

Physician Health Program
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PHYSICIAN HEALTH PROGRAM (PHP) **Privacy Policies and Processes**

1) Introduction

- a. We value client privacy and confidentiality, and act to ensure it is protected.
- b. This policy was written to capture our current practices and protections and to comply with all legislative and professional requirements.
- c. This document describes the type of information collected, the uses, disclosure, and protection of this information, and the rights and recourses of PHP clients with respect to their personal information.
- d. This document is reviewed on no less than an annual basis to ensure that we remain compliant with all legislation and that our practices remain above industry standard.
- e. The information in this 'Privacy Policies and Processes' document will be made available through posting on the clinic's website, and a copy can be emailed to you upon request.

2) Governing Legislation

- a. The collection, storage, usage, and disclosure of personal information through the Physician Health Program and at other private medical facilities is governed by the *Personal Information Protection Act [SBC 2003]*. The storage, usage, and disclosure of personal information through public sites such as hospitals is governed by different legislation, the *Freedom of Information and Protection of Privacy Act*.
- b. Access to the full legislation is available on the internet, including the website www.bclaws.gov.bc.ca
- c. Under this legislation, "*personal information means information about an identifiable individual*"; i.e. information that can identify an individual person.

3) Collection of Personal Information

- a. **The Program collects personal information for the purposes of:**
 - i. Accurate identification of clients;
 - ii. Maintenance of an accurate client record;
 - iii. Communication with clients and/or their designated alternate(s);
 - iv. Communication with third parties as requested by the client or as required by law;
 - v. Provision of program services;
 - vi. Accessing services elsewhere on behalf of clients;
 - vii. Health promotion and prevention;
 - viii. Submitting and administering claims for clinical and other services;
 - ix. Preparation of reports to third parties as requested by the client or as required by law (see 'Disclosure of Information' below);
 - x. Professional requirements;
 - xi. Quality assurance.

b. The following personal information could be collected:

Note: not all the information below will necessarily be collected; specific information collected will be based on the purpose for which it is being collected.

- i. Name
- ii. Date of Birth
- iii. Personal Health Number (PHN)
- iv. Address
- v. Phone number(s) of client and designated emergency/alternate contacts
- vi. Fax numbers of client and designated emergency/alternate contacts
- vii. Email addresses of client and designated emergency/alternate contacts
- viii. Medical insurance details;
 1. Provincial Personal Health Number (PHN)
 2. Private medical benefit insurance details
 3. Local Health Authority user identification
 4. Other insurance identifications as required
- ix. Health Information as required, which may include any or all of:
 1. Personal and Family Medical History
 2. Past and current diagnoses
 3. Presenting symptoms and examination findings
 4. Tests ordered and the results of those tests
 5. Consultations requested and the results of those consults
 6. Prescription history:
 - a. On occasion it may be necessary to clarify prescriptions that a client has received; the computerized pharmacy network and database known as "PharmaNet" provides this information;
 - b. The Province of B.C. has established "PharmaNet" pursuant to section 37 of the *Pharmacists, Pharmacy Operations and Drug Scheduling Act R.S.B.C. 1996c 363*;
 - c. The College of Physicians and Surgeons of British Columbia has indicated that the use of this resource is a professional standard to inform physicians or their delegates of a person's prescribing history when clinically indicated;
 - d. As a result, the physicians and/or their designates in the Physician Health Program may request access to a client's PharmaNet records for the purposes of clarification of prescriptions received.
 - e. Clients can decline to consent to access to PharmaNet, but this could then constrain a service, or prevent a prescription being given.
 7. Allergies
 8. Immunizations
 9. Other relevant information pertaining to a client's medical/health status and/or risks
 10. Other information to be provided to third parties at the client's request (e.g. Employers, WorkSafe BC, legal proceedings, insurance claims, government claims or documentation), or as legally required (See 'Disclosure' below)

4) Accuracy of Information

The Physician Health Program makes every effort to ensure the accuracy of all recorded information

- a. In the event of an inaccuracy in administrative information:
 - i. the PHP team member becoming aware of the inaccuracy will bring it to the attention of the team's administrative staff
 - ii. with satisfaction on reasonable grounds that the new information is correct, it will be corrected by the administrative staff.
 - iii. if the accurate information cannot be determined, PHP administrative staff may contact the client or involved outside sources to determine the accurate information and will amend the record as indicated
- b. In the event of an inaccuracy in clinical information:
 - i. the PHP team member becoming aware of the inaccuracy will bring the inaccuracy to the attention of the clinical team member who created that entry
 - ii. if able to satisfactorily determine the accuracy of the new information, the clinical team member who created the inaccuracy will correct it
 - iii. if the accuracy of the information is unclear, PHP staff may contact the client or involved outside sources to determine which information is accurate.
- c. In the event of an inaccuracy being noted by a client, that client can request a change be made in their own record through a written notification to the Physician Health Program at either:
 - i. Physician Health Program: Ste 600-1665 West Broadway, Vancouver, B.C. V6J 1X1,
 - ii. Fax: 604-742-0744
 - iii. info@physicianhealth.com
- d. In the event of a disagreement between a client and a member of the Physician Health Program team about the accuracy of the information recorded:
 - i. the client has the right to contact the Physician Health Program's Executive Director, whose name appended to this document, noting the nature of the complaint and the nature of the amendment requested.
 - ii. the Executive Director will then discuss the issue with the appropriate member of the PHP team and either an amendment will be made, or an entry will be made identifying the client's request, information relevant to the disagreement, and the reason(s) for not amending the record. The Physician Health Program has the legal right to decline to change the client record.
 - iii. The client also has a right to register a complaint (See 'Questions, Concerns, and Complaints' in Section 11 below)
- e. When a client record is amended/corrected:
 - i. a client record is a legal document, so the original entry cannot be deleted;
 - ii. the incorrect information will remain in the file but identified, with the amendment/correction inserted

5) Protection of Personal Information

There are professional, physical, technological, and administrative security measures that protect your information

a. Professional Safeguards

- i. Licensed healthcare professionals are governed and monitored by their provincial Colleges
- ii. A requirement of these Colleges is the maintenance of adequate safeguards for the confidentiality and security of personal information

- iii. A breach of the confidentiality and security of this information by a licensed healthcare professional can result in investigation and discipline by their College
- iv. See 'Questions, Concerns and Complaints' below

b. Physical Safeguards

- i. Limited access to office with PHP staff in reception area
- ii. Security alarm in building with locks on elevators and internal doors after hours
- iii. Security alarm with physical response to any breach
- iv. Computerized records
- v. Limited personal information in paper format while in transit to computerized file
- vi. Shredding of all paper containing personal information, including usage of a licensed, bonded shredding company

c. Technological Safeguards

i. Computers

- 1. Password-protected screensavers on each computer
- 2. Timed logout on each computer
- 3. Firewall security and encrypted hard drives on each computer
- 4. Two-factor authentication for access to client record software
- 5. Minimal identifiable information kept only temporarily on computers outside of the client record software

ii. Client records

- 1. Client records are held in 'cloud' computer software with only minimal temporary information in local computer, preventing or minimizing data access if computer stolen;
- 2. Only minimal and transient information kept in hardcopy form;
- 3. Computer servers holding client records are located within British Columbia.

d. Administrative Safeguards

- i. Each PHP staff member is trained in privacy and confidentiality policies and processes, and is required to sign a confidentiality agreement at the beginning of their employment. This confidentiality agreement extends beyond the term of employment.
- ii. Staff meetings reinforce privacy policy and processes
- iii. Other persons having unsupervised access to the office (Cleaners, Security) are bonded, which requires a signed confidentiality agreement.

e. Communications Policy

i. Telephone

- 1. Limited conversation in non-private areas
- 2. No personal information left on voicemail

ii. Fax

- 1. Fax machine located in private area of the office
- 2. Cover sheet indicating confidentiality of the information
- 3. Reasonable steps to ensure fax numbers are accurate and entered properly

iii. Email/Text

- 1. No identifiable information transmitted

iv. Post/Courier

1. Sealed envelopes, mail kept in secure location until dispatched

f. Breaches in information protection

- i. Any identified breach will be immediately brought to the attention of the Executive Director of PHP.
- ii. The Executive Director of PHP will take immediate steps to contain the breach, evaluate the range and severity of the breach, notify the client(s) involved, and take steps to prevent further such breaches

6) Disclosure of Personal Information

Personal Information is disclosed under the following circumstances:

a. With Express Consent

- i. When requested by a client (See 'Limitation to Access' below);
- ii. Express written consent is required for the disclosure of personal information to outside agencies on behalf of the client for the purpose of accessing medical benefits on behalf of a client (e.g. accessing benefits provided by a third party, reimbursement of costs by an insurance plan, information to a lawyer or accountant);
- iii. Before disclosure of information, PHP will require written signed permission that will be placed in the client's record. This permission may be submitted to:
 1. Physician Health Program: Ste 600-1665 West Broadway, Vancouver, B.C. V6J 1X1,
 2. Fax: 604-742-0744
 3. info@physicianhealth.com

b. With Implied Consent

- i. Implied consent can be assumed for the disclosure of personal information to the staff within the PHP on an as-needed basis when a client requests information or services with the PHP;
- ii. Implied consent can be assumed for the disclosure of personal information to outside healthcare practitioners and agencies for the purpose of accessing of medical services on behalf of a client for the purpose of provision of care (e.g. referrals, tests, etc.).

c. Without Consent

There are limited situations in which the PHP is legally required to disclose personal information without the client's permission. These situations include, but are not limited to:

- i. Situations in which a client's or another's wellbeing is reasonably believed to be in jeopardy;
- ii. Reporting abuse (child, elder, spouse, etc.);
- iii. By court order (when subpoenaed);
- iv. As required by another enactment of BC or Canada that can compel the disclosure of the information;

d. Withdrawal of consent

- i. Clients have the ability to withdraw consent for the disclosure of their information at any time, with the exception of those situations in which the PHP is legally compelled to do so (see above)

- ii. If a client chooses to withdraw their consent for the sharing of their personal information, a PHP team member may reach out to the client to discuss any significant consequences that may result with respect to their care, treatment, and safety

7) Client Access to Information

Clients have a right to access their record in a timely manner.

- a. Clients must provide PHP with a signed written request to access their records. This can be submitted to:
 - i. Physician Health Program: Ste 600-1665 West Broadway, Vancouver, B.C. V6J 1X1,
 - ii. Fax: 604-742-0744
 - iii. info@physicianhealth.com
- b. If a client wishes to view their record, to ensure the integrity of the record it must be done either:
 - i. in person within the PHP office in the presence of a designated PHP team member, or
 - ii. through viewing only access online by a PHP team member.
- c. If a client requests a copy of their records, one will be provided within a reasonable time.
- d. Prior to the client being given access to their information, PHP will be given opportunity to review the file to redact information as per 'Limitations to Access' in Section 8 of this document.
- e. Reasonable fees may be charged for the above accesses

8) Limitations to access

In limited circumstances a client may be denied access to their records:

- a. When the information could reasonably be expected to endanger the mental or physical health or safety of the individual making the request
- b. If the disclosure would reveal personal information of another person or persons that could reasonably be expected to endanger the mental or physician health or safety of that individual;
 - i. In this case, this office will either decline to provide the information, or if it is possible, redact the information provided.
 - ii. If the disclosure would reveal personal information of another person or person(s) who has not consented to the disclosure, PHP will endeavour to either obtain the permission of the third person(s) affected or redact the information provided. If these options are not possible, this office will decline to provide the information.

9) Retention of Records

- a. Information is kept for the duration mandated by legislation and/or the College of Physicians and Surgeons of B.C.; this is currently 16 years after last contact or 16 years after a person reaches age of majority, whichever is longer
- b. Information retained in the PHP's client record management software enjoys the same security as active records
- c. Inactive paper charts and files are stored with a bonded third party

10) Destruction of Records

- a. Paper records with personal information that are to be destroyed within the office are placed in designated containers for shredding;

- b. If shredded within the office they are placed through a cross-shredder (cuts paper into strips and also cuts strips into pieces) before disposal
- c. Larger amounts are placed in a locked receptacle which is collected by a bonded third-party company for cross shredding and destruction.
- d. Computer records containing personal information are doubly deleted from any computer holding them; i.e. deleted from the program then deleted from the computer's trash;
- e. Computers used within the office are wiped clean by a professional company before being disposed of. In the event of a computer failure that prevents computer wiping, the hard drive is removed and physically destroyed.
- f. Computer records within our client record management software are not located or stored within our office, but on off-site servers. The servers holding this information are located within Canada and the software company is required through legislation to adhere to provincial government standards of security during storage and destruction.
- g. Inactive paper records are professionally shredded by a bonded company at the end of the required retention period.

11) Questions, Concerns, and Complaints

- a. It is important to us that our privacy policies and processes address client concerns and needs
- b. If any client has questions, concerns, or complaints:
 - i. We welcome input verbally or in writing.
 - ii. We encourage a client to first discuss these with his/her Clinical Coordinator and/or Program Physician in this office;
 - iii. These can also be addressed to our Executive Director, whose name and contact information are at the end of this document.
 - iv. In the event that a concern or complaint is focused on the Executive Director, the complaint will be directed to the Chief Executive Officer, Doctors of BC for attention;
 - v. If a concern or complaint is not satisfactorily addressed, the following recourses also apply:
 - 1. Written concerns or complaints may be sent to:
Office of the Information and Privacy Commissioner
PO Box 9038 Stn. Prov. Govt.
Victoria, B.C., V8W 9A4
info@oipc.bc.ca
 - 2. Written concerns or complaints about physicians may also be sent to:
Complaints Department
College of Physicians and Surgeons of British Columbia
300-669 Howe Street
Vancouver, B.C., V6C 0B4
Fax : 604-733-3503

Signed



Tom Rapanakis
Executive Director, Physician Health Program
Vice President, Physician Health, Doctors of BC