



Privacy Policy

Policy name	Privacy Policy
Type	General
Effective date	January 11, 2021
Next review date	January 2022
Audience	Candidates, Public, CARB-TCMPA members, CARB-TCMPA staff

1. Purpose

The Canadian Alliance of Regulatory Bodies of Traditional Chinese Medicine Practitioners and Acupuncturists ("CARB-TCMPA") recognizes the importance of privacy and the sensitivity of personal information.

As an organization that tests candidates for admission to the profession ("Candidates"), CARB-TCMPA acknowledges its obligation to serve a number of stakeholders while ensuring that confidential information is identified and protected. CARB-TCMPA is committed to protecting any personal information that it holds.

This policy sets out CARB-TCMPA's commitment to privacy and how it ensures the privacy and confidentiality of the personal information that it collects. CARB-TCMPA trains its personnel about this policy and related practices.

2. Personal information

"Personal Information" is information in CARB-TCMPA's possession about an identifiable individual, such as a Candidate, stakeholder, member of the public, or employee. Personal information includes information such as an individual's account information, assessment records, and employment records.

Personal Information is governed by certain federal legislation, the *Personal Information Protection and Electronic Documents Act* (PIPEDA), and in some cases by provincial privacy legislation, which CARB-TCMPA complies with.

CARB-TCMPA is responsible for Personal Information in its custody and control. CARB-TCMPA has a designated Privacy Officer (the Executive Director) who is accountable for establishing policy, investigating potential privacy breaches, breach notification, and

ensuring compliance with applicable legislation. When CARB-TCMPA engages the services of a third party, CARB-TCMPA takes steps to ensure the third party's compliance with this policy with respect to those services.

3. Consent

Except where applicable legislation provides otherwise, CARB-TCMPA only collects, uses or discloses Personal Information about an individual with that individual's consent.

When obtaining consent, CARB-TCMPA ensures that an individual is informed of the purposes for which Personal Information is being collected and only uses or discloses such Personal Information to reasonably fulfill those purposes. CARB-TCMPA does not, as a condition of supplying a product or service, require an individual to consent to the collection, use, or disclosure of Personal Information beyond what is necessary to provide the product or service.

Consent may be implied or express. Implied consent is consent that can reasonably be inferred from an individual's action or inaction. For example, when a candidate wishes to take an examination, CARB-TCMPA will assume that person consents to the collection, use and disclosure of their personal information for purposes related to the testing and for any other purpose identified to the individual at the relevant time.

When reasonable and permitted by legislation, consent may not be required for certain collections, uses, or disclosures of Personal Information (e.g. for certain legal, medical, or security reasons).

4. Collection of personal information

CARB-TCMPA collects information only by lawful and fair means and not in an unreasonably intrusive way. In accordance with best practices outlined by the Office of the Privacy Commissioner of Canada, CARB-TCMPA refrains from collecting more personal information than is necessary to fulfill its identified purpose.

The personal information CARB-TCMPA collects includes:

- contact and identification information, such as names, addresses, telephone numbers, and email addresses;
- education information;
- information related to the proctoring of examinations and examination results;
- information from third-party contractors, suppliers, and consultants who provide services to CARB-TCMPA; and

- website-specific information regarding requests and choices an individual made and other general information such as IP addresses, “cookies”, and URL addresses.

Wherever possible, it collects personal information directly from an individual at the registration process, during the testing process, and during the appeal process. Sometimes information is obtained from other sources. For example, with respect to Candidates, this may include:

- TCM/A regulatory bodies in Canada;
- health providers, in the event of an appeal or accommodation request; and
- test administrators and proctors.

5. Use of personal information

CARB-TCMPA does not use Personal Information for purposes other than that for which it was collected, except with the consent of the person or as permitted or required by law. CARB-TCMPA uses Personal Information to enable it to manage, maintain, and develop its business and operations, including to:

- establish, maintain, and manage its relationship with individuals so that it may provide them with, or receive from them, the services requested or required;
- provide services with respect to such matters as testing, registration, and notice to regulatory bodies of successful completion of the Pan-Canadian Examinations and information relating to such examinations;
- review the products and services that it provides so that it may understand the requirements of individuals it interacts with;
- comply with the requests of individuals; and
- fulfill any other reasonable purpose to which the person consents.

6. Disclosure

CARB-TCMPA does not disclose Personal Information for purposes other than that for which it was collected, except with the consent of the person or as permitted or required by law. CARB-TCMPA may disclose Personal Information to companies or individuals employed or retained by CARB-TCMPA to perform functions on its behalf, including support services, test administration, proctoring, and accreditation.

7. Online proctoring

Candidates completing the Pan-Canadian Examinations by online proctoring agree that:

- CARB-TCMPA will disclose information related to every candidate to its proctoring service provider, ProctorU, including each eligible candidate's name, email address, unique identification number, name of the examination for which the candidate is registered, and any accommodations provided for completing the examination;
- In order to provide their services, ProctorU also requires from each candidate their name, phone number, email address, IP address, name of the examination the Candidate is writing, and identity of the testing organization (CARB-TCMPA);
- Information required by ProctorU to provide their services will be temporarily stored in the United States as ProctorU is based in the United States;
- During the examination, "live" video streams from a Candidate's computer webcam are reviewed in real-time by remote examination proctors and consent to same. During the examination, Candidates agree to abide by any reasonable requests made by the proctor to help ensure the integrity of the examination process. The proctor may request that Candidates show multiple angle views of themselves and the immediate environment. Candidates may be asked to adjust the camera, seating position, or objects within the testing environment. Failure to abide by the proctor's instructions may result in the examination session being flagged for further review or terminated;
- The video streams are recorded and Candidates irrevocably consent to the recording and the storage of the recording. In the event the proctor perceives, in the proctor's sole determination, any attempts at cheating or other irregular testing behaviour, segments of the examination may be recorded and stored for CARB-TCMPA's review and records without further notice to Candidates and without their further consent or approval. Candidates confirm that they have no right to review or receive a copy of any such recording; and
- The proctor and/or CARB-TCMPA will have the ability to conduct key stroke tracking and use artificial intelligence to track a Candidate's eye movement and other conditions in the room. Candidates consent to the use of such technology during the examination.

Candidates completing their examination through online proctoring are encouraged to review and understand ProctorU's privacy-related resources:

- Compliance and privacy FAQs: <https://www.proctoru.com/faq>
- Privacy policy: <https://www.proctoru.com/privacy-policy>
- Compliance page: <https://www.proctoru.com/compliance>

8. Withdrawing consent

Other than as noted in section 7 (Online Proctoring), an individual may withdraw or vary consent at any time, subject to legal or contractual restrictions and reasonable notice. Unless the consequences of the withdrawal or variance are obvious, CARB-TCMPA will inform the individual of the likely consequences of withdrawing or varying consent.

9. Data processing

If CARB-TCMPA acts as data processor for a member regulatory body, it will only process such personal data on the member's instructions and ensure that appropriate technical and organizational measures are in place to protect against unauthorized or unlawful processing of personal data and against accidental loss or destruction of or damage to personal data.

CARB-TCMPA only retains Personal Information for as long as it is reasonable to retain such information for business or legal purposes. Once the retention period for records containing Personal Information has expired, CARB-TCMPA destroys or modifies those records such that information in the records cannot be linked to an identifiable individual.

10. Protection and notification of loss, unauthorized access, or disclosure

CARB-TCMPA attempts to protect against the loss, misuse, and alteration of Personal Information. CARB-TCMPA has implemented reasonable administrative, technical, and physical measures to protect Personal Information.

Without unreasonable delay, CARB-TCMPA notifies the appropriate authorities and individuals of loss, unauthorized access, or disclosure of Personal Information within CARB-TCMPA's control if such loss, unauthorized access, or disclosure may reasonably be considered to present a real risk of significant harm to an individual.

11. Access and correction

Individuals may update their information by contacting CARB-TCMPA as provided in the "Contact" section below. CARB-TCMPA will use reasonable efforts to process any requested change; provided, however, that requests to delete information are subject to CARB-TCMPA's internal reporting and retention policies and applicable legal obligations.

12. Compliance with law

This policy is to be read in conjunction with applicable privacy legislation in jurisdictions in which CARB-TCMPA operates.

13. Changes to the policy

CARB-TCMPA may change this policy at any time. Changes are effective once posted.

14. Contact

Individuals may seek information about this policy, request access to their own Personal Information, or raise concerns about compliance with this Policy by contacting CARB-TCMPA's Privacy Officer:

1. By email to Dan Garcia, Executive Director at dan@carb-tcmpa.org
2. By mail to:

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