



Nova Scotia
Occupational Therapy
Regulator

Policies

Privacy Policy

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307 – Privacy

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DEFINITIONS

1 “Act” means the *Regulated Health Professions Act* (Nova Scotia).

“Regulator” means the Nova Scotia Occupational Therapy Regulator.

“CSA Model Code” means the Canadian Standards Association Model Code for the Protection of Personal Information.

“Personal Information” means any information about an identifiable individual or information that, when combined with other information, whether readily available or not, may identify or tend to identify an individual, as may be defined or limited under applicable privacy legislation. Personal Information does not include anonymous or de-identified data that is not associated with a particular individual.

“Privacy Officer” means the Executive Director/Registrar of the Regulator, or their designate.

POLICY STATEMENT

2 The Regulator is committed to protecting the privacy and security of the Personal Information under its custody and/or its control.

3 To protect the personal information under its custody or control The Regulator will adhere to the CSA Model Code and *Act* with respect to the Personal Information of its registrants and applicants to the Regulator, as well as complainants and third parties who provide Personal Information to the Regulator.

4 This policy does not apply to employees of the Regulator.

Accountability

5 The Regulator is accountable for all Personal Information under its custody and/or control.



- 6 The Regulator collects, uses and discloses Personal Information in accordance with its obligations under the Act and the CSA Model Code.
- 7 The Regulator has designated a Privacy Officer, who is responsible for everyday operation and control of Personal Information and the Regulator's compliance with this policy.
- 8 From time to time, the Regulator discloses Personal Information to third parties for administrative and licensing purposes.
- 9 Third parties are required to sign confidentiality agreements which reinforce the strict confidentiality obligations that they must adhere.

Identifying Purposes

- 10 The Regulator is required, pursuant to the Act, to regulate the practice of occupational therapy in the province of Nova Scotia with due regard to the public interest.
 - 10.1 The Regulator collects and uses and discloses Personal Information to carry out this function, or otherwise as permitted or required under applicable law.
- 11 The types of information (including Personal Information) the Regulator may collect from its registrants and applicants include:
 - 11.1 Names, addresses, telephone numbers, email addresses, and/or other contact information.
 - 11.2 Date of birth, confirmation of eligibility for employment in Canada, age, gender, marital status, race, national or ethnic origin and religion.
 - 11.3 Educational information, educational equivalency assessment information, such as educational program name and graduation year, proof of program completion, and proof of entry to practice exam completion.
 - 11.4 Previous licensure status.
 - 11.5 Previous and current employment information.
 - 11.6 Continuing competence documents including self-assessments and records of professional development learning and training.
 - 11.7 Language proficiency.
 - 11.8 Opinions about or decisions regarding the registrant or applicant, including academic and/or professional references, clinical and competence assessments, mental health and physical health assessments, professional conduct and/or

registration/licensing decisions of the Regulator, and decisions from another regulatory body.

- 11.9 Criminal record checks and vulnerable sector checks.
- 12 In the event of a complaint, the Regulator may collect Personal Information from or about the complainant and/or any identified client/patient records relevant to the investigation of the complaint, including:
 - 12.1 Names, addresses, telephone numbers, email addresses, or other contact information.
 - 12.2 Personal health information contained in patient care records.
- 13 The purposes for which the Regulator collects and uses Personal Information include:
 - 13.1 Registration and licensing applications and renewals.
 - 13.2 Credentials verification and assessment, which may include sharing Personal Information with other regulatory bodies in Canada.
 - 13.3 Recording registrant and registrant status and establishing and maintaining updated registrant listings to publish on the Regulator website and make available to inquirers.
 - 13.4 Complaints and investigations.
 - 13.5 Communication with registrants and applicants.
 - 13.6 Quality Assurance and Continuing Competence Programming.
 - 13.7 Regulatory processes.
 - 13.8 Publication distribution.
 - 13.9 Compilation of statistics.
 - 13.10 Payment of the annual registration/licensing fee.
 - 13.11 Surveys.
- 14 If the Regulator wishes to use Personal Information for a purpose not identified, the new purposes will be identified, and the Regulator will seek consent prior to use, unless required or permitted by law.

Consent

- 15 The Regulator is dedicated to ensuring that registrants, applicants, complainants and other third parties are aware of the purposes for which Personal Information is collected, the use of the information and reasons for disclosure.
 - 15.1 The Regulator obtains consent from individuals for the collection, use and disclosure of Personal Information.



- 15.2 In certain circumstances, the consent of the individual can be obtained after the collection of the information but before use.
- 16 The Regulator will not, as a condition of the supply of goods or services, require that an individual consent to the collection, use, or disclosure of information beyond what is required for legitimate and communicated purposes.
- 16.1 Some information related to licensing, competence and professional development must be provided as a condition of obtaining and maintaining one's professional status.
- 17 There may be circumstances where consent may be implied.
- 17.1 In such cases, the purpose for the collection and use of Personal Information must be apparent, and the Regulator may only use the Personal Information for the apparent purpose.
- 17.2 In such a case, the Regulator will not use that information for any other purpose.
- 18 The law provides certain exceptions to the usual requirement to obtain an individual's consent. For example, an organization may collect and use Personal Information in circumstances where the collection and/or use of such information is clearly in the interests of the individual and consent cannot be obtained in a timely way.
- 18.1 Similarly, Personal Information may be collected and used without the consent of the individual if the information is reasonably required to investigate a breach of an agreement, a violation of the law or investigations related to professional discipline and there is reason to believe that obtaining consent may compromise the availability or accuracy of such information.
- 19 Individuals can withdraw consent at any time for the retention and use of Personal Information, but only to the extent that such consent withdrawal does not affect the ability of the Regulator to carry out its statutory functions or comply with its obligations under law.
- 19.1 The Regulator will inform the individual of the implications of such withdrawal.

Limiting Collection

- 20 The Regulator collects Personal Information only to the extent necessary for the purposes identified.
- 20.1 Personal information is collected in a fair and lawful manner.



Limiting Use, Disclosure and Retention

- 21 The Regulator does not sell or trade Personal Information to third parties.
- 21.1 Personal Information is only used or disclosed for the purpose for which it was collected with the consent of the individual, or as required by law.
- 21.2 The Regulator discloses Personal Information to the following third parties for the following purposes:
- 21.2.1 Nova Scotia Department of Health and Wellness for use in the electronic health record “Provider Registry” and health human resources planning.
- 21.2.2 Canadian Institute of Health Information (CIHI) for statistical health reporting.
- 22 In addition, and in accordance with its statutory obligations, the Regulator must maintain the following information on its public website for a minimum of 25 years following the date a registrant last held a licence: the name, including the preferred name, of the registrant as specified on their licence application or last renewal form;
- 22.1 the registration number of the registrant;
- 22.2 the date the registrant last held a licence;
- 22.3 the category of licence the registrant last held;
- 22.4 the reason the registrant no longer holds a licence;
- 22.5 any conditions or restrictions active as of the date the registrant last held a licence that are not covered by a publication ban;
- 22.6 any licensing sanctions that are not covered by a publication ban, but not including any expired conditions or restrictions.
- 23 The Regulator must permanently maintain the information set out in section 1 on its public website where a registrant no longer holds a licence due to their suitability to practise.
- 24 Except as otherwise permitted or required by applicable law or regulation, the Regulator will only retain Personal Information for as long as necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Accuracy

- 25 The Regulator is dedicated to maintaining the Personal Information under its control in a form that is accurate, complete, and current as is necessary for the fulfilment of the Regulator’s purposes.
- 25.1 Individuals are required to contact the Regulator and update any changes in their Personal Information.

Safeguards

- 26 The Regulator takes reasonable steps to ensure that Personal Information is protected against loss, unauthorized access, use, disclosure, and alteration.
- 26.1 This protection applies to both electronic and hard copy form.
- 26.2 The safeguards used by the Regulator include:
- 26.2.1 Technological measures, such as the use of passwords and data encryption for electronic information.
 - 26.2.2 Physical measures, such as locked filing cabinets and restricted access to areas where Personal Information is stored.
 - 26.2.3 Organizational measures, such as employee training, confidentiality agreements and limited access on a “need to know” basis.
 - 26.2.4 Third-party measures, such as confidentiality agreements with third parties.
 - 26.2.5 Destruction measures, such as on-site shredding and physical destruction of hard drives.

Openness

- 27 The Regulator is open about its policies and procedures and will provide individuals with specific information relating to the maintenance of Personal Information.
- 27.1 These policies are available by contacting the Regulator’s Privacy Officer.

Individual Access

- 28 Individuals may contact the Privacy Officer at any time to discuss access to their Personal Information under the control of the Regulator.
- 28.1 Upon written request, access will be provided. A small fee may be applied to cover the cost of administration.
- 28.2 In certain situations, such as legal or regulatory requirements, the Regulator may not be able to offer the individual access to their Personal Information, and, in such cases, the Regulator will provide the individual with the reasons for denial.

- 28.3 The Regulator will correct or amend Personal Information that is shown to be incomplete or inaccurate.

Challenging Compliance

- 29 The Privacy Officer is responsible for overseeing compliance with this privacy policy.
 - 29.1 Any questions can be directed to the Privacy Officer, who will respond to any concerns.
 - 29.2 The Regulator will investigate all complaints and will take appropriate action to resolve the issue.
 - 29.3 Comments and suggestions regarding this policy are welcome.