A patient’s confidence is key to their best healthcare

### Privacy Legislation in BC

- **Personal Information Protection Act (PIPA)**
  - PIPA applies to personal information collected, used or disclosed by physicians in private practice and by certain health organizations.
  - **Freedom of Information and Protection of Privacy Act (FIPPA)**
    - FIPPA applies to personal information collected, used or disclosed by physicians in hospitals, health authorities and ministries.

- **PIPA**
  - Applies to personal information
  - **Consent**
    - Implied or deemed for those within the circle of care
    - Must be expressed for those outside the circle of care

### Consent

- Personal Information
  - Patient records are in the custody and control of physicians and their service providers.
  - Patients have a right to access records that contain their personal information and request correction.

### Good Stewardship

- Physician’s annual review of policies, procedures & processes

### Electronic Records

- Roles-based access are a must
- **Electronic Records**
  - Based on “need to know”, not “want to know”

### Principles

- **Accountability**
  - Physician must be Privacy Officer
- **Purpose**
  - Patient must be informed
- **Consent**
  - Implied for direct care; no retribution if patient refuses
- **Limiting Collection**
  - Minimum necessary to fulfill purposes
- **Using Information**
  - Only for the purpose consented to
- **Disclosing Information**
  - Only for authorized purposes
- **Retaining Information**
  - Only as long as needed or required by law
- **Storing Information**
  - In Canada (recommended)
- **Accuracy**
  - Up to date to fulfill purposes
- **Safeguards**
  - Protect against loss, theft, unauthorized access, use or alteration
- **Openness**
  - Educating patients on information handling practices
- **Access**
  - Patient has right to access their information for a minimal fee
- **Challenge to Compliance**
  - Patient has right to challenge a practice’s compliance

### Operational Tips

- **Documented Policies**
  - Privacy, Breach Management, Technology, Security, Retention
- **Documented Procedures**
  - Privacy, Complaint Handling, Security Incident Response, Destruction
- **Staff**
  - Confidentiality Agreement, Privacy & Security Training, Access Controls
- **Templates and Forms**
  - Confidentiality, Consent, Contracts, Information Sharing Agreements
- **Third Parties**
  - Agreements/Contracts with confidentiality clauses
- **Training**
  - Business Continuity, Privacy, Security, Systems

### Security Tips

- **Data**
  - Backups, EMRs, Secure Destruction, Transmission Encryption
- **Email and Fax**
  - Confidentiality Disclaimers, Encryption, Safer Alternatives
- **Physical**
  - Alarms, Locked Doors, Locked Filing Cabinets, Restricted Access
- **System Access**
  - Authorization, Unique ID/Password, Roles-Based, Auto-logoff
- **Systems**
  - Alerts, Audit Logs, Intrusion Detection, Patch Updates
- **Wireless**
  - Encryption, Secure Connections

---

Supplement to BC Physician Privacy Toolkit Last updated August 2017