



ICES Agent Policy

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Authority (Title)		Policy Owner (Title)		
CEO		Chief Privacy and Legal Officer		
Required Reviewers (Titles)				
N/A				

Please refer to the [glossary](#) for terms and definitions.

1.0 PURPOSE

1.1 This **Policy** summarizes the expectations, conditions, and obligations of **ICES Agents**.

1.1.1 The term ‘agent’ is a legal one. An agent is a person who is legally authorized to act on behalf of another person (called the ‘principal’). In this case, the corporation of ICES, as a legal person, is the principal.

1.1.2 The agent status is a requirement, which enables ICES to lawfully provide access to **ICES Data** for use in **ICES Projects**. ICES is responsible for the **ICES Data** used by **ICES Agents**.

1.1.3 **ICES Agents** are bound by the obligations set out in the **ICES Agent and Confidentiality Agreement (“ICES Agent CA”)** and the requirements set out in this **Policy**.

2.0 SCOPE

2.1 This **Policy** applies to all individuals or organizations who sign an **ICES Agent CA**. For clarity, an **ICES Agent** may be an **ICES Employee**, **ICES Site Employee**, an external consultant, or other **Third Party Service Provider (“TPSP”)**. However, only those individuals who sign an employment agreement with ICES, the not-for-profit legal corporation, are considered to be **ICES Employees**.

2.2 All **ICES Agents** must execute the **ICES Agent CA** and any individual or organization that does not sign an **ICES Agent CA** is not an **ICES Agent**, including but not limited to **ICES Collaborating Researchers**.

2.3 An individual or organization that is not an **ICES Agent** does not have any authority to act or make decisions and representations for or on behalf of ICES or **ICES Agents**.



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3.0 ROLES AND RESPONSIBILITIES

4.0 DETAILS

4.1 Obligations on ICES

- 4.1.1 The **ICES Agent CA** template must be in a form approved by the ICES **Chief Privacy and Legal Officer** (“CPLO”).
- 4.1.2 **ICES Agents** are prohibited from being given access to **Personal Health Information** (“PHI”) and **Personal Information** (“PI”) until they have executed the **ICES Agent CA** and have been provided privacy and security awareness and training pursuant to ICES’ *Privacy and Security Training and Awareness Policy*.
- 4.1.3 **ICES Agents** must execute the **ICES Agent CA** on an annual basis and no later than the last day of June of each year.
- 4.1.4 The **ICES Agent** responsible for ensuring that an **ICES Agent CA** is executed at the commencement of the employment, contractual or other relationship is set out in ICES’ *Execution of ICES Agent and Confidentiality Agreements Procedure*.
- 4.1.5 ICES must maintain an **ICES Agent CAs Log** for the duly executed **ICES Agent CAs**, and the roles responsible for maintaining such log is set out in ICES’ *Execution of ICES Agent and Confidentiality Agreements Procedure*.

4.2 Entitlements for **ICES Agents**

- 4.2.1 **ICES Agents** are granted access to ICES infrastructure, resources, and **ICES Data** in accordance with **Policies, Procedures**, and any applicable agreement(s).

4.3 Authority, Obligations and Duties for **ICES Agents**

4.3.1 Authority

- a. In acting on behalf of ICES, **ICES Agents** only have the authority expressly granted to them by ICES during the term of their agency relationship as set out in the **ICES Agent CA**, an applicable ICES employment agreement, and any other contractual documentation between ICES and the individual or organization.

4.3.2 Obligations

- a. **ICES Agents** must always act in accordance and comply with:
 - i. ICES **Policies** and **Procedures**;
 - ii. The terms of any agreement they have signed with ICES;
 - iii. The duration of their term as an **ICES Agent** as explicitly set out in the **ICES Agent CA**;
 - iv. The ICES purpose for which they have been designated an **ICES Agent**;
 - v. ICES’ strategic mission, vision, and mandate; and
 - vi. The description for their ICES role, as applicable.

- 4.3.3 **ICES Agents** who are also **TPSPs** accessing **PHI/PI** must also comply with ICES’ *Third Party Service Provider Policy*.



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4.3.4 Duties

- a. Only engage in activities expressly permitted by ICES' **Policies** and **Procedures**, and any applicable agreement(s) that are only for ICES purposes and the furtherance of ICES' strategic mission, vision, and mandate;
- b. Seek approval from the ICES **Change Advisory Board** ("**CAB**"), before engaging in activities not authorized in any ICES **Policy**, **Procedure**, or applicable agreement(s); and
- c. Not sign documents, or click-to-accept terms and conditions, on behalf of ICES, unless permitted to do so only as set out in the ICES' *Signing Authority Policy*.

4.4 Cross-appointment

4.4.1 It is permissible for **ICES Agents** to be cross-appointed as set out in the ICES *Scientist Appointment Policy*. By being cross-appointed, **ICES Agents** may have more than one institutional affiliation. For example, an **ICES Agent** may also be an agent of a hospital.

4.4.2 **ICES Agents** must be cognizant of which principal on whose behalf they are acting, at any point during their daily activities.

4.4.3 Any perceived or actual conflicts of interest, must be declared and carefully managed in accordance with the *ICES Conflict of Interest Policy*.

4.5 Expectations

4.5.1 **ICES Agents** must know and follow all **Policies** and **Procedures**, in particular those applicable to their role at ICES and the overarching ICES *Code of Conduct Policy*.

5.0 RELATED DOCUMENTATION

5.1 *Ongoing Review of Privacy and Security Policies, Procedures, Practices, and Exceptions Policy*

5.2 *Change Management Policy*

5.3 *Privacy and Security Audit Policy*

5.4 *Discipline and Corrective Action in Relation to ICES Data Policy*

5.5 *Termination or Cessation of Employment or Contractual Relationship in Relation to ICES Data Policy*

5.6 *Incident Breach Management Policy*

5.7 *Third Party Service Provider Policy*

5.8 *Signing Authority Policy*

5.9 *Scientist Appointment Policy*

5.10 *Conflict of Interest Policy*

5.11 *Execution of ICES Agent and Confidentiality Agreements Procedure*

5.12 *Privacy and Security Training and Awareness Policy*



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6.0 TRAINING AND COMMUNICATION

6.1 **Policies** and **Procedures** are available on the **ICES Intranet**.

6.1.1 This **Policy** and any administrative **Procedures** are communicated to all **ICES Agents** across the **ICES Network** during onboarding and on a yearly basis. **Policy** awareness is also supported and promoted by the **Policy Owner**.

6.1.2 Once new **Policies** are published to the **ICES Intranet**, they are communicated to **ICES Employees** in ICES OnTap, the weekly email with the organization's internal updates.

7.0 COMPLIANCE AND ENFORCEMENT

7.1 **ICES Agents** must comply with all applicable ICES **Policies** and **Procedures**.

7.2 **ICES Agents** must notify an ICES Privacy **Subject Matter Expert** ("**SME**") or ICES Security **SME** at the first reasonable opportunity if they breach or believe there has been a breach of ICES' privacy and security **Policies** or **Procedures**, in accordance with ICES' *Privacy and Security Incident Breach Management Policy* and associated **Procedures**, as set out in the framework posted on the ICES **PLO/Cybersecurity** site on the **ICES Intranet**.

7.3 All other violations under ICES privacy and security **Policies** and **Procedures** may be subject to a range of **Disciplinary Actions** including warning, temporary or permanent loss of **Access Privileges**, legal sanctions and/or termination of employment for cause, or contract with ICES pursuant to *ICES' Discipline and Corrective Action in Relation to ICES Data Policy* and *ICES' Termination or Cessation of Employment or Contractual Relationship in Relation to ICES Data Policy* and associated **Procedures**.

7.4 Compliance is subject to annual audit by an ICES Privacy **SME** or ICES Risk & Compliance Analyst pursuant to the **Annual Audit Schedule** established under ICES' *Privacy and Security Audit Policy*.

8.0 EXCEPTIONS

8.1 Any exceptions requested pursuant to this **Policy** must be in accordance with ICES' *Ongoing Review of Privacy and Security Policies, Procedures, Practices, and Exceptions Policy* and ICES' *Change Management Policy*.