG, a third party may become the primary owner of TOG resources which shall include all information covered by this policy.

#### **4. Purposes of Collecting Personal Information**

Personal information is collected in order to allow TOG to allow for repeat orders of patients, for use in customer care and in the case of individuals may be used to assess the eligibility of the individual completing an application for a securitized transaction. The individual's patient assessment is the main source of information. Where TOG is entering a secured transaction with an individual TOG may also ask to obtain information directly from a third source where the individual does not have the required information. Only that information which is required will be collected.

#### **5. Consent**

By working with TOG and sending medical assessments and analysis for orthotic production (or other reasons), TOG relies on the individual medical practitioner to seek consent from their patient's that this information be given to TOG. TOG is therefore in a position of implied consent from the patient for the collection of such information.

A client, individual or patient can withdraw consent to TOG's use of personal information at any time prior, by making such request in writing. However such withdrawal of consent may result in service interruptions between TOG and the client, individual or patient.

#### **6. Limiting Collection**

Personal information collected will be limited to the purposes set out in this Privacy Policy, TOG documentation, and/or other forms.

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## 7. Limiting Use, Disclosure and Retention

TOG will use personal information without the individual's consent, where:

- the organization has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation;
- an emergency exists that threatens an individual's life, health or security;
- the information is for statistical study or research;
- the information is publicly available;
- the use is clearly in the individual's interest, and consent is not available in a timely way;
- knowledge and consent would compromise the availability or accuracy of the information, &
- collection is required to investigate a breach of an agreement.

## 8. Disclosure and Transfer of Personal Information

Personal information will be disclosed to only those that need to know the information for the purposes of their work.

Personal information will be disclosed to third parties with the individual's knowledge and consent.

PIPEDA permits TOG to disclose personal information to third parties, without an individual's knowledge and consent, to:

- a lawyer representing TOG;
- collect a debt owed to TOG by the individual or client;
- a third party who becomes a partner or principle owner of TOG;

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- comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
- a law enforcement agency in the process of a civil or criminal investigation;
- a government agency or department requesting the information; or,
- as required by law.

PIPEDA permits TOG to transfer personal information to a third party, without the individual's knowledge or consent, if the transfer is simply for processing purposes and the third party only uses the information for the purposes for which it was transferred. TOG will ensure, by contractual or other means that the third party protects the information and uses it only for the purposes for which it was transferred. In the case of an acquisition or partnership by TOG, such information as is necessary to effect the transaction will be shared or disclosed by TOG to the third party.

Personal information will be retained in client files as long as the file is active and for such periods of time as may be prescribed by applicable laws and regulations.

## **9. Accuracy**

TOG endeavours to ensure that any personal information provided by the individual in his or her active file(s) is accurate, current and complete as is necessary to fulfill the purposes for which the information has been collected, used, retained and disclosed. Individuals are requested to notify TOG of any change in personal or business information.

## **10. Safeguards**

TOG will use physical, organizational, and technological measures to safeguard personal information to only those TOG employees, volunteers, or third parties who need to know this information for the purposes set out in this Privacy Policy.

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## 11. Openness

TOG will endeavour to make its privacy policies and procedures known to the individual via this Privacy Policy as well as the TOG Privacy Statement (<http://www.theorthoticgroup.com/TOGN-PrivacyPolicy.html>). This document will also be available on TOG's website: [www.theorthoticgroup.com/privacy.html](http://www.theorthoticgroup.com/privacy.html).

## 12. Individual Access

An Individual who wishes to review or verify what personal information is held by TOG, or to whom the information has been disclosed (as permitted by the Act), may make the request for access, in writing, to the TOG's Chief Privacy Officer. Upon verification of the individual's identity, the Chief Privacy Officer will respond within 60 days.

If the individual finds that the information held by TOG is inaccurate or incomplete, upon the individual providing documentary evidence to verify the correct information, TOG will make the required changes to the individual's active file(s) promptly.

## 13. Complaints/Recourse

TOG will endeavour If an individual has a concern about TOG's personal information handling practices, a complaint, in writing, may be directed to the TOG's Chief Privacy Officer.

Upon verification of the individual's identity, TOG's Chief Privacy Officer will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.

Where TOG's Chief Privacy Officer makes a determination that the individual's complaint is well founded, the Chief Privacy Officer will take the necessary steps to correct the offending information handling practice and/or revise TOG's privacy policies and procedures.

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Where TOG's Chief Privacy Officer determines that the individual's complaint is not well founded, the individual will be notified in writing.

TOG's Chief Privacy Officer may be contacted by emailing [privacy@theorthoticgroup.com](mailto:privacy@theorthoticgroup.com)

If the individual is dissatisfied with the finding and corresponding action taken by TOG's Chief Privacy Officer, the individual may bring a complaint to the Federal Privacy Commissioner at the address below:

**The Privacy Commissioner of Canada**

Email address: [www.privcom.gc.ca](http://www.privcom.gc.ca).

112 Kent Street,

Ottawa, Ontario K1A 1H3

Tel 1-800-282-1376

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