



Confidentiality Policy and Guidelines

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NOVA SCOTIA PRESCRIPTION MONITORING PROGRAM

SECTION I

CONFIDENTIALITY POLICY

1. Policy Objective

The objective of this policy is to establish the Prescription Monitoring Board's expectations concerning the protection of confidential information.

2. Policy Statement

Subject to legal requirements, a Director, a committee member, the Administrator or other contractor should at all times maintain the confidentiality of all information and records that are the property of the Board/Program and must not make use of or reveal such information unless it becomes a matter of general public knowledge.

A Director, a committee member, the Administrator or other contractor who ceases to hold that office, appointment or engagement continues to be obligated not to disclose confidential information. Each of the Directors, committee members, the Administrator or other contractor will have the obligation to return all copies of documents containing confidential information upon termination of his/her tenure or services with the Board/Program.

Similarly, Directors, committee members, the Administrator or other contractor may not use confidential information gained by virtue of their association with the Board or Program for their personal gain, or to benefit others.

3. Legislative Framework

The Prescription Monitoring Board is subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIPOP).

The Prescription Monitoring Act also provides that, subject to the approval of the Minister, the Board shall establish policies with respect to privacy and confidentiality regarding information held by the Program. (Section 14(2))

Notwithstanding the FOIPOP Act, the Administrator may release (a) information with respect to monitored drugs, and (b) personal information with respect to a resident who has a prescription for monitored drugs, to prescribers, pharmacists, licensing authorities or other authorized body or person as is reasonable to achieve the objects of the Program. (Section 20)

See also sections 12, 22 and 23 of the Prescription Monitoring Act.

4. Principles

See Statement of Policy above.

5. Definitions

In this policy:

- (a) "Administrator" means the agency or person designated by the Minister to administer the Program, and for the purposes of this Policy includes the Manager appointed by the Administrator or any other person employed by the Administrator.
- (b) "Board" means the Nova Scotia Prescription Monitoring Board established by the Prescription Monitoring Act.
- (c) "Committee member" means an individual appointed by the Board to a committee associated with the Program.
- (d) "Confidential information" includes proprietary, technical, business, financial and other information which the Board or Administrator treats as confidential or which is not made available publicly.
- (e) "Contractor" means any person engaged as an independent contractor to provide products, programs or services to the Board or Program.
- (f) "Director" means a Director of the Board.
- (g) "Program" means the Prescription Monitoring Program established and operated by the Board.

6. Scope

This policy applies to:

- (a) Directors,
- (b) Committee members,
- (c) the Administrator, and
- (d) any contractors engaged by the Board.

7. Accountability

The Chair of the Board has responsibility for the ongoing monitoring and enforcement of this policy. Directors, committee members, the Administrator or other contractors have the responsibility to bring forward any breaches or potential breaches of confidentiality to the Board, through the Chair.

8. Challenging Compliance

Any challenge to the Program's compliance with this policy shall be provided in writing to the Chair of the Board.

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SECTION II

GUIDELINES

A. Confidentiality Process

1. The Prescription Monitoring Board depends on the integrity of its Directors, committee members, the Administrator or other contractors to respect their obligations of confidentiality. Directors, committee members and the Administrator will be asked to sign a Confidentiality Agreement upon their appointment or reappointment. Requirements for confidentiality will be incorporated into the Board's standard contract templates for negotiated arrangements with other contractors.
2. A Director, committee member or the Administrator who feels that he/she has or may have breached the requirement for confidentiality should raise the matter at a board meeting (and/or committee meeting as the case may be) at the earliest opportunity. Contractors should contact the Board Chair to disclose any breaches or potential breaches of confidentiality.
3. If a Director, committee member, the Administrator or other contractor is unsure of whether he/she is has breached confidentiality, he/she should raise the matter with the Board Chair (or Committee Chair, as the case may be) at the earliest opportunity. Similarly, if any Director, committee member or the Administrator considers that another Director, committee member, the Administrator or a contractor has or may have breached confidentiality; he/she should raise the matter with the Board Chair (or Committee Chair).
4. If the Director, committee member, the Administrator or other contractor with the alleged breach and the Board Chair (or Committee Chair) is unable to resolve the issue, the Chair of the Board (or Committee Chair) will bring the situation to the Board (Committee) as a whole. The Board (Committee) should determine by majority vote whether or not a breach of confidentiality occurred. Of course, the individual involved should refrain from voting on the matter.

B. Consequences for Breach of Policy

What happens in the event of a breach of confidentiality? The Board may:

- issue a verbal reprimand to the Director, committee member, Administrator or contractor
- request that a Director or committee member resign
- take corrective action vis-à-vis the Administrator or contractor, up to and including termination of contract. (*)

(*) Subject to the terms of the Service Agreement between the Department of Health and Wellness and Medavie Inc. and other negotiated agreements.

NOVA SCOTIA PRESCRIPTION MONITORING PROGRAM

SECTION III

Appendix A – Confidentiality Agreement

**NOVA SCOTIA
PRESCRIPTION MONITORING PROGRAM**
P.O. Box 2200, Halifax, Nova Scotia B3J 3C6
Phone: (902) 496-7123 Fax: (902) 481-3157

Confidentiality Agreement

I understand that during the course of my work with the Prescription Monitoring Program, I may view patient and/or prescriber/pharmacist specific data including detailed prescription data.

In keeping with the Prescription Monitoring Program's Privacy Policy, I agree to:

1. Respect the confidentiality of the individuals whose information I may view;
2. Not disclose any data viewed to any party while I have access to this data or anytime subsequently.

I have read and understand this Confidentiality Agreement.

Dated at _____, this _____ day of _____ 20__

Signed: _____ Print Name: _____

Witness: _____ Print Name: _____