

Notice to the Professions

Disclosure of Information for Non-health Purposes

August 21, 2019

CSHBC registrants have legal, ethical, and professional obligations with regard to the collection, use, and disclosure of client information, and should be particularly careful when disclosure is for non-health purposes such as marketing or promotional materials.

Regulated health professionals must ensure that they have the client's informed consent to use, collect, or disclose any personal health information, which includes photos, videos, or voice recordings. Consent is considered to be given when an individual, who knows the purpose for the collection of their personal information, voluntarily advises that you may use that information.

Consent to the collection or disclosure of information can be withdrawn in certain circumstances. Clients **cannot be required to consent** to the collection, use, or disclosure of personal information beyond what is necessary to provide them with a product or service.

The College's position is that client information should only be used, collected, and disclosed in accordance with its professional and practice standards and privacy legislation.

College registrants must comply with the College's practice and professional standards, as well as the Registrant Code of Ethics, which requires registrants to:

- Maintain the confidentiality and privacy of client information and records as required by applicable legislation and the CSHBC standards of practice for all services provided;
- Not exploit any clinical relationship with a client or others to further their own physical, emotional, financial, political, or business interests at the expense of the best interest of the client; and
- Ensure that the health and well-being of the client is their primary concern.

College registrants must also be aware of and comply with the relevant provincial privacy legislation:

- ***Personal Information Protection Act*** (PIPA), for registrants practising in a private-sector context; and

- [Freedom of Information and Protection of Privacy Act](#) (FOIPPA), for registrants practising in a public-sector context.

If you are disclosing any personal information relating to a client, you should ensure that you are in compliance with the above-mentioned legislation and standards. These documents outline clear rules regarding the use of personal information.

What if I want to use client information for non-health related purposes (e.g., marketing or promotional material)?

You should ensure that you have obtained informed, written consent from the client to use the information or materials for non-health related purposes, and that you have complied with the above legislation, as well as the College's standards and guidelines. You may want to seek legal advice or contact the College for additional information.

Can I use personal health information in my marketing materials if the client signs a waiver releasing the information?

It depends on the waiver and the context in which the information is collected. If you intend to use personal information in your employer's marketing materials, you should use a consent waiver that operates between your employer and the client. You should also seek advice to ensure that it clearly conveys how and for what purposes the information will be used, collected, or disclosed.

Can I be in violation of the College's standards even if my employer requires me to collect client information for non-health related purposes?

Yes. The [Health Professions Act](#) (HPA) requires all College registrants to comply with the College's Bylaws, standards, and guidelines, regardless of whether a registrant is in an employment relationship. If you have questions or concerns about your organisation's use or collection of personal information, contact the College.

What other resources are available regarding the use of a client's personal information?

The College has outlined the requirements for protecting client personal health information in several standards of practice documents, which include:

- Client Consent
- Documentation & Records Management
- Marketing

- Professional Accountability & Responsibility

You can also consult the [Office of the Information and Privacy Commissioner \(OIPC\)](#) for British Columbia, who publish a variety of resources such as [A Guide to B.C.'s Personal Information Protection Act](#) and PrivacyRight: Online Privacy Education for BC Businesses. If you have concerns about inappropriate disclosure or a breach or privacy legislation, these can be discussed with the OIPC.

For further information, or if you have any questions, please contact the College.