

ICES Agent Policy



Department	Reference Number	Organizational Scope	ICES Site	IPC Scope
PLO	004-00-00	ICES Network	ICES Network	All Acts
Original Date (YYYY-MM-DD)	Current Version (YYYY-MM-DD)	Review Frequency	Next Review (Month YYYY)	Supersedes (if applicable)
2021-04-01	2025-07-30	Triennial	July 2028	PO.003
Authority (Title)		Chief Executive Officer		
Policy Owner (Title)		Chief Privacy and Legal Officer		
Required Reviewers (Titles)		N/A		

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

Provisions highlighted in grey are not yet in effect and are subject to review and approval by the Information and Privacy Commissioner.

1.0 PURPOSE

- 1.1 This policy summarizes the expectations, conditions, and obligations of **ICES Agents**.
- 1.2 "Agent" is a legal term for 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.
- 1.3 The agent status is a requirement that enables ICES to lawfully provide individuals access to **ICES Data** for use in **ICES Projects**. ICES is responsible for the **ICES Data** used by **ICES Agents**.
- 1.4 **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 **ICES Agents**, which are individuals or organizations who sign an **ICES Agent CA**.
 - 2.1.1 For clarity, an **ICES Agent** may be an **ICES Employee**, **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**. Any individual or organization that does not sign an **ICES Agent CA** is not an **ICES Agent**, including but not limited to **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

3.1 Chief Privacy and Legal Officer (“CPLO”)

3.1.1 Approves the template **ICES Agent CA**.

3.2 Director, Privacy and Legal Office

3.2.1 Ensures the log(s) used to track executed **ICES Agent CAs** comply with this policy.

3.3 ICES Agents

3.3.1 Complies with the obligations, duties, and expectations set out for **ICES Agents** in this policy.

4.0 DETAILS

4.1 ICES Obligations

4.1.1 **ICES Agent CAs** are executed in accordance with the processes set out in the *ICES Agent and Confidentiality Agreement Procedure*.

4.1.2 Executed **ICES Agent CAs** must be logged for tracking. One or more logs may be used.

(a) At minimum, the log(s) must include the required content set out in Appendix A.

(b) The Director, PLO, is responsible for ensuring the log(s) comply with this policy.

(c) The log(s) are updated and maintained in accordance with the *ICES Agent and Confidentiality Agreement Procedure*.

4.1.3 The **ICES Agent CA** must:

(a) Be reviewed on an annual basis;

(b) At minimum, meet the requirements set out in the *ICES Agent and Confidentiality Agreement Standard*; and

(c) Be in a form approved by the CPLO.

4.2 Access to ICES Data

4.2.1 At minimum, **ICES Agents** are prohibited from being given access to **ICES Data**, including but not limited to **Personal Health Information (“PHI”)** and **Personal Information (“PI”)**, until they have:

(a) Executed the **ICES Agent CA**; and

(b) Completed initial privacy and security training in accordance with the *Privacy and Security Training and Awareness Policy*.

4.2.2 An **ICES Agent’s** ongoing access to **ICES Data** may be subject to additional requirements than those set out above.

4.3 Initial signing of the ICES Agent CA

4.3.1 An **ICES Agent CA** must be executed at the individual’s commencement of the employment or contractual relationship with ICES.

4.3.2 The **ICES Agent CA** must be signed in a manner that is not inconsistent with the *Signing Authority Policy*.

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4.4 Annual re-signing of the ICES Agent CA

- 4.4.1 **ICES Agents** must execute the **ICES Agent CA** on an annual basis.
- 4.4.2 Annual re-signing of the **ICES Agent CA** is completed as part of the annual renewals cycle managed by the Project Management Office (“PMO”). Typically, this is no later than the last day of June of each year.
- 4.4.3 **ICES Agents** who are on leave at the time of the annual renewals cycle are not required to re-sign the **ICES Agent CA** until they return to ICES from their leave. These **ICES Agents** must not have access to **ICES Data** until they have re-signed the **ICES Agent CA**.

4.5 Entitlements for ICES Agents

- 4.5.1 Once the **ICES Agent CA** is signed, and in accordance with ICES’ policies, standards, procedures, and any applicable agreement(s), **ICES Agents** are granted access to ICES infrastructure, resources, and **ICES Data** (if required for their role and responsibilities).

4.6 Authority for ICES Agents

- 4.6.1 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:
 - (a) The **ICES Agent CA**;
 - (b) Their ICES employment agreement, if applicable; and
 - (c) Any other contractual documentation between ICES and the individual or organization.

4.7 ICES Agent Obligations

- 4.7.1 **ICES Agents** must always act in accordance with and comply with:
 - (a) ICES’ policies, standards, and procedures;
 - (b) The terms of any agreement they have signed with ICES;
 - (c) The duration of their term as an **ICES Agent**, as explicitly set out in the **ICES Agent CA**;
 - (d) The ICES purpose for which the individual or organization has been designated an **ICES Agent**;
 - (e) ICES’ strategic mission, vision, and mandate; and
 - (f) The description for their ICES role, as applicable.
- 4.7.2 **ICES Agents** who are also **TPSPs** accessing **PHI/PI** must also comply with the *Third Party Service Provider Policy*.

4.8 ICES Agent Duties

- 4.8.1 **ICES Agents** must only engage in activities expressly permitted by ICES’ policies, standards, and procedures, and any applicable agreement(s) that are only for ICES purposes and the furtherance of ICES’ strategic mission, vision, and mandate.
- 4.8.2 If an **ICES Agent** seeks to engage in activities that are not authorized in ICES’ policies, standards, and procedures, or applicable agreement(s), the **ICES Agent** must:
 - (a) Obtain approval in accordance with the *Change Management and Exceptions Policy* if the activity is not authorized by ICES’ policies, standards, and procedures; and

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- (b) Contact Legal Services if the activity is not authorized by the applicable agreement(s) between the **ICES Agent** and ICES.

4.8.3 **ICES Agents** must not sign documents, or click-to-accept terms and conditions, on behalf of ICES unless they are permitted to do so in accordance with the *Signing Authority Policy*.

4.9 Cross-appointments of ICES Agents

4.9.1 In accordance with the *Scientist Appointment Policy*, **ICES Agents** may be cross-appointed and have more than one institutional affiliation. For example, an **ICES Agent** may also be an agent of a hospital.

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

4.9.3 **ICES Agents** must declare and carefully manage any perceived or actual **Conflicts of Interest** in accordance with the *Conflict of Interest Policy*.

4.10 ICES Agent Expectations

4.10.1 **ICES Agents** must know and follow all policies, standards, and procedures, in particular those applicable to their role at ICES and the *Code of Conduct Policy*.

5.0 RELATED DOCUMENTATION

5.1 Policies

5.1.1 *Change Management and Exceptions Policy*

5.1.2 *Code of Conduct Policy*

5.1.3 *Conflict of Interest Policy*

5.1.4 *Privacy and Security Training and Awareness Policy*

5.1.5 *Signing Authority Policy*

5.1.6 *Third Party Service Provider Policy*

5.2 Standards

5.2.1 *ICES Agent and Confidentiality Agreement Standard*

5.3 Procedures

5.3.1 *ICES Agent and Confidentiality Agreement Procedure*

5.4 Tools

5.4.1 **ICES Agent CA**

5.5 Guidelines

6.0 TRAINING AND COMMUNICATION

6.1 Policies, standards, and procedures are available on the **ICES Intranet**.

6.2 This policy and any related standards and/or 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's **Owner**.

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- 6.3 Once new policies, standards, and procedures are published to the **ICES Intranet**, they are communicated to **ICES Agents** on the **ICES Intranet** and through ICES' weekly email with the organization's internal updates.

7.0 COMPLIANCE AND ENFORCEMENT

- 7.1 **ICES Agents** must comply with all applicable policies, standards, and procedures.
- 7.2 **ICES Agents** must notify a Privacy and/or Security **Subject Matter Expert ("SME")** at the first reasonable opportunity if they breach or believe there has been a breach of ICES' privacy and security policies, standards, or procedures in accordance with applicable policies and standards, including:
- 7.2.1 *Privacy Breach Management Policy*
 - 7.2.2 *Security Incident Management Standard*
- 7.3 Enforcement of compliance with this policy is the responsibility of the the **ICES Agent** identified as the Authority of this policy.
- 7.4 All violations of policies, standards, and procedures may be subject to a range of **Disciplinary Actions** in accordance with applicable policies, including:
- 7.4.1 *Discipline and Corrective Action Policy*
 - 7.4.2 *Termination of Employment Policy*
 - 7.4.3 *Discipline and Corrective Action in Relation to ICES Data Policy*
 - 7.4.4 *Termination or Cessation of Employment or Contractual Relationship in Relation to ICES Data Policy*
- 7.5 Compliance is subject to audit in accordance with applicable policies, including:
- 7.5.1 *Privacy and Security Audit Policy*

8.0 EXCEPTIONS

- 8.1 Any exceptions requested pursuant to this policy must be in accordance with applicable policies, including:
- 8.1.1 *Ongoing Review of ICES' Policy Suite Policy*
 - 8.1.2 *Change Management and Exceptions Policy*
- 8.2 Exceptions cannot relieve ICES of its legal requirements, including but not limited to those established under:
- 8.2.1 *Personal Health Information Protection Act, 2004 ("PHIPA")* and its regulation;
 - 8.2.2 *Coroners Act* and its applicable regulations;
 - 8.2.3 *Child, Youth and Family Services Act, 2017 ("CYFSA")* and its applicable regulations; and
 - 8.2.4 The **IPC Manual**, **Coroners Addendum**, and **CYFSA Addendum**.

9.0 CHANGE TABLE

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Change Date (YYYY-MM-DD)	Change Notes
2025-07-30	<ul style="list-style-type: none">■ Reviewed for compliance with ICES' obligations as a Prescribed Entity:<ul style="list-style-type: none">○ IPC Manual:<ul style="list-style-type: none">▪ Execution of Confidentiality Agreements by Agents▪ Log of Executed Confidentiality Agreements with Agents○ Coroners Addendum: Part 2 – Additional Requirements○ CYFSA Addendum: Part 2 – Additional Requirements■ Added content regarding ICES' role as a Prescribed Entity under <i>CYFSA</i>.■ Revised to reflect updated template and standardized language in Sections 6.0 to 9.0

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Appendix A

ICES Agent and Confidentiality Agreement – Log Requirements	
At minimum, the log (or combined logs if more than one) of the ICES Agent CAs executed by ICES Agents must include the following information:	
	1. Name of the ICES Agent
	2. Date of the ICES Agent's commencement of employment or contractual relationship with ICES
	3. Date the ICES Agent CA was initially executed
	4. Date(s) the ICES Agent CA was subsequently completed thereafter