

TALKSPOT PRIVACY STATEMENT

Collection of Personal Health Information

TalkSpot provides care for registered students in the Faculty of Engineering at McMaster University in an atmosphere that respects privacy and assures confidentiality. Ontario has a law that protects your personal health information, the [Personal Health Information Protection Act \(PHIPA\)](#). TalkSpot is a service that is overseen by the Faculty of Engineering Office of the Associate Dean, McMaster University, and is subject to compliance with PHIPA as well as all relevant McMaster University policies, procedures, and guidelines. For more information on the privacy of your personal health information, please see the McMaster University [Policy for the Handling of Personal Health Information](#).

TalkSpot has a “health information custodian” for the purposes of PHIPA and staff are bound by confidentiality agreements as a condition of employment, and by law and ethics, to safeguard your privacy and the confidentiality of your personal information. We will only collect information that may be necessary for your care, keep accurate and up-to-date records, and retain and destroy records in accordance with the law. You have the right to see and to obtain copies of your records.

The personal health information that we collect may include, for example, your name, home address, email address, phone number and health history. Occasionally, we may collect additional information about your health history such as your visits to other health facilities and the care you received during those visits; we may collect this directly from you, or from other sources if we have obtained your consent to do so or if the law permits. We make sure that only those people who need to see your personal health records are allowed to look at them. We protect your information through our administrative policies and by adopting appropriate safeguards and security measures:

- We take steps to protect your personal health information from theft, loss and unauthorized access, copying, modification, use, disclosure and disposal
- We conduct audits and complete investigations to monitor and manage our privacy compliance
- We take steps to ensure that everyone who performs services for us protects your privacy and only uses your personal health information for the purposes to which you have consented

Use and Disclosure of Personal Health Information

In addition to the uses of personal information included in the university's [Notice of Collection Statement](#), we use and disclose your personal health information to:

- Treat and care for you
- Plan, administer, and manage our internal operations
- Communicate with your other health care providers to ensure continuity of care
- Conduct risk-management activities
- Conduct quality improvement activities (such as feedback surveys)
- Teach, conduct research (only under strict rules overseen by a research ethics board) and compile statistics
- Comply with legal and regulatory requirements
- Fulfill other purposes permitted or required by law

TalkSpot is embedded within the Faculty of Engineering Office of the Associate Dean. The TalkSpot office shares a waiting area and hallways with Academic Advising & Co-Op and Careers offices, and TalkSpot operational practices are overseen by the Office of the Associate Dean administrative staff. All efforts are made to maintain your privacy and confidentiality when you receive support through TalkSpot:

- All in person appointments take place in a private office with the door closed
- Administrative staff have limited access to your personal health information and only use information necessary for operational tasks (such as reaching out to you by email to schedule or reschedule an appointment)
- When attending in person appointments, you will have the option to 'check in' confidentially using your phone rather than speaking to administrative staff in the shared waiting area
- TalkSpot Counsellors and administrative staff receive mandatory McMaster privacy training and McMaster PHIPA training on the handling of personal health information
- Multifactor authentication is required for Counsellors and administrative staff accessing personal health information through an online portal and are automatically logged out after 1 hour of inactivity
- Any paper copies of personal health information provided to TalkSpot will be securely uploaded to the online portal and then immediately placed in a [confidential waste bin](#) for shredding
- TalkSpot appointment information is not shared with any other staff or faculty within or outside the Office of the Associate Dean

We will disclose information to third parties only with your express consent or where legally required. No information will be released by us to anyone, without your express consent except in accordance with provincial legislation. You should be aware of the following situations in which your personal information may be disclosed to persons outside of TalkSpot without your consent:

- If you are in serious and imminent danger of hurting yourself or someone else, we may need to reveal to an appropriate third party enough information to help you and to protect others (ie. health care providers, campus security, ambulance, police, etc.)
- If you are involved in a legal proceeding, the court may subpoena our records
- We are required by law to report any suspected instances of sexual contact by a regulated health care provider
- We are required by law to report to the appropriate authorities any suspicions that a child (someone presently under age 16) has been or is being abused

Use of an Electronic Service Provider

An Electronic Service Provider (ESP) supplies services that enable a custodian to collect, use, modify, disclose, retain, or dispose of personal health information electronically. TalkSpot uses an ESP called Jane to schedule and manage appointments, collect and store personal health information, and provide email and SMS notifications. For complete and up-to-date information on Jane's Privacy Policy including Jane's role as a service provider, TalkSpot's role as a subscriber, and storage of your personal health information through Jane, please visit:

<https://jane.app/legal/privacy-policy#patient-data>.

Jane stores personal health information collected by TalkSpot in its secure data center in Montreal and makes it available to TalkSpot through an online clinic management platform. Jane otherwise has no control over the personal health information collected by TalkSpot. Jane will only access personal health information on the instructions of TalkSpot or, in rare cases, where needed in to prevent or address technical problems or if required by law or court order.

Please note that Jane uses US-based service providers for appointment reminders sent by email or SMS and, therefore, personal health information contained in appointment reminders will go through and may be stored temporarily in the United States. You can opt out of appointment reminders at any time. To do so, please contact a TalkSpot Counsellor or administrative staff.

Jane may use computer-generated algorithms to gather anonymous and aggregated information from TalkSpot data for service improvement, research, data analysis, benchmarking, statistics, or trend analysis. None of the information gathered for these purposes identifies, or could be used to identify, any student using TalkSpot services.

Withdrawal of Consent

According to PHIPA, you have the right to withdraw consent to the collection, use, or disclosure of your personal health information by TalkSpot for the purposes of providing or assisting in providing health care. You also have the right to provide express instructions to TalkSpot not to use or disclose your personal health information for health care purposes without consent in specific circumstances (for example, not to collect, use or disclose a particular item of information contained in your record of personal health information, or not to disclose your personal health information to a particular healthcare provider). For more information on your rights to withdraw consent, please refer to the McMaster University [Policy for the Handling of Personal Health Information](#) and the [Lock Box Protocol for Personal Health Records](#).

Accessing and Correcting Your Records of Personal Health Information

Under PHIPA, you have the right to request access to and correction of your personal health records that are under TalkSpot's control. If you want to see or correct your records, you may make a written request to the contact person identified below. This is also in compliance with relevant McMaster University policies, including the [Policy on Correction of Personal Health Information](#) and the [Policy on Access to Personal Health Information](#).

Contact Person for TalkSpot

If you would like more information or have questions or concerns about our privacy and information practices, or if you believe a record of personal health information held by TalkSpot is inaccurate or incomplete, please contact:

TalkSpot Health Information Custodian, Faculty of Engineering
Office of the Associate Dean
McMaster University JHE-H301
1280 Main St. West
Hamilton, Ont., L8S 4L7
engserv@mcmaster.ca

Complaints

If you have a complaint about TalkSpot's information practices or access to your record of personal health information, please contact the TalkSpot Health Information Custodian. You may also make a complaint to the McMaster University Privacy Office:

McMaster University Privacy Office
Gilmour Hall Room 210
1280 Main Street West
Hamilton, ON
L8S 4L8
privacy@mcmaster.ca

TALKSPOT EMAIL POLICY

With your express consent, TalkSpot may communicate personal health information it deems appropriate via email to the McMaster email address you provide. Communication of personal health information by email will be at the discretion of TalkSpot staff members involved in your care. Email messages will primarily be used to communicate scheduling and appointment information. They may also contain (but are not limited to) brief follow-up information related to a recent TalkSpot appointment or general clarification questions. Information communicated by email will be minimal and brief.

TalkSpot email addresses are general accounts, accessible by TalkSpot Counsellors and administrative staff within the Office of the Associate Dean (Academic). Email is only monitored periodically. Significant time may pass without TalkSpot staff viewing or responding to messages. TalkSpot providers can make no guarantee of a response, or a response within a certain time frame. Email is not appropriate for communication about all health issues, particularly those of an urgent or sensitive nature. If you have a serious psychological or medical emergency, you will use other means to seek help. You understand that mental health services will not be provided via email. Email communication or a summary of it will be retained as part of your personal health record. As a result, that information, including your email address and telephone number, may be disseminated as part of an authorized release of a copy of your medical record.

Email is not a secure method of communication; therefore, TalkSpot cannot guarantee the security of messages that you send to or receive from TalkSpot. Email is not encrypted and it is possible for an unauthorized third party to intercept or read an email message without the knowledge of either the sender or recipient of the mail. Because of the ease and informality with which email can be used and because email may be easily forwarded to multiple addresses, the potential loss of confidentiality associated with its use may be of greater consequence than that suffered with written or telephone communication. You accept the risk of loss of privacy or confidential personal health information associated with communication by email and nonetheless agree to its use. You also agree that any regulated healthcare professional and/or TalkSpot shall not be liable for any type of damage or liability arising from or associated with loss of confidentiality due to communication by email. Since TalkSpot does not operate or control any service on the internet, you understand that TalkSpot cannot and does not guarantee that use of this means of communication will be free from technological difficulties, including, but not limited to, loss of messages.

Please be aware that the Information and Privacy Commissioner (IPC), Ontario does not support the practice of communicating personal health information via e-mail. For more information, please refer to the McMaster University [Electronic Mail \(E-Mail\) Protocol for Personal Information and Personal Health Information](#).

TALKSPOT VIRTUAL CARE POLICY

TalkSpot may provide virtual patient care services (i.e., telephone consultation, videoconferencing) at the discretion of the care provider. Virtual care is not a substitute for in-person communication or assessment for all mental health matters, or for attending the emergency department or urgent care centre when necessary (including for any emergency care that may be required). In certain circumstances, your care provider may determine that virtual care is no longer appropriate, and suggest alternate means of care (e.g., an in-person appointment, assessment at emergency department or urgent care center, call 911). Like in-person encounters, digital communications will be documented in your personal health record.

TalkSpot will use reasonable means to protect the privacy of your personal health information. It is imperative that the virtual session takes place in a quiet, private space that is free of distractions, with reliable internet and/or telephone service. No one will record the session without permission from all participants. Risks involved in using virtual care technologies include the potential for privacy breaches resulting from unauthorized physical or electronic eavesdropping, hacking and software exploits, technical failures, and configuration errors. You accept the risk of loss of privacy or confidential health information associated with virtual care and nonetheless agree to its use. You also agree that any regulated healthcare professional and/or McMaster University shall not be liable for any type of damage or liability arising from or associated with loss of confidentiality due to digital communication. Since McMaster University does not operate or control any service on the internet, you understand that McMaster University cannot and does not guarantee that use of this means of communication will be free from technological difficulties.