

Sarah O'Hara RD – Privacy, Payment, and Complaint Policy

Introduction:

Privacy of personal information is an important principle and something I take very seriously. This policy applies to all services I provide and pertains to personal information as well as personal health information. Wherever I use the term "personal information" in this policy it implies personal health information. I provide various types of services and in the course of my work I collect personal information as well as personal health information. I am committed to collecting, using and disclosing personal information responsibly and only to the extent necessary for the services I provide. I strive to be open and transparent about how I handle personal information. This policy describes my practice with respect to personal and personal health information, outlines the terms of client payment for my services, and provides information on how clients may lodge complaints about my policies and/or services rendered.

Policy Statement

What is Personal Health Information?

Personal health information is information about an identifiable individual.

Personal health information includes information that relates to:

- the physical, nutritional or mental health of the individual (including family health history);
 - the provision of health care to the individual (including identifying the individual's health care provider(s));
- payments or eligibility for health care or coverage for health care;
- the donation or testing of an individual's body part or bodily substance;
- the individual's health number; or
- the identification of the individual's substitute decision-maker.

Sarah O'Hara, RD – Registered Dietitian Services

My practice – Sarah O'Hara, Registered Dietitian - includes at the time of writing of this policy only myself. I do use a number of consultants and agencies that may, in the course of their duties, have limited access to personal health information and personal information I keep. These include computer consultants, bookkeepers and accountants, lawyers, credit card companies and website managers. I restrict their access to any personal information I hold as much as is reasonably possible. I also ask that they sign a confidentiality agreement or ask for and keep a copy of their privacy policy. The purpose is to ensure they follow principles that are in agreement

with this policy.



Why Collect Personal Health Information and Personal Information

I collect, use and disclose personal information in order to serve my clients. For my clients, the primary purpose for collecting personal health information is to provide medical nutrition therapy (which includes assessment, treatment and education, recommendations or interventions). For example, I collect information about a client's health history, including their family history, physical condition and function and social situation in order to help me assess what their nutrition care needs are, to advise them of their options and then to provide the nutrition care we mutually decide upon. A second primary purpose is to obtain a baseline of health and social information so that in providing ongoing health services I can identify changes that are occurring over time.

I also collect, use and disclose personal health information for purposes related to or secondary to our primary purposes. Reasons include:

- To obtain payment for services or goods provided. Payment may be obtained from the individual, or private insurers or others.
- To promote my services, new services, special events and opportunities (e.g., a seminar or conference) that I offer. I can only do this with express consent from my client prior to collecting or handling personal health information for this purpose.
- To comply with external regulators. The College of Dietitians of Alberta regulates my profession in Alberta. This organization may inspect my client records and interview me as a part of their regulatory activities in the public interest. The College of Dietitians of Alberta has its own strict confidentiality and privacy obligations. In addition, as a health professional, I am required to report serious misconduct, incompetence or incapacity of other health practitioners, whether they belong to other organizations or my own. I am obligated to report information suggesting illegal behaviour to the authorities. In addition, I may be required by law to disclose personal health information to various government agencies (including, but not limited to, the Ministry of Health, children's aid societies, Canada Customs and Revenue Agency, Information and Privacy Commissioner of Alberta).
- To facilitate the sale of my practice. If my practice or its assets were to be sold, the potential purchaser would want to conduct a "due diligence" review of my records to ensure that it is a viable business that has been honestly portrayed.

The potential purchaser must first enter into an agreement with me to keep the information confidential and secure and not to retain any of the information longer than necessary to conduct the due diligence. Once a sale has been finalized, I may transfer records to the purchaser, but I will make reasonable efforts to provide notice to my clients before doing so.

Protecting Personal Information

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

Procedure I will follow:

- Paper information is either under supervision or secured in a locked or restricted area in my home office.
 - Electronic hardware is either under supervision or secured in a locked or restricted area at all times. In addition, strong passwords are used on all computers and mobile devices.
 - Personal health information is only stored on mobile devices if necessary. All personal health information stored on mobile devices is protected by strong encryption.
 - When paper personal information is being transported in my car the information is kept in a locked box in my car.
 - Paper information is transferred through sealed, addressed envelopes or boxes by reputable companies with strong privacy policies.
- Electronic information is either anonymized or encrypted before being transmitted.
 - I am informed about my obligations to collect, use and disclose personal information only as necessary to fulfill mine and the duties of others and in accordance with my own privacy policy.
 - I do not post any personal information about my clients on social media sites and I am informed on the appropriate use of social media.
 - External consultants and agencies with access to any personal information I hold must enter into a privacy agreement with me.

Openness about the Personal Information Process

Policy Statement:

I am aware of my obligation to make my Privacy Policy available to the public and my Privacy Statement is given to all my clients. Individuals wanting a copy of my privacy policy can easily obtain it by request from me by emailing info@sarahoharanutrition.com.

Procedure I will follow:

1. I am responsible for providing my Privacy Policy document to anyone who requests it.
2. A short privacy policy statement is given to all clients and it clearly states where to obtain the more detailed privacy policy.
3. A privacy statement summarizing the Privacy Policy document is provided to each new client at the time the consent form is signed.

Right to Access Personal Information

Policy Statement:

Individuals have the right (with some exceptions) to access personal information about themselves held by me and to know what I have done with it. This ensures that the personal information is adequate, correct and up to date.

Procedure I will follow:

1. A verbal request is all that is needed, however I may require the request to be in writing;
2. I am available to assist anyone who wants to access their information for which I am the Health Information Custodian;
3. I will provide access upon request within 30 days unless grounds for refusal exist;
4. I will provide access not only to personal information on record, but also on how I have used and disclosed it;
5. I will keep records of any unusual uses or disclosure of personal information (e.g., systematically filing a cover letter, fax sheet or email in the relevant file);
6. I will confirm the identity of the individual requesting the information before disclosing it;
7. I will take reasonable and necessary steps to ensure that the individual requesting information can understand it (e.g., explain short forms or codes, provide it in an alternative format where the requester has a sensory disability);
8. I will provide access, despite a ground for refusal (except law enforcement) where the individual's life, health or security is threatened. I am aware that grounds for refusal to access personal information could include:
 - It is quality of care information or information generated for the College's quality assurance program;
 - Raw data from standardized psychological tests or assessments;
 - There is a risk of serious harm to the treatment or recovery of the individual or of serious bodily harm to another person; or
 - Access would reveal the identity of a confidential source of information
9. Even if I refuse the request, I am aware that I cannot destroy the information until the individual has had a chance to challenge the refusal.

10. Additional procedures for handling access requests:
 - I will notify the individual of his or her right to complain to the Information and Privacy Commissioner of Alberta if the request for access is refused (along with the reasons for the refusal) and that the burden of justifying the refusal is on me;
 - I am aware that I can refuse frivolous, vexatious and bad faith requests for access;
 - I am aware that I can only charge a reasonable cost recovery fee for access and must provide an estimate of the fee in advance. (Note: Under FOIP Regulations, I am permitted to charge reasonable fees related to the cost to produce a hard copy of the record, the time and cost to prepare and handle the record for disclosure, and the cost of shipping the record or a copy of the record.)

Correction Requests

Policy Statement

Clients have the right to request a correction of erroneous information held by the organization. The purpose is to maintain appropriate and accurate information on clients.

Procedure I will follow:

1. I strive to be fair to my clients.
2. Correction requests are restricted to factual information. Professional observations and opinions are not generally subject to correction requests.
3. Corrections are made without obliterating the original entry.
4. A notice of the disagreement is filed with the record where I do not agree that the information is incorrect. I will also provide an individual how I have notified of refusal to correct information of his or her right to complain to the Information and Privacy Commissioner about the refusal.
5. Corrections or notice of the disagreement are sent to third parties who have received the erroneous information unless doing so is not appropriate. However, there are limits that may include the following:
 - The individual must request it;
 - The notification need only be made where reasonably possible; and
 - The HIC can refuse to give the notification if the correction cannot reasonably be expected to have an effect on the ongoing provision of health care or some other benefit to the individual.
6. The individual will be given a timely response (usually within 30 days) to a request to correct, along with reasons for any refusal to do so and notice of any recourse.
7. Grounds to refuse correction may include requests where:
 - The request is frivolous, vexatious or made in bad faith; or

- I did not create the record and I do not have sufficient knowledge, expertise or authority to make the correction.



Retention and Destruction of Personal Information

I need to retain personal information for some time to ensure that I can answer any questions you might have about the services provided and for my own accountability to external regulatory bodies.

I keep our client files for at least ten years from the date of the last client interaction or ten years from the date the client would have turned 18 years of age.

I aim to only keep files containing personal health information in electronic format. However, should I obtain paper files containing personal health information, I will destroy these by using a high quality paper shredder. I destroy electronic information by deleting it in a manner that it cannot be restored. When hardware is discarded, I ensure that the hardware is physically destroyed or the data is erased or overwritten in a manner that the information cannot be recovered.

Payment & Cancellation Policy

Payment is due within one week the date of services rendered; for service packages, payment for all services encompassed by the package pricing is due on or before the date of the initial consultation. I will email the client a copy of her/his invoice detailing service information and payment owing immediately following the service provided. I do not currently offer direct billing/invoicing to private health insurance providers; upon receipt of payment and per written or verbal request I can provide all information required for a client to submit a health provider-related expense through her/his private health insurance provider. I may require a deposit at the time of booking. Payment may be made either 1) by credit card through your invoice link (online via Square), or 2) via your financial institution by Interac e-transfer (Please note, any fees collected by your financial institution to utilize this payment option are in addition to the cost of my services. Please direct payments to Sarah O'Hara at sarahohara.rd@gmail.com).

I typically do not provide refunds. In extenuating circumstances, however, refunds may be provided at my discretion and will be decided on a case-by-case basis. If you are unhappy with my services in any way please discuss with me directly so that I can undertake any reasonable steps to ensure your satisfaction with my services. Please note I will not offer full or partial refunds if a claim to reimburse the client for all or a portion of my services has been filed with a health insurance provider; to do so would constitute insurance fraud.

Please respect my cancellation policy by providing a minimum of 24 hours' notice for all cancellations or to reschedule your service; you may be charged in full for cancellations should you fail to provide this notice. A request to re-book an initial consultation may require payment in full at the time of rescheduling.

Complaints System

Procedure I will follow:

1. I am the designate to investigate complaints. I will:
 - a) receive and promptly acknowledge receipt of a complaint;
 - b) investigate the complaint;
 - c) decide on the complaint; and
 - d) I will consult with another private practice Registered Dietitian in Alberta to ensure fairness.
2. I will inform the Complainant of their recourse to external bodies as follows:
 - a) the regulatory body(ies) for the organization or members of the organization (e.g., [College of Dietitians of Alberta](#)); (Note: no matter the client's Province/Territory of residence, complaints must be filed with the College of Dietitians of Alberta given this is my Province of registration as a Registered Dietitian.)
 - b) the [Office of the Privacy Commissioner of Canada](#);
 - c) the [Information and Privacy Commissioner of Alberta](#) to the extent that the [Health Information Act](#) applies.

If there is a Privacy Breach

While I will take precautions to avoid any breach of your privacy, if there is a loss, theft or unauthorized access of your personal health information I will notify you.

Upon learning of a possible or known breach, I will take the following steps, as applicable:

- Consider whether the Commissioner must or should be notified
- Assess what and how much information was breached and in what manner (e.g., paper format, electronic format).
- Determine whether copies were made.
- Implement any necessary action to contain further unauthorized access (e.g., change passwords, identification numbers and/or temporarily shut down a system).
- Notify all individuals whose personal health information has been compromised in the most appropriate way possible in light of the sensitivity of the information (e.g., by phone, in writing, at your next appointment, etc.).
- Inform all individuals of the steps that have or will be taken to address the privacy breach and that the Information and Privacy Commissioner's Office, Alberta has been informed.
- Provide the individuals with the Information and Privacy Commissioner's Office of Alberta contact information in case individuals have further questions.
- Advise the individual of their right to make a complaint to the Commissioner
- Conduct an internal investigation into the matter to identify how and why the privacy breach occurred.
- Take the necessary steps to implement a plan that strives to avoid a similar privacy breach from occurring in the future.
- I will advise the Information and Privacy Commissioner's Office of Alberta of the investigation findings and proposed future prevention plan and work together to make any necessary changes.
- Report the results of investigation to the relevant regulatory College if appropriate or required.

The privacy and complaints portions of this policy have been drafted under the *Health Information Act, 2000, Chapter H-5.*