



Community Pharmacy Privacy Officer

DEFINITIONS

In this document,

“**Control**” means having the authority to manage a record, including restricting, regulating and administering its use, disclosure or disposal.

“**Custody**” is the physical possession of the record with some degree of control.

“**Personal information**” means any factual or subjective information, recorded or not, about an identifiable individual and includes personal health information (PHI).

“**Pharmacy professional**” means licensed pharmacists, licensed pharmacy technicians and pharmacy interns (extended and student).

“**Proprietor**” means the permit holder and person who controls the operation of a proprietary (community) pharmacy.

GLOSSARY OF ACRONYMS

HIPA – *The Health Information Protection Act*

HIPR – *The Health Information Protection Regulations, 2023*

OIPC – Office of the Saskatchewan Information and Privacy Commissioner

PHI – personal health information

PIPEDA – *Personal Information Protection and Electronic Documents Act*

SCPP – Saskatchewan College of Pharmacy Professionals

1. BACKGROUND

Pharmacy professionals, proprietors and everyone working in pharmacies must comply with privacy legislation.

In Saskatchewan, HIPA establishes the rights of individuals regarding the privacy of their PHI and the obligations of trustees with respect to the collection, storage, use and disclosure of PHI. HIPR are HIPA’s regulations that provide more details of HIPA’s rules and requirements relating to PHI.

PIPEDA is broader federal legislation that applies to private sector organizations (such as community pharmacies) and sets out the rules for how businesses must handle personal information in the course of their commercial activities (which includes PHI).

HIPA and PIPEDA both apply to community pharmacies.

2. RESPONSIBILITY FOR PRIVACY IN A COMMUNITY PHARMACY

2.1. PIPEDA

According to PIPEDA, privacy obligations are the responsibility of the organization itself. However, PIPEDA requires that every organization must designate an individual or individuals who are accountable to ensure that the organization complies with PIPEDA. [PIPEDA - Schedule 1, s. 4.1]

2.2. HIPA

According to HIPA, the trustee is responsible to protect the PHI collected by the pharmacy and to ensure compliance. The “trustee” under HIPA means the person or entity that has **custody or control** of the records and includes any of the following:

- a) a proprietor as defined in *The Pharmacy and Pharmacy Disciplines Act*;
- b) a health professional licensed or registered pursuant to an Act (i.e. a pharmacy professional) if they are **not** an employee of a trustee (i.e. a proprietor); and
- c) anyone who owns or operates a privately-owned facility in or from which health services are provided by a health professional (could include a pharmacy manager).

[HIPA s. 2(t)]

2.3. Proprietor

As the trustee under HIPA, the proprietor of a community pharmacy must ensure that the pharmacy is properly resourced and equipped to comply with privacy legislation and that all necessary agreements and safeguards are in place. Furthermore, PIPEDA states that designating a privacy officer does not relieve the organization from the obligation to comply with the legislation (PIPEDA s. 6). Ultimately, therefore, the proprietor is responsible for ensuring that the pharmacy is, in fact, complying with privacy legislation.

2.4. Manager

Along with the proprietor, the pharmacy manager, as the individual who has been designated by the proprietor to have authority over and be responsible for the operation of the pharmacy, is also responsible to ensure that the pharmacy is compliant with its privacy obligations. The manager oversees the work of all the pharmacy staff, including the privacy officer.

2.5. Privacy Officer

To reinforce these privacy responsibilities, SCPP created a bylaw requiring the appointment of a privacy officer for each community pharmacy. The pharmacy manager typically fulfills the role themselves, but SCPP allows the manager to designate another licensed pharmacist employed at the pharmacy to take on the privacy officer role.

The privacy officer (or manager if fulfilling the role) acts as the designated individual accountable for privacy as required by PIPEDA and as a representative of the trustee to ensure the pharmacy is complying with HIPA. The privacy officer will be the first point of contact in the pharmacy when privacy issues arise.

3. SCPP PRIVACY OFFICER BYLAW

SCPP Regulatory Bylaws (Part I, section 8)

Privacy Officer

- 8** (1) *Every pharmacy must have a designated privacy officer.*
- (2) *The pharmacy manager for each pharmacy, or any other licensed pharmacist employed at that pharmacy as may be appointed by the pharmacy manager, shall be designated as the privacy officer for that pharmacy.*
- (3) *The pharmacy manager for each pharmacy must report to the College:*
- (a) *the name of the designated privacy officer for that pharmacy;*
 - (b) *any changes to the privacy officer for that pharmacy; and*
 - (c) *the initial privacy training and re-certification training undertaken by the designated privacy officer for that pharmacy.*
- (4) *Every privacy officer shall undertake privacy training approved by Council before the expiration of the subsisting permit, or until such other time as may be approved by the Registrar, but no longer than within one year of his designation.*
- (5) *Every privacy officer shall participate in re-certification training once every three years.*
- (6) *If the requirements set out in subsections 8(1), (2), (3), (4) and (5) of Part I are not met, the pharmacy permit for the applicable pharmacy may be suspended or cancelled by the Registrar. The pharmacy permit may be reinstated upon the provision of satisfactory evidence that the requirements set out in subsections 8(1), (2), (3), (4) and (5) of Part I have been met.*
- (7) *The College shall record in the register for each pharmacy:*
- (a) *the designated privacy officer, as identified by the pharmacy manager in accordance with subsection 8(3) of Part I; and*
 - (b) *the initial privacy training and re-certification training undertaken by the designated privacy officer.*

- 3.1.** The privacy officer must undergo initial privacy training and update their training every three years. [USask Continuing Pharmacy Education](#) (USask CPE) assists with privacy officer training to meet these requirements. The [privacy officer training course](#) includes an overview of the legislative requirements pertaining to community pharmacies, tips to ensure your pharmacy is adequately safeguarding information and guidance on collection, use and disclosure of PHI.
- 3.2.** The pharmacy manager must report to SCPP the name of the privacy officer and any changes to that role as well as the privacy training and re-certification training undertaken by the officer. SCPP will record this information in the Pharmacy Register. All pharmacy staff should know who the privacy officer is and be encouraged to discuss privacy issues with the privacy officer. The pharmacy should also ensure the name of the privacy officer is readily available for its patients.
- 3.3.** SCPP expects the privacy officer to be a practicing full-time employee of the pharmacy. While the proprietor, manager and privacy officer all play a role in ensuring the pharmacy meets its privacy obligations, typically the privacy officer's responsibilities would include:
 - developing privacy policies and procedures for the pharmacy;
 - ensuring all employees and contractors who have access to personal information have received training on the pharmacy's privacy policies and procedures and have signed a pledge of confidentiality;
 - monitoring the pharmacy's ongoing compliance with privacy laws and the effectiveness of the administrative, technical and physical safeguards;
 - responding to requests from patients for access to their personal information and to amend personal information; and
 - managing privacy breaches.

For a more in-depth description of responsibilities see [Community Pharmacy Privacy Officer – Suggested Job Description](#) and for more information on the privacy requirements applicable to community pharmacies, see [Privacy Toolkit for Community Pharmacies](#).