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## Standard of Practice: Confidentiality and Privacy

### Introduction

Protecting the privacy of patient information is a legal requirement and ethical obligation for all regulated health professionals, including denturists. In Ontario, the *Personal Health Information Protection Act, 2004* (PHIPA) governs the collection, use, and disclosure of personal health information. This legislation balances patients' rights to privacy with the need for health professionals and other health care service providers to access and share information. PHIPA also provides individuals with the right to access their own personal health information and the right to require the correction of, or amendments to, their personal health information.

PHIPA governs the collection, use and disclosure of personal health information by regulated health professionals in Ontario. However, when regulated health professionals engage in commercial activities involving the collection, use or disclosure of personal information outside of Ontario, the federal *Personal Information Protection and Electronic Documents Act, S.C. 2000, c. 5* ("PIPEDA") applies. PIPEDA may also apply if personal information is collected, used or disclosed in the course of commercial activities in Ontario, outside of health care.

Denturists also need to comply with Canada's anti-spam legislation, which requires consent to send commercial electronic messages.

### Purpose of the Standard

The Standard of Practice: Confidentiality and Privacy articulates the College's expectations in:

- the collection, use, and disclosure of personal health information by denturists;
- the collection, use or disclosure of personal information in non-health commercial activities; and
- the consent requirements when sending commercial electronic messages.

The Standard identifies the statutes with which a denturist must comply. The accompanying Guide to the Standard of Practice: Confidentiality and Privacy provides a more detailed explanation of those requirements, with special attention to the *Personal Health Information Protection Act, 2004*.

### The Standard

A denturist meets the Standard of Practice: Confidentiality and Privacy when he/she:

1. Ensures compliance with the *Personal Health Information Protection Act, 2004* in the collection, use, or disclosure of personal health information;
2. Ensures compliance with the *Personal Information Protection and Electronic Documents Act*, when engaging in commercial activities involving the collection, use or disclosure of personal information outside of Ontario;
3. Ensures compliance with the *Personal Information Protection and Electronic Documents Act*, in the collection, use or disclosure of personal information in the course of commercial activities in Ontario, outside of health care; and
4. Ensures compliance with Canada's anti-spam legislation when sending commercial electronic messages.

## Legislative References

*Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A:  
<https://www.ontario.ca/laws/statute/04p03>

*Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5:  
<http://laws-lois.justice.gc.ca/eng/acts/P-8.6/>

Canada's Anti-Spam Legislation (S.C. 2010, c. 23):  
<http://fightspam.gc.ca/eic/site/030.nsf/eng/home>  
<http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>

## Related Standards of Practice

[Standard of Practice: Record Keeping](#)

[Standard of Practice: Informed Consent](#)

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