

# **Employer, Employee and Business Requirements**

## **Under the Privacy Legislation**

The underlying rule in this area is that an optometry practice may collect, use and disclose employee information for reasonable purposes related to managing or recruiting personnel; and, may collect, use and disclose personal information for conducting business transactions.

***Personal employee information*** means personal information that is reasonably needed to establish, manage or end a work experience. Consent for collection, use and disclosure is not required when the individual is an employee or when collecting information to decide whether to hire a potential employee.

***Managing personnel*** means the carrying out of that part of human resource management relating to the duties and responsibilities of employees. It can also refer to administering personnel and may include such activities as payroll and succession planning.

Consent is also not required when disclosing personal employee information to another practice or organization if the individual is employed by the other practice or organization, or, if the other practice or organization is collecting personal information to recruit a potential employee.

***A business transaction*** includes the sale, lease, merger, amalgamation, acquisition or disposal of a complete, part or asset of a practice or organization. Again, consent is not required for a practice to collect, use and disclose personal information if the information is limited to purposes related to the transaction or to decide whether to proceed with the transaction. If the transaction does not go ahead, the practice or organization that collected the information must return or destroy it.

According to Bylaw #10, when selling, moving or merging an optometry practice, you must inform the Alberta College of Optometrists within 21 days of the new location of your patient files. If you retire without another optometrist taking over custody and care of your patient files, you must ensure reasonable access to the files (for at least 10 years) by placing them in a medical file storage facility and again inform the Alberta College of Optometrists within 21 days of such.

Previous employees have a maximum of two years (after being let go) to launch a wrongful dismissal suit. General employment standards must be kept for a maximum of three years. Please govern yourself accordingly when deciding on how long to keep employee records.