

REGISTRATION AND LICENSING DIRECTION

Current and updated as of: March 18, 2025

Privacy and Confidential Information

Purpose:

The College of Physiotherapists of Manitoba collects and stores personal information about registrants and others, authorized by the *Physiotherapists Act* and the Regulations, and the government-granted mandate to regulate the practice of physiotherapy in Manitoba. The College also has a role to ensure that the personal information of registrants is safeguarded in line with *The Personal Information Protection Act* in Manitoba. This policy outlines the principles and practices the College of Physiotherapists of Manitoba follows to ensure we meet our commitment to protect the privacy of confidential information collected.

Policy:

Collection of Confidential Information

The College collects information from members, applicants, employees and members of the public and will identify the purpose for which it is collecting personal information either before or at the time of collection. The College will collect confidential information by fair and lawful means and will limit its collection of confidential information to that which is reasonable for the purposes identified.

Registrants and Applicants

The College of Physiotherapists of Manitoba collects information for regulatory purposes. This includes determining eligibility for registration and maintaining the register of members.

Employees

CPM collects information from employees (including volunteers, council members, committee members and short-term contractors) and potential employees for the purpose of establishing, maintaining or terminating an employment or volunteer-work relationship.

The Public

CPM collects information from members of the public to respond to queries regarding physiotherapy practice and/or related to complaints.

From time to time the College may receive confidential information from other sources. The College will adhere to the provisions of all information sharing agreements made with those who may provide confidential information to the College. The College will also adhere to any privacy legislation relevant to such information. In the event of a conflict of provisions between the agreements and the legislation, relevant legislation will prevail.

The College will communicate verbally, electronically or in writing the primary purpose of collecting, using and/or disclosing confidential information. Upon request, persons collecting confidential information will explain these identified purposes.

Consent

The College obtains consent for the collection, use and/or disclosure of confidential information from the individual who is the subject of the information, except when such collection, use and/or disclosure is authorized, required or permitted by legislation.

When consent is required for the collection, use and/or disclosure of confidential information, it will be obtained at the time of collection, and in a manner that is easily understood. The College will make reasonable efforts to ensure that an individual is advised of the identified purposes for which confidential information is collected, used and/or disclosed.

An individual may revoke consent for the collection, use and/or disclosure of their confidential information at any time, if the purpose for collection/use/disclosure is not a requirement under legislation, and if doing so does not impact a legal obligation. If an individual revokes consent, the College will cease to use and disclose the confidential information, except as permitted or required under PIPA, the *Physiotherapists Act* or other relevant legislation. Revoked consent may limit the College's ability to serve that individual, such as to provide information to other regulatory authorities who may be seeking this information (e.g. for Agreement on Internal Trade purposes).

Consent not Required:

The registration information is collected to ensure that the applicant and those physiotherapists renewing their registration are meeting the requirements of provincial legislation, *The Physiotherapists Act*.

In accordance with *The Physiotherapists Act*, the College is required to make public information as outlined in section 7(2) of the *Act*. Section 7(2)(e) also requires information outlined in the Physiotherapy Regulation be made public. This requirement is outlined in Regulation 3(1).

Personal Employee Information:

The College of Physiotherapists of Manitoba only collects, uses and discloses personal employee information for the purpose of establishing, maintaining or terminating an employment or volunteer-work relationship, and managing the post-employment or post volunteer-work relationship. This may include information regarding performance evaluation and determining appropriate levels of compensation.

Personal information is disclosed to third party benefit suppliers and payroll administrators when necessary to administer benefits and payroll.

Use of Confidential Information

The College can use confidential information only for the purpose identified at the time of collection or if the use is authorized, required or permitted by legislation. The College cannot use information collected for one purpose for other purposes without clear legislative authority or individual consent.

Only authorized employees may access confidential information. All employees using confidential information will be able to explain why the College needs, how it will use, how it will protect, and if/how it might share the confidential information. Nothing in the foregoing will restrict the College's use of anonymized data for any purpose, provided such use is in compliance with the provisions of PIPA.

Protection, Retention and Destruction of Confidential Information

The College will take all reasonable measures to prevent unauthorized collection, use, disclosure, modification, or access to confidential information. The College stores all confidential information as outlined in Policy Document Retention and Destruction Guideline.

The College protects confidential information against unauthorized access through the use of administrative, physical and technical safeguards, including but not limited to:

- Orientation and ongoing employee training regarding safeguarding personal information.
- Confidentiality agreements with employees that require them to uphold all policies and procedures respecting privacy and security of confidential information.
- Confidential information that is no longer required is disposed of in a confidential and secure fashion, and in accordance with the policy Document Retention and Destruction Guidelines.
- Access to confidential information is restricted to authorized personnel.
- Physical files are stored in locked cabinets.
- Electronic files are password protected and encrypted and are stored on the organization or agent's server.

All employees are required to uphold all policies and procedures respecting privacy and security of confidential information. Confidentiality agreements remain in effect even after termination of any employment relationship with the College.

Disclosure of information:

The College only discloses confidential information for the purposes for which it was collected, with the individual's consent or as authorized or required by legislation.

Confidential information will generally be disclosed:

- To the individual who is the subject of the information, or
- With the consent of the subject individual, or
- When clearly identified as information the College will disclose at the time of collection, or
- When deemed publicly available information, or
- As authorized or required by law.

Confidential information will not be disclosed:

- When prohibited by law, or
- When such disclosure would contravene the terms of an information sharing or other such agreement.

Incident Response

The College will respond to any incident, real or potential, involving confidential information under its control which could significantly impact the privacy of confidential information or College operations.

- Employees will report all security breaches or privacy compliance concerns to the Registrar.
- The Registrar will review all privacy concerns and evaluate the probability and severity of the risk, implementing appropriate safeguards to mitigate the risks identified.
- The Registrar will investigate all privacy breaches and evaluate the severity based on the degree of harm to the individuals involved, the sensitivity of the information, and the degree of malicious intent. Additional staff will be involved in the investigation as necessary to determine the cause of the breach and to implement any corrective or disciplinary actions required.
- Depending on the nature and severity of the breach, the Registrar will notify the affected parties subject to the breach.

- The College will share the results of the investigation with appropriate staff and take any corrective action.
- The appropriate supervisory/managerial staff will apply any applicable disciplinary action.
- The Registrar will report privacy breaches to the OIPC as required by PIPA and may report privacy breaches to the College of Physiotherapists of Manitoba's Council, depending on the nature and severity of the privacy breach.

Ensuring the accuracy of the information:

The By-laws of the College require members to notify the College of changes to name, address, telephone number and place of employment in order to keep personal information updated. The College will make appropriate corrections to the database and files. There is also a reminder printed in every newsletter notifying registrants to contact the College with changes to their personal or employment information

Registrant's access to information:

At the request of a registrant, the College will confirm the nature of the personal information that has been collected, the purpose for which it is being used, and to whom it is being disclosed and how long it will be retained.

When making such requests, the registrant will be asked to provide proof of identity and will be asked for the specific information that is being requested. The request will be responded to within 30 days. Wherever possible, the College will give registrants access to their information in order that they may review its accuracy.

Privacy related Inquiries:

If registrants have concerns about privacy or confidentiality of their personal information or the manner in which their personal information is being handled, the registrant should contact the Information Officer at the College's address. The Information Officer for the College is the Registrar/ Executive Director. In the letter, the registrant should describe his/her questions or concerns in as much detail as possible. The College will investigate the matter promptly and will respond within 30 days after receiving the letter.

If the issue is not resolved to the registrant's satisfaction, a complaint may be filed in writing to:

Manitoba Ombudsman – Access and Privacy Division
750-500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
Email: ombudsman@ombudsman.mb.ca Fax: 204-942-7803

The College of Physiotherapists of Manitoba acknowledges with thanks The College of Physiotherapists of Alberta from whom this policy was adapted and modified.

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