
Express Scripts Canada[®] Notice of Privacy Practices

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Document revision history and review panel

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2	Revisions with input from Chief Privacy Officer and Director, Human Resources	2014-08-28	Ruth Vale
3	Preliminary Legal Review (Naomi Margo)	2014-08-28	Ruth Vale
4	Management Review	2015-10-14	Ruth Vale
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	Translation		

Purpose

- This policy describes Express Scripts Canada's¹ commitment to individuals who are patients and/or plan members receiving our services. The policy is based on applicable privacy laws in Canada, including the federal Personal Information Protection and Electronic Documents Act (PIPEDA) for the private sector, the Privacy Act for the federal public sector, provincial and territorial privacy laws as well as any privacy requirements that arise from specific contractual requirements.

Express Scripts Canada corporate privacy policy

Scope

This policy formulates principles that Express Scripts Canada honours in order to protect an individual's personal information and their personal health information. Individuals may be patients of pharmacy services or plan members of benefit plans sponsored by insurance carriers, employers or other clients of Express Scripts Canada. The privacy principles described in this document are consistent with the Canadian Standards Association (CSA) Model Code for the Protection of Personal Information (CAN/CSA-Q830-96), which is included in Canada's Personal Information Protection and Electronic Documents Act (PIPEDA).

- This policy applies to confidential business information that is personal information. Express Scripts Canada, protects the confidentiality of such information in accordance with the law, applicable contracts and Express Scripts Canada's internal policies.

Definitions

1. **Patient:** A patient is a person who receives or is registered to receive medications from Express Scripts Canada Pharmacy[®] services through the Pharmacy Benefits Management program or directly by an Express Scripts Canada pharmacy. In this relationship, the Express Scripts Canada Pharmacy is a Health information Custodian with specific obligations to protect patient privacy under provincial personal health information legislation and regulation.
2. **Plan Member:** Plan members are individuals, and their dependants, who participate in benefit plans sponsored by insurance carriers, third party administrators and unions, employers and government organizations. When the insurance carrier is the client Express Scripts Canada does not have a direct relationship with the plan member. In this relationship, Express Scripts Canada is a service provider to the insurance carrier. The client is accountable to obtain the plan member's consent to transfer the personal information to Express Scripts Canada for use according to a contractual agreement.
3. **Client:** Express Scripts Canada delivers benefit management services, including claims adjudication and associated services, to plan sponsors. These sponsors are clients to Express Scripts Canada. Clients may manage their own plans on information technology infrastructure provided by Express Scripts Canada.

¹ Express Scripts Canada includes Express Scripts Canada Services and the Express Scripts Canada Pharmacy.

4. Health care provider: Health care providers have specific obligations and privileges under provincial privacy laws associated with personal health information. Health information custodians are formally identified in the respective legislation for their jurisdiction. They may include clinical specialists, dentists, pharmacists and physiotherapy providers, among others. The Express Scripts Canada Pharmacy and its staff is operated as a health care provider.
5. Service provider: Service providers are vendors or suppliers who are contractually accountable to one another. Express Scripts Canada's Member Contact Centre is a service provider to the Express Scripts Canada Pharmacy. Service providers have been engaged to support Express Scripts Canada in the delivery of dental and pharmacy claims adjudication services to insurance carriers and plan sponsors.

Privacy Policy Statement

Express Scripts Canada recognizes the sensitivity of the personal information entrusted to us by our patients, clients and their plan members. As a result, Express Scripts Canada commits to the proper management of personal information with great care and in accordance with applicable laws and regulations.

Principle 1: Accountability

Express Scripts Canada is accountable for all personal information and personal health information in its possession. This *Notice of Privacy Practice Policy* is managed under the terms of accountability laid out in the *Express Scripts Canada Privacy Program Governance and Oversight Policy*.

Express Scripts Canada has established internal procedures to comply with this *Notice of Privacy Practice* and has designated a Chief Privacy Officer who is accountable for privacy compliance. Express Scripts Canada is also accountable for personal information that is transferred to a service provider to process on behalf of Express Scripts Canada. Service providers contractually commit to protecting personal information in accordance with Express Scripts Canada's privacy policies and applicable government laws.

To implement the principles of this policy, Express Scripts Canada has established:

- A comprehensive privacy management program.
- Policies to direct privacy operations and incident management.
- Procedures to protect the privacy of personal information and personal health information.
- Procedures to receive and respond to privacy inquiries and complaints.
- The privacy training policy and training program is annually refreshed and mandatory for all employees and contractors

Express Scripts Canada publishes its privacy policies and makes them available to patients, plan members, clients and staff.

Principle 2: Identify Purposes

Express Scripts Canada works on behalf of its clients to conduct claims adjudication services. Our business integrity services conduct audits of claims submitted by pharmacy and dental service providers to Express Scripts Canada clients to ensure accurate and timely reimbursement of claims. Express Scripts Canada also delivers pharmacy products and services as part of the pharmacy benefit plan package. Therefore, any further reference to "identified purposes" includes these purposes.

Express Scripts Canada uses personal information according to the terms of agreements with clients or patients, which may include:

- To properly administer pharmacy products, services and benefit plans under contract with plan members and clients.
- To enable claims to be accurately adjudicated and processed for claim payment and reimbursement.
- To enable the verification of the integrity of claims.
- To provide clients with the information they require in order to evaluate our services or audit the administration of their benefit plans.
- To meet legal and regulatory requirements.

As part of plan delivery, clients are asked to communicate the above purposes to their plan members. These purposes are communicated to individuals who participate in benefit plans in several ways, which include:

- For benefit management programs, terms of use may be provided in the enrolment forms of our clients.
- Purposes for collection of personal information are summarized on the plan member's benefit card, or on a benefit card application form or on other publications available to the plan members.
- Plan sponsors may be provided with a communication to send to all plan members identifying how their information is used by Express Scripts Canada.
- Agreements made with health care providers who use Express Scripts Canada's reimbursement infrastructure, require that they communicate these purposes to their patients.
- Express Scripts Canada collects personal information from plan members who enrol in the Express Scripts Canada Pharmacy offered through their benefits program for purposes that include:
 - To process and deliver prescriptions and related pharmacy services and benefits.
 - To meet legal and regulatory requirements.
 - To provide a Drug Utilization Review (DUR) service for some plans; this includes inter-pharmacy messaging on use of some medications, such as for drug interactions and when duplicate drugs, duplicate therapy or early refills are being claimed.

To the extent that Express Scripts Canada directly collects personal information from a Plan Member, purposes are identified by Express Scripts Canada before or at the time of the enrolment.

Unless required by law, Express Scripts Canada will not collect personal information for any purposes that have not been identified to the individual without first identifying and documenting the new purpose, and then, consulting with the plan member (for pharmacy services or the client or health care provider as applicable).

Where Express Scripts Canada provides personal information to a client or a service provider, the uses of that personal information (PI) and personal health information (PHI) are governed by contractual terms, which require the client or service provider use that information for specified purposes and in accordance with required legislative safeguards. In the event that additional purposes are proposed by the client or service provider, they must attest that they have obtained additional consents where appropriate.

Principle 3: Obtain Consent

The knowledge and consent of the individual is required for the collection, use or disclosure of personal information. Accordingly, Express Scripts Canada is required to ensure it has obtained consent for any collection, use or disclosure of personal information.

Where obtaining consent is inappropriate in the circumstances, the law may permit personal information to be collected, used or disclosed without the knowledge and consent of the individual. These circumstances are reviewed in advance of any collection, use or disclosure of personal information by the Express Scripts Canada Privacy Office. Collection, use or disclosure without consent may be authorized by law or where legal or security reasons make it unreasonable or impractical to obtain consent.

When the card holding plan member consents to the collection, use or disclosure of personal information by Express Scripts Canada, they also assert that the plan member has obtained, from the plan member's eligible dependants, consent for Express Scripts Canada to collect, use and disclose the personal information for the identified purposes. Express Scripts Canada relies on this assertion.

The plan member's assertion, that they have the consent of their dependants, permits the card holding plan member to access, through Express Scripts Canada, the prescription history and integrated claims data of any eligible dependants that use Express Scripts Canada's services through their card holder's membership. Adult dependants may request that their records be maintained privately.

Consent for authorized uses is considered "all in," meaning "all or nothing." Express Scripts Canada is unable to demarcate partial purposes within identified purposes associated with benefit plans and pharmacy services. A plan member or patient may withdraw consent to the processing of a claim or for receipt of services at any time subject to legal or contractual restrictions and reasonable notice.

Principle 4: Limited Collection

- Express Scripts Canada limits the collection of personal information to that which is necessary for the identified purposes.
- Express Scripts Canada's patients are responsible to ensure that they provide only the enrolment information necessary for Express Scripts Canada Pharmacy to administer pharmacy services.
- Enrolment information is submitted by approved means using enrolment forms and other means provided for this purpose.

Principle 5: Limited Use, Disclosure and Retention

- Express Scripts Canada limits the use, disclosure and retention of personal information to that which is necessary for the identified purposes. Express Scripts Canada limits uses in accordance with client agreements for adjudication processing or in accordance with the direct consent of the patient during the course of providing pharmacy services.
- Express Scripts Canada retains personal information as long as directed by a client and in accordance with the requirements of applicable laws. Express Scripts Canada only retains personal information as long as necessary for the fulfillment of the identified purposes or as required by law
- If personal information is no longer required for the identified purposes, nor required to be retained by law, Express Scripts Canada may follow client or patient directives to destroy personal information using secure methods



- Express Scripts Canada may transfer a plan member's personal information to third party service organizations that perform services on behalf of Express Scripts Canada. When using personal information in this manner, Express Scripts Canada provides only the limited personal information required by the third party to complete assigned services. Express Scripts Canada does not sell plan member data for any purpose. Express Scripts Canada engages service providers to provide products to clients and plan members. The use of any information is governed by contractual terms that require its uses to be consistent with the purpose for which the consent was obtained and only use such information for the purposes outlined in its service contracts with Express Scripts Canada. De-identified and aggregate statistical information, as approved by the Privacy Office, may be used for testing or for historical or research purposes, including analyzing trends and assisting Express Scripts Canada's clients with business planning.
- Clients may request only the personal information they require to manage their benefit plans. Once the information has been disclosed back to the client and, thereby, leaves Express Scripts Canada's control, the client is fully responsible for protecting the information.

Required Disclosures

- In the event that Express Scripts Canada is required to disclose personal information pursuant to any applicable law, regulation, an order of any court, tribunal or administrative body having competent jurisdiction, Express Scripts Canada will immediately notify the individual and if permissible by law, provide the individual with an opportunity to intervene in any ongoing proceedings.
- Depending on the circumstances, if Express Scripts Canada is informed that certain personal information is the subject of a legal dispute or an access request, the information will be retained until the issue is resolved.

Principle 6: Appropriate Safeguards

- Express Scripts Canada protects personal information with physical, organizational and technological safeguards.
- Express Scripts Canada maintains reasonable systemic controls, schedules and practices for the security, retention and destruction of personal information. The level of access is determined on a need-to-know basis.
- Client or health care provider inquiries regarding the payment of specific claims are resolved with the least number of Express Scripts Canada staff members possible in the circumstance. Safeguarding procedures for these communications have been established by Express Scripts Canada.
- Personal information is treated confidentially according to formal data classification policy and procedures.
- Service providers are required to provide security safeguards for personal information that are equivalent or better than the safeguards provided at Express Scripts Canada. Formal privacy audits of these privacy protections for personal information are conducted by the Privacy Officer.

Physical safeguards implemented by Express Scripts Canada include, but are not limited to, measures described in the Safeguarding Procedures section, such as the *Clean Desk Policy*, the *Internet Use Policy* and the *Information Security Policy*. These may include:

- Locks on desk drawers, office doors and filing cabinets as appropriate.
- Lock-down cables for laptop computers.
- Controlled entry to data centres and role based limits on access to storage areas and information systems.

- Locked and controlled entrances to all office locations.
- Program to secure and shred discarded personal information.

Organizational safeguards implemented by Express Scripts Canada include but are not limited to:

- Regular privacy process reviews and practice audits.
- Privacy and Security Incident Management program.
- Programs to conduct training according to the *Privacy Training Policy*.
- “Clean Desk” audits as conducted by the Privacy Officer.
- User activity audits and investigations related to PI/PHI.

Technological safeguards implemented by Express Scripts Canada are documented more fully in the *Information Security Policy*. They include but are not limited to:

- Enhanced network and systems security procedures and policies.
- Secure password selection criteria.
- Role based access controls to information applications and systems.
- Password-protected screen savers that are automatically activated.
- Encrypting transfers via email internally and to third parties.
- Procedures are in place to establish, document, modify and terminate a user’s access to Express Scripts Canada’s information systems.
- User access audits and monitoring of access controls.
- Counts of user activities when tracking traffic patterns on internet websites.
- Clients who access Express Scripts Canada’s electronic claims administration systems for adjudication services are required to follow specific security protocols in order to uphold the integrity of personal information processed in adjudication applications.

Principle 7: Accuracy of Personal Information

- Express Scripts Canada has processes in place to keep personal information as accurate, complete and current as is reasonably necessary and appropriate for its identified purposes.
- Express Scripts Canada will update personal information as necessary only if authorized by the client for adjudication processes. Patients may contact the Express Scripts Canada Pharmacy and plan members may contact their plan sponsor regarding the accuracy and completeness of their personal information, and have it amended as appropriate.

- If a patient or a plan member asserts that personal information is inaccurate, incomplete, out of date or irrelevant, Express Scripts Canada will guide the plan member or patient so that they can request the record be emended. Referral may be directed first to the plan sponsor or client, then the health care provider, or the relevant Express Scripts Canada contact as appropriate. Express Scripts Canada will cooperate with these parties to correct any information that is found to be inaccurate.
- Express Scripts Canada relies on its clients with respect to adjudication and its patients with respect to pharmacy services to provide accurate eligibility and enrolment data and to keep such information current.

Principle 8: Individual Access

Express Scripts Canada will provide individuals with access to their information using the following guidance:

- Express Scripts Canada will direct the plan member to the custodian who collected that information in order to request access. Referrals may be sent to the relevant Express Scripts Canada department or representative, the plan sponsor client, or health care provider as applicable.
- In cases where Express Scripts Canada is unable to provide access to, or correct, the plan member information, because the plan is administered by a government institution or carrier, Express Scripts Canada will refer the plan member to obtain access directly from the sponsoring government institution or carrier.
- Express Scripts Canada Pharmacy patients may access their prescription history and integrated claims data of any eligible dependants, for which they have asserted consent and which are included in Express Scripts Canada's services.
- In certain situations, Express Scripts Canada may not be able to provide access to the personal information requested. Where access is denied, in consultation with the individual and the client, Express Scripts Canada will provide the plan member with the reasons for denying access. For example, where personal information:
 - Is prohibitively costly to provide;
 - Contains references to other individuals that cannot be severed;
 - Is subject to solicitor-plan member or litigation privilege; or
 - Cannot be disclosed for legal, security or commercial proprietary reasons.
- In the event of a request for access to personal information, in order to safeguard personal information, a plan member may be required to sufficiently identify themselves, so that Express Scripts Canada can authenticate the requestor and authorize access to the individual's information.
- Records will be retained of all access requests, how they were managed and the response.

Principle 9: Openness

- Express Scripts Canada will make specific information about its policies and practices relating to the management of personal information readily available to individuals, clients and employees.
- Express Scripts Canada makes this policy available to the public through the corporate website and by request to the Privacy Office. The policy is available by request to plan members, patients, health care providers and clients.

- Through the Express Scripts Canada website, clear notification will be provided of any changes to this policy. Associated procedures, such as privacy complaint handling procedures, are available upon request.
- In the event of a privacy incident where the Chief Privacy Officer has determined that there is a risk of harm, Express Scripts Canada will notify the impacted client, or for pharmacy services, the individual whose information has been determined to be compromised.

Principle 10: Challenging Compliance

- A patient, plan member, health care provider, service provider or client may challenge Express Scripts Canada's compliance with these privacy principles by directing inquiries to the Privacy Office. Express Scripts Canada has a formal privacy program, which includes processes to receive, investigate, and respond to complaints or concerns relating to our privacy practice in accordance with the *Privacy Program Governance and Oversight Policy* and this privacy policy. Express Scripts Canada will investigate all privacy complaints. If a complaint is found to have merit, Express Scripts Canada will take appropriate measures to resolve the complaint, including, if necessary, amending its policies and procedures.
- If an individual is not satisfied with the way Express Scripts Canada responds to their matter, they can contact the offices of their provincial information privacy commission (for health information), the federal office of the Privacy Commissioner (for personal information in general) or the relevant Express Scripts Canada client, any of whom will work with Express Scripts Canada to resolve the issue to the individual's satisfaction.

For more information, please contact Express Scripts Canada at:

Website: express-scripts.ca

Email: ExpressScriptsCanada_Privacy@Express-scripts.com

Telephone: 905-712-8615 and ask to speak with the Privacy Office

Direct Mail:

The Chief Privacy Officer
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