



Policies and Regulations

**PO-003**

**Security and Privacy Policy**

July 2019

## Preamble

Considering the need to ensure the respect of the confidentiality and the protection of the personal information, SIRIUSMEDx diffuses the present policy to all personnel working in its organization, with the aim of promoting it and sensitizing the target population.

The knowledge and explanation of this policy is at the time of the hiring of staff or the entry into office of any person who works in and for SIRIUSMEDx including trainees, consultants, doctors, suppliers, subcontractors or other.

The signed form is a formal commitment from staff and anyone working in and for SIRIUSMEDx including trainees, consultants, physicians, suppliers, contractors or others.

## Application

This policy is intended for anyone working for SIRIUSMEDx: personnel, instructors, physicians, trainees, suppliers and subcontractors.

## Notices

- SIRIUSMEDx is bound to respect and enforce the application of the rules of confidentiality, privacy and professional secrecy for all its staff and all persons working in and for SIRIUSMEDx including trainees, consultants, doctors, suppliers, subcontractors or others.
- Confidentiality is an obligation for everyone working in the organization. By the same token, anyone who works for SIRIUSMEDx agrees to keep confidential the information obtained in the performance of his duties with regard to customers, patients or staff. It also undertakes to limit access only to the files or personal or confidential information necessary for the performance of its work.
- Anyone working at SIRIUSMEDx cannot access the information of his family, neighbour or acquaintance or even information about him in the course of his duties. However, in the event that she is the only person available to provide the requested service and the latter cannot wait, she must notify her immediate superior of the need to act despite this commitment.
- The only exceptions to this rule occur when information is to be transmitted:
  - ✓ as part of a professional obligation directly related and necessary for the staff in the performance of their duties;
  - ✓ because of a particular legal framework, according to the laws in force;
  - ✓ with the written consent of the client, the patient or his legal representative;
  - ✓ to prevent an act of violence, including suicide, when there is reasonable ground to believe that imminent danger of death or serious injury threatens an identifiable person or group of persons. The person authorized and governed by a code of ethics, may then strictly communicate the necessary information for the sole purpose of the communication to the person or persons exposed to this danger, their representatives or people who can help them. The obligation to prepare a note in the file in these circumstances, which must include the following elements:
    1. the reasons for the decision to release the information;
    2. the identity of the person who encouraged the professional to communicate it;
    3. the identity of the persons or group of persons exposed to danger;
    4. the elements of the communication including: the date and time of the communication, the content of the communication, the mode of communication used;
    5. and the identity of the person to whom the communication was made.
- Where oral or written exchanges of a confidential nature are required, strict rules of prudence and discretion are required. The location chosen to disclose the information must be separate from the clientele or any other person working at SIRIUSMEDx.

All of the above statements also apply to computer data.

## Overall expectations

- Inform and empower anyone who, in the course of their duties, has access to confidential information of a personal nature or not, contained in all information systems, or in all types of files including medical records, administrative records or employee files.
- Ensure the protection of confidential and nominative information at SIRIUSMEDx, clients, patients and employees.

## Definitions

**Invasion of privacy:** Damage to the person's reputation or reputation or the privacy of his private life.

**Nominative information:** Information of a non-public nature concerning a natural person and making it possible to identify him, directly or indirectly. Constitute nominative information, including information relating to identity and marital status, sexual orientation, political or religious convictions, as well as information of a professional, financial, medical, psychological and judicial nature.

**Confidentiality:** Ownership of information or personal information that should not be disclosed to unauthorized persons or entities.

**Ethics code:** The set of rules and standards that govern a profession or function, the conduct of those who practice it, and reports to them and to clients or the public.

## Act and Regulations

SIRIUSMEDx is an organization subject to several legal obligations regarding confidentiality:

- Civil Code of Quebec (CQLR, chapter C-64);
- Charter of Human Rights and Freedoms (CQLR, chapter C-12);
- Act respecting the protection of personal information in the private sector (CQLR, chapter P-39.1);
- Codes of ethics;
- Professional Code (CQLR, chapter C-26);
- Legal framework of information technologies.

Thus, all information concerning clients, patients and staff is strictly confidential.

The following legislation is not intended to be an exhaustive list of applicable provisions.

## **Civil Code of Quebec**

Art. 35 "Every person has a right to the respect of his reputation and privacy."

"The privacy of a person may not be invaded without the consent of the person or without the invasion being authorized by law."

Art. 37 "Every person who establishes a file on another person shall have a serious and legitimate reason for doing so. He may gather only information which is relevant to the stated objective of the file, and may not, without the consent of the person concerned or authorization by law, communicate such information to third persons or use it for purposes that are inconsistent with the purposes for which the file was established. In addition, he may not, when establishing or using the file, otherwise invade the privacy or injure the reputation of the person concerned."

## **Charter of Human Rights and Freedoms**

Art. 9 "Every person has a right to non-disclosure of confidential information."

"No person bound to professional secrecy by law and no priest or other minister of religion may, even in judicial proceedings, disclose confidential information revealed to him by reason of his position or profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law."

## **Law respecting the protection of personal information in the private sector**

Art. 10 "A person carrying on an enterprise must take the security measures necessary to ensure the protection of the personal information collected, used, communicated, kept or destroyed and that are reasonable given the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored."

Art. 11 "Every person carrying on an enterprise must ensure that any file held on another person is up to date and accurate when used to make a decision in relation to the person concerned."

Art. 12 "Once the object of a file has been achieved, no information contained in it may be used otherwise than with the consent of the person concerned, subject to the time limit prescribed by law or by a retention schedule established by government regulation."

## **General conditions and method of application**

The rules apply to anyone working at SIRIUSMEDx. Confidentiality, professional secrecy and respect for privacy make sense in everyday life provided you follow the simple and easy rules of application.

At all times, everyone working in the organization must refrain from:

- ✓ Know information that is not essential to your job. Access to personal and confidential information is not unlimited;
- ✓ Disclose information learned in the course of his duties, whether this information is important or seems trivial, except when required in the course of his work;

- ✓ Disclose his password (s), or lend his access (s) to the different systems;
- ✓ Collect written or verbal information about a client, patient or employee if this information is not required in the performance of their duties, for example, for a family member.

In the performance of his duties, any person working in the organization agrees at all times to:

- ✓ Keep confidential documents in secure and locked places;
- ✓ Be attentive and take special precautions when circulating or transmitting confidential written or verbal information.
- ✓ Respect and be discreet when talking about a user to another stakeholder. Particular attention is always given to the place, the content or the tone used during the exchanges.
- ✓ Treat, with great confidentiality, the photographs, audio or video recordings of user interviews and not take them out of the establishment, just like the user's file;
- ✓ Refrain from taking photographs, audio or video recordings of a client, patient or employee for personal purposes.

Documents or electronic data are governed by the same rules of confidentiality as paper. SIRIUSMEDx is fully entitled to access any electronic document (including email) of a user, in the event that the absence of the user causes a break in the continuation of the activities of the organization or when there is reasonable doubt to believe that inappropriate behaviour has been demonstrated in the use of the information assets available to it.

## Obligations and responsibilities

### Management Board and Directorate

- ✓ Approves this policy
- ✓ Undertakes respect for confidentiality and ensures respect
- ✓ Acts, in collaboration with the management team, to promote the policy

### Executive Committee

- ✓ Transmits a copy of this policy to all staff, physicians, trainees and subcontractors
- ✓ Introduces new privacy awareness tools to new employees and / or trainees
- ✓ Sign the confidentiality agreement form to those who do not have an employment contract including it
- ✓ Ensures compliance with the policy with staff, physicians, trainees and subcontractors under his / her supervision
- ✓ Ensures that any contract with a legal or natural person who is not employed, doctor or trainee at SIRIUSMEDx contains a confidentiality clause
- ✓ Commitment to confidentiality

### Anyone working at SIRIUSMEDx

- ✓ Respect this policy

- ✓ Immediately notify your immediate supervisor of any situation that could jeopardize the confidentiality of information that could be prejudicial to SIRIUSMEDx or third parties affected by this information
- ✓ Commitment to confidentiality

## Measures applicable in case of non-compliance

Any breach of confidentiality, the right to privacy and professional secrecy can have serious consequences, sometimes even devastating, too often difficult to repair. Heavy penalties may be applied to anyone contravening this policy:

- In the event that a customer, patient or third party may have suffered damage as a result of a breach of confidentiality, the latter is entitled to exercise personal recourse in civil courts to claim compensation;
- Depending on the laws in force, whoever commits an offense is liable to a fine;
- As an employer, SIRIUSMEDx may impose disciplinary sanctions, up to and including termination, for anyone who accesses or transmits any information to which they are not entitled;
- If the person at fault is a member of a professional order governed by the Professional Code, SIRIUSMEDx may inform the professional order concerned which could take action;
- If the person at fault is a contractor, a supplier or a consultant, SIRIUSMEDx reserves the right to withdraw or cancel the contract in force with the latter

Compliance with this policy is imperative, any person who contravenes it may be sanctioned in accordance with the rules applicable to it.