

## Copyright – B-G-026

### Board of Health Policy

#### 1.0 Policy Statement

Copyright means the right to make copies of, or reproduce a given work. In Canada, a work is protected by copyright automatically when it is created. The *Copyright Act* defines the types of works that are protected by copyright in Canada, the terms of those protections and the rights of creators, as well as the rights of users, including ways in which copyright protected material can be copied, distributed and used. It includes legal exceptions such as fair dealing, as well as specific exceptions applicable to educational institutions, libraries, archives and museums. Public Health units **do not** fit the definition for the legal exception of non-profit educational institute clauses.

The North Bay Parry Sound District Health Unit (Health Unit) acknowledges the obligation to respect copyright principles and the law.

#### 2.0 Purpose

This policy describes how the Health Unit manages its rights and obligations under Canada's copyright law when copyright protected works in any medium are used for Health Unit business activities.

This policy outlines responsibilities regarding the use of third party copyright material with the objectives of:

- Reducing the Health Unit's exposure to the risks associated with the use of third party copyright material;
- Assisting personnel to make full legal use of the materials at their disposal by clearly identifying responsibilities;
- Promotion of copyright compliance.

This policy also addresses first party copyright material addressing intellectual property.

#### 3.0 Scope / Responsibility

This policy applies to all Health Unit personnel, students, and volunteers who develop or adapt resources.

All personnel comply with the legal restrictions and obligations regarding the use of third party copyright material.

The Board of Health through the Medical Officer of Health/Executive Officer ensures that this policy is implemented.

## 4.0 Procedure

### 4.1 Intellectual Property (first party copyright material)

The *Copyright Act* provides for the ownership of copyright to be vested in the employer, the Health Unit, when works are created in the course of employment, except when an agreement to the contrary exists.

Because of the Health Unit's role in the dissemination of information and knowledge, products of intellectual endeavor are often used for the organization's benefit and the public benefit. Products produced for profit are incompatible with Health Unit activity.

### 4.2 Third Party Copyright Property

The use of copyright protected material depends on who owns the copyright, whether the use of the material is the subject of an agreement, the type of material to be used, how the material is used, how much material is used, and the purpose for which the material will be used.

The Health Unit:

- Addresses copyright rights and responsibilities in processes that facilitate compliance, ensuring the financial, structural and administrative procedures in place to meet its legislated copyright requirements;
- Revises and updates policies, procedures to reflect legislative changes;
- Negotiates, obtains all copyright permissions and licenses, and pays copyright fees, when required to be used in the course of Health Unit activities;
- Complies with copyright when using technology as well as multi-function reproduction devices such as photocopying, scanning, and faxing.
- Ensures the IT service contributes technical and functional analysis expertise advising on situations when copyrighted content is accessible through IT systems and technology;
- Ensures corporate publications and other communication meet the requirements of the *Copyright Act*;
- Responds appropriately to any alleged breaches of the *Copyright Act*;
- Encourages and promotes using alternatives to reduce the reliance on copyright protected works that require permission or compensation.

## 5.0 Records Retention

All records relating to this Policy are retained in accordance with the Records Retention and Management work instruction ([WI-HU-108](#)).

## 6.0 References

### Internal References

- a) North Bay Parry Sound District Health Unit, [Board of Health Bylaws](#).
- b) [Quality Assurance Manual](#) (1999).

- c) Records Retention and Management – [WI-HU-108](#)

### External References

- a) *Health Protection and Promotion Act*, R.S.O., 1990, c H.7. [Ontario E-Laws Website](#)
- b) *Municipal Act*, 2001, S.O. 2001, c. 25. [Ontario E-Laws Website](#)
- c) *Copyright Act*, R.S.C., 1985, c.C-42. [Ontario E-Laws Website](#)

## 7.0 Summary of Revisions

2018-07-19 New policy.

## 8.0 Board Policy Development Details

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