

Privacy and Confidentiality

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Privacy and Confidentiality

Our clinic has very high standards for privacy and confidentiality, and has adopted most of the guidelines recommended by the Doctors of BC.

Physicians are governed by the professional requirements in the **Canadian Medical Association Code of Ethics***.

Our clinic is bound by British Columbia's Personal Information Protection Act (PIPA).

The **ten principles for protecting privacy*** in our clinic are:

1. **Accountability** – we are responsible for personal information we collect.
2. **Identifying Purpose** – we need to ensure that there is a purpose to every piece of information we collect.
3. **Consent** – Personal information should not be collected, used, or disclosed without the prior knowledge and consent of the patient, subject to limited exceptions. Consent may be implied or expressly given, and may be given in writing or verbally.
4. **Limiting collection** - We should collect only the minimum personal information necessary to fulfill stated purposes.
5. **Limiting use, disclosure, and retention** – We must use and disclose personal information in accordance with the purposes given to the patient.
6. **Accuracy** – Patient information must be kept accurate, up-to-date, and as complete as necessary to fulfill stated purposes.
7. **Safeguards** – We have safeguards in place to protect personal information against risks such as loss, theft, unauthorized access and disclosure, copying, use, or alteration.
8. **Openness** – We inform patients about the personal information we collect and store, the purposes for which it is used, the persons to whom it is disclosed, and how an individual may access it.
9. **Individual access** – Patients are entitled to access their personal information to ensure its accuracy and completeness, and to identify to whom it was disclosed, subject to certain exceptions. We charge an administrative fee for printing out or transferring patient records.
10. **Challenging compliance** – Patients can challenge our compliance with these principles through our complaints process.

Privacy Officer

_____ serves as the privacy officer at our clinic, and is accountable to _____. All documentation and signed forms related to privacy are located _____.

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The Privacy Officer is responsible for ensuring that the practice's privacy policy and procedures are fully implemented and working effectively. Key functions of the Privacy Officer include:

- Developing and implementing policies and procedures to protect personal information.
- Educating employees about privacy and security.
- Ensuring that confidentiality agreements are signed.
- Answering patients' questions about PIPA.
- Responding to inquiries, complaints, and privacy breaches.
- Responding to patients' requests for access.
- Overseeing the office's privacy compliance.

Privacy Policy Notice

Our clinic's privacy policy is publicly available, and can be found

_____.

Confidentiality Agreements

Staff

Before having access to patients' confidential medical records, all staff must read and sign a **confidentiality agreement***. This agreement states that employees will not disclose medical information without written consent from the patient, and that employees will only have access to patient medical information when it is pertinent to their job. All medical records and information are opened on a need-to-know basis only.

People who need to sign these Confidentiality Agreements include:

These confidentiality agreements are reviewed and re-signed _____.

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Third Parties

Any contractor in the clinic such as information technology providers must read and sign a **confidentiality agreement for Third Parties***.

People who need to sign these Confidentiality Agreements include:

- | | |
|--------------------------------|--------------------------------|
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

These confidentiality agreements are reviewed and re-signed _____.

Responding to Patient Requests to Access Personal Information

Under the BC Personal Information Protection Act (PIPA), patients (or the patient's legally authorized representative) are entitled to access their personal information under our control, to ensure its accuracy and completeness, to understand how their information has been used, and to identify the names and the organizations to which their personal information was disclosed. Patients will be given access to their records within one week of their request.

Patients must sign a **Request to Access Personal Information*** in order to access their personal records.

Patients may also request that their records be transferred to a third party. For us to be able to do so, patients must sign a **General Express Consent Form** in order to release personal information.

Our clinic charges administrative fees for patients to transfer records in the following circumstances:

- Patient requesting a transfer of records
- Legal representative requesting charts for a medical-legal claim
- _____

When to "No Charge":

- Patient requesting access in the clinic to check accuracy of records
- Patient requesting a print out of 10 pages or less
- _____

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Managing Privacy Complaints

_____ is responsible for managing privacy complaints.

Our clinic uses the **ten-step process for managing privacy complaints*** established by the Doctors of BC.

Privacy and Security for our EMR

_____ is responsible for:

- Implementing and overseeing roles-based access control as approved by the Medical Director.
- User account management including unique user IDs and passwords.
- Monitoring that staff log off when away from their desks
- Ensuring all EMR data is backed up

- _____

- _____

Use of Fax*

Use of Email*

Use of Social Media*

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Use of Photography and Video*

Responding to Privacy Breaches

In the event of a privacy breach immediately inform _____, who will take immediate action to **rectify the situation***.

A privacy breach occurs when there is unauthorized access to, collection, use, disclosure, retention, or destruction of personal health information.

The following are some common examples of privacy breaches:

- Personal information is stolen or misplaced.
- A paper chart is lost or stolen.
- A letter is inadvertently mailed to an incorrect address or faxed to the wrong person.
- An electronic portable device (e.g., laptop, handheld electronic device, USB storage device) is lost or stolen where appropriate security controls such as passwords or encryption have not been implemented.
- Inappropriate access to personal information is stored in an electronic system.
- Personal information is not disposed of appropriately.
- A person who legitimately accesses records gains unintended access to information that he or she is not authorized to see.

Secure Destruction of Personal Information*

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*Privacy Resources:

Canadian Medical Association Code of Ethics: <https://www.cma.ca/Assets/assets-library/document/en/PD04-06-e.pdf#search=Code%20of%20Ethics>

Ten principles for protecting privacy:

https://www.doctorsofbc.ca/sites/default/files/ten_principles_for_protecting_patient_info_in_physician_practices.pdf

Confidentiality Agreement for Physician Office Employees:

https://www.doctorsofbc.ca/sites/default/files/confidentiality_agreement_for_physician_office_employees.doc

Confidentiality Agreement for Third Parties:

https://www.doctorsofbc.ca/sites/default/files/confidentiality_agreement_for_third_parties.pdf

Patient Request to Access Personal Information:

https://www.doctorsofbc.ca/sites/default/files/patients_request_for_access_to_personal_information.doc

Ten-step process for managing complaints:

https://www.doctorsofbc.ca/sites/default/files/managing_patient_complaints.pdf

Use of Fax by Physicians:

https://www.doctorsofbc.ca/sites/default/files/patients_request_for_access_to_personal_information.doc

Use of Email by Physicians:

https://www.doctorsofbc.ca/sites/default/files/use_of_email_by_physicians.pdf

Use of Social Media by Physicians: [https://www.cma.ca/Assets/assets-](https://www.cma.ca/Assets/assets-library/document/en/advocacy/CMA_Policy_Social_Media_Canadian_Physicians_Rules_Engagement_PD)

[library/document/en/advocacy/CMA_Policy_Social_Media_Canadian_Physicians_Rules_Engagement_PD](https://www.cma.ca/Assets/assets-library/document/en/advocacy/CMA_Policy_Social_Media_Canadian_Physicians_Rules_Engagement_PD)
[12-03-e.pdf](https://www.cma.ca/Assets/assets-library/document/en/advocacy/CMA_Policy_Social_Media_Canadian_Physicians_Rules_Engagement_PD)

Use of Photography and Video by Physicians:

https://www.doctorsofbc.ca/sites/default/files/photography_videotaping_and_other_imaging.pdf

Responding to Privacy Breaches:

https://www.doctorsofbc.ca/sites/default/files/responding_to_a_privacy_breach_key_steps_for_physicians.pdf

Secure Destruction of Private Information:

https://www.doctorsofbc.ca/sites/default/files/secure_destruction_of_personal_info.pdf

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Links from MOA Networking Event: Privacy and Confidentiality, July 21, 2016

Burnaby Division of Family Practice – MOAs:
<https://www.divisionsbc.ca/burnaby/formoas>

PIPA Quick Guide:
<https://www.oipc.bc.ca/guidance-documents/1438>

Doctors of BC Privacy Toolkit:
<https://www.doctorsofbc.ca/resource-centre/physicians/managing-practice/privacy-toolkit>

Canadian Medical Protective Association (CMPA):
https://www.cmpa-acpm.ca/serve/docs/ela/goodpracticesguide/pages/communication/Privacy_and_Confidentiality/privacy_and_confidentiality-e.html

CMA Code of Ethics (2004):
https://www.cma.ca/Assets/assets-library/document/en/advocacy/policy-research/CMA_Policy_Code_of_ethics_of_the_Canadian_Medical_Association_Update_2004_PD04-06-e.pdf

National Association of information Destruction:
www.naidonline.org

Information and Privacy Commissioner Ontario – Circle of Care examples:
<https://www.ipc.on.ca/images/Resources/circle-of-care.pdf>

Provincial Government Privacy Helpline: 250-356-1851