

Group Practice Data-Sharing Agreement Guide

Introduction

Medical practices collect, access, transfer, and store sensitive and personal information daily, and protecting this information is crucial to ensuring accuracy and security. [The BC College of Physicians and Surgeons](#) requires physicians working in a group or shared medical record environment to have a data-sharing agreement which clarifies ownership, custody, and enduring access to information in a shared practice arrangement. This includes compliance with applicable professional and legal requirements.

This guide provides resources to help physicians understand the concepts of a data sharing agreement.

Things to consider when tailoring a data sharing agreement template to your practice

- It ensures all professional obligations and legal duties related to using and disclosing records are fulfilled.
- It helps guide terms and conditions pertaining to the management, protection, and professional responsibilities of sharing patient records.
- It outlines what will happen to the patient records as custodians enter and leave the clinic.
- It highlights individuals responsible for managing information and compliance with the Personal Information Protection Act (PIPA).

Additional considerations:

- If you have concerns about your clinic's privacy, please contact the [Canadian Medical Protective Association \(CMPA\)](#) or the [Office of the Information and Privacy Commissioner of BC \(OIPC\)](#).
- Ensure you have professional legal advice.

- Doctors of BC's [ClubMD](#) provides a list of legal supports with preferred member pricing.

Additional information:

CPSBC Practice Standard: Medical Records Management

1. [CMPA Electronic Records Handbook](#)
2. [BC Physician Privacy Toolkit](#)
3. [OIPC Office of the Information and Privacy Commissioner](#)

Incorporated vs not incorporated

"The Clinic entity may not need to be registered as a professional corporation with the College if it is not providing health services directly; seek appropriate legal advice to determine if necessary"

What does incorporate mean?

Incorporating a business creates a separate legal entity called a corporation or company. This means that a medical practice operates as one entity or business, and the physician is a stakeholder of the entity.

How to incorporate

Please visit the [Professional Medical Corporation](#) and review the information in the Doctors of BC's [Starting in Practice](#) resources for directions on incorporating. For more information, please contact the appropriate legal advice to understand how a clinic can be registered.

Compliance with privacy legislation

What is PIPA?

- The [Personal Information Protection Act \(PIPA\)](#) applies to private organizations, including physician practices, and governs how personal information may be collected, used, and disclosed.
- Under PIPA:
 - Personal information should not be collected, used, or disclosed without the voluntary and informed consent of the individual.
 - Physicians have custody of the personal health information they have collected and physical control of the documents/electronic data.
 - They are accountable for any privacy breach that occurs to personal health information in their custody and control.

Required clinic roles

Important roles to have within a medical practice to ensure adequate privacy and security practices, include a lead physician or privacy officer.

Responsible Physician:

- Has overall responsibility for directing and coordinating the care and management of a patient at a specific point in time.
- Responsible for meeting professional and legal obligations for [medical records management](#) of their patients, including custody, confidentiality and enduring access.

Privacy Officer:

- Ensures compliance with applicable data protection laws and regulations.
- The [BC Physician Privacy Toolkit: A guide for physicians in private practice](#) states *"Responsible for structuring and managing a privacy management program for the practice, including developing procedures for maintaining accuracy, security, and disclosure of medical records."*

Principles and agreement components

Retiring, closing your practice, or changing your practice location

A data sharing agreement should consider all possible scenarios for when a physician is leaving a practice, including situations when a physician will continue to care for their patients (e.g. relocating to a new practice within the same community) and when they will no longer be providing care (e.g. relocation to a new community, retirement, death).

Understanding your patient panel

It can be helpful to examine your patient panel to understand each patient's status (e.g., Active, Inactive, Walk-In, etc.) and then determine the most appropriate steps for transferring or storing patient records. This can be done with support from the Family Physician Services Committee's (FPSC) [Practice Support Program](#).

Notifying patients and organizing medical records

It's important to notify active patients, patients who require ongoing care, and other professional associations (i.e. the College) about changes in your practice, including changes to the location of medical records and information on how to access them. Please refer to the [Closing your Practice](#) resource for critical steps to take.

Death

Physicians should consider having a [contingency plan](#) in place in the event of sudden death or other circumstances where they are abruptly unavailable.