



16.0 Information Management

16.6 Privacy and Confidentiality

16.6.2 Confidential Information Management Code of Practice

1.0 Purpose

Respect is a cornerstone of Island Health's C.A.R.E. values.¹ Respect means to "value each individual and bring trust to every relationship." Respect for individuals means respect for individuals' *Personal Privacy*² and *Information Privacy*.³ It also means respect for all *Confidential Personal and Business Information* ("Confidential Information")⁴ used to provide care, services and support to individuals, including their personal health, financial or employment records and the non-personal legal, financial and business information related to Island Health's operations.

In addition to ethical values and professional standards of practice, Island Health aligns its information management practices with British Columbian and Canadian law.⁵ The *BC Freedom of Information and Protection of Privacy Act* (FIPPA), *BC Personal Information Protection Act* (PIPA), *BC Privacy Act* and the *Canadian Charter of Rights and Freedoms*⁶ all require workers to respect and protect Confidential Information using widely-accepted fair information practices.

This policy supports these ethical, professional and legal requirements by setting out **ten foundational practice standards** to guide *Island Health Staff, Physicians or Agents* ("Staff, Physicians or Agents")⁷ in the appropriate *Management and Handling of Confidential Information* ("Handling Confidential Information").⁸ These practice standards are collectively called the *Confidential Information Management Code of Practice* ("CIM Code").

The CIM Code is the foundation for Island Health's other *Supporting Information Management Policies and Procedures* ("Supporting IM Policies and Procedures")⁹ which provide more situation-specific guidance. Both the CIM Code and the Supporting IM Policies and Procedures align with the *Island Health Code of Conduct*¹⁰ and with other organizational and professional information management standards that apply to the handling of Confidential Information at Island Health.

¹ C.A.R.E. (Courage. Aspire. **Respect**. Empathy.) See Island Health's "Living Our Values" web site for more detail.

² See Section 6.0 Definitions for more detail.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ See sections 7 and 8 of the Charter.

⁷ See Section 6.0 Definitions for more detail.

⁸ *Ibid.*

⁹ Set out in Section 7.0. Also See Section 6.0 Definitions for more detail.

¹⁰ See the Island Health web site for more details.

2.0 Policy Statement

Respect for Confidential Information is a key priority for Island Health. As such, Staff, Physicians or Agents will adhere to the CIM Code and its Supporting IM Policies and Procedures and act only as *Authorized*¹¹ and to fulfill their *Permitted Work Purposes*.¹² Questions about the application of these guiding documents may be directed to the *Information Stewardship, Access and Privacy Office* (“ISAP Office”) or the *IM/IT Information Security Office* (“Information Security Office”).¹³

2.1 CIM Code Compliance and Commitment

Staff, Physicians or Agents will comply with the CIM Code and Supporting IM Policies and Procedures at all times. Staff, Physicians or Agents will review the CIM Code and Supporting IM Policies, and annually sign the *CIM Code of Practice and Terms of Use Commitment* (“CIM Code Commitment”) set out in section 5.0, confirming that they understand and agree to be bound by these practice standards.

2.2 Consequences of Non-Compliance

Failure to comply with the CIM Code and Supporting IM Policies and Procedures may be reported to the Staff, Physician or Agent’s *Immediate Supervisor or Person of Direct Accountability or Report*, herein referred to as the *Accountable Person*¹⁴, and may result in disciplinary action or penalty, including termination of the employment or business relationship with Island Health; withdrawal of privileges; a report or referral to the relevant regulator, law enforcement or professional body; cancellation of a contract or services; or legal action by affected people or parties.

2.3 Enduring Confidentiality

Staff, Physicians or Agents will continue to protect the Confidential Information they encountered or had access to at Island Health even after their employment, affiliation or business relationship with Island Health ends and for as long as the information retains its confidential nature or status.

2.4 Duty to Report Breaches

Staff, Physicians or Agents will immediately report all actual or suspected violations of Confidential Information, the CIM Code or its Supporting IM Policies and Procedures to their Accountable Person or directly to the ISAP or Information Security Offices in accordance with *Policy 1.5.4: Privacy and Related Information Security Breaches – Reporting, Investigation and Management*.¹⁵

¹¹ See Section 6.0 Definitions for more detail.

¹² *Ibid.*

¹³ Contact information for these offices is provided on the Island Health web site.

¹⁴ See Section 6.0 Definitions for more detail.

¹⁵ See Policy 1.5.4, 1.5.4PR and 1.5.4PRT for more detail.

2.5 Duty to Report “Foreign Demands for Disclosure”

Staff, Physicians or Agents will immediately report all actual or suspected “Foreign Demands for Disclosure” of Confidential Information to their Accountable Person, or directly to the ISAP or Information Security Offices. Foreign demands include subpoenas, warrants and orders or requests from non-Canadian courts or governments.

3.0 Scope

This policy applies **without exception** to all Staff, Physicians or Agents acting on behalf of Island Health across the continuum of care and services, and to **all Confidential Information** under the care or in the charge of Island Health at any given time, whether in verbal, paper, film, or electronic form.

4.0 The CIM Code of Practice

As a Staff, Physician or Agent member of Island Health, I will treat all Confidential Information I encounter and am Authorized to handle (access, view, collect, create, use, share, retain, store, delete or dispose of) for my Permitted Work Purposes with care, respect and in full compliance with BC law.

Specifically, I WILL:

4.1 Confirm My Permitted Work Purpose for Handling Confidential Information

I will handle only the Confidential Information that I specifically require to fulfill my Permitted Work Purposes.

4.2 Follow All Written Procedures for Handling Confidential Information

I will follow all approved local or program-based procedures and the Supporting IM Policies and Procedures for handling Confidential Information and will seek clarification or direction from my Accountable Person if I am unsure how or where they apply.

4.3 Document Significant Decisions and Actions Involving Confidential Information

I will document the Confidential Information I use for significant decisions or actions affecting the health or well-being of individuals or the quality or availability of Island Health’s care, services or operations, in accordance with my approved local or program-based procedures and the Supporting IM Policies and Procedures.

4.4 Verify the Accuracy and Currency of Confidential Information I Use or Share

I will verify to the best of my ability that the Confidential Information I use or share for my Permitted Work Purposes is as accurate, current and complete as possible, in accordance with my approved local or program-based procedures and the Supporting IM Policies and Procedures.

4.5 Correct Inaccurate Confidential Information Wherever Possible

I will report and/or correct to the best of my ability any errors I notice in the Confidential Information I handle, in accordance with my approved local or program-based procedures and the Supporting IM Policies and Procedures.

4.6 Assess All Requests I Receive for Confidential Information before Acting

I will assess all verbal or written requests I receive for or about Confidential Information to confirm I am Authorized by my Permitted Work Purposes to share it and, where unsure, will refer them to my Accountable Person.

4.7 Share Confidential Information for my Permitted Work Purposes

I will share Confidential Information with my patients, clients, colleagues or other individuals for my Permitted Work Purposes where I confirm they are Authorized to receive it, in accordance with my approved local or program-based procedures and the Supporting IM Policies and Procedures.

4.8 Store or Dispose of Confidential Information as Required

I will retain, store or dispose of Confidential Information in the manner and at the time required by my approved local or program-based procedures and the Supporting IM Policies and Procedures.

4.9 Protect and Secure the Confidential Information I Handle as Required

I will protect the Confidential Information I handle using the level of security and specific safeguards required, in accordance with my approved local or program-based procedures and the Supporting IM Policies and Procedures.

4.10 Complete Confidential Information Education and Commitment Requirements

I will, on an annual basis, complete all Confidential Information education and training obligations, review these CIM Code practice standards and re-sign the CIM Code Commitment.

5.0 CIM Code of Practice and Terms of Use Commitment

I confirm that the **CIM Code of Practice** and its **Supporting IM Policies and Procedures** apply to me and that I will comply with them.

Specifically, I COMMIT:

- That I have read, understand and agree to be bound by the CIM Code of Practice and its Supporting IM Policies and Procedures.
- That I will respect and protect all Confidential Information I encounter or handle as a result of my employment or affiliation with Island Health.
- That any failure by me to comply with the CIM Code of Practice and its Supporting IM Policies and Procedures may be reported to my Accountable Person and may result in

disciplinary proceedings up to and including termination of my employment or business relationship with Island Health, and/or legal action.

- That I will not use my work-related access privileges to Island Health’s paper or electronic health or business information systems (e.g. email) for personal, non-work related purposes, except where explicitly permitted in the Supporting IM Policies and Procedures, e.g. *Policy 16.4.2.3: Acceptable Use of Assets and Resources*, and
 - In particular, that I will not view, search for, or in any other way obtain, my own personal information or the personal information of my family, friends, co-workers or any other person of interest to me for non-work related purposes.
- That I will not talk about, share, post on the internet or social media, or in any other verbal, written or electronic manner disclose Confidential Information I learn about or have access to at Island Health to family, friends, the general public or other individuals not Authorized to receive it.
- That I will not fax, email, courier, mail or in any other way transmit or transport Confidential Information without using the required physical, electronic and procedural safeguards applicable to these modes of transit as set out in the Supporting IM Policies and Procedures.
- That I will not remove or dispose of Confidential Information from Island Health premises or affiliated work sites, without ensuring that such removal or disposal is in accordance with this CIM Code of Practice and its Supporting IM Policies and Procedures.
- That if granted access to the Cerner Millennium Electronic Health Record (EHR) or any other clinical or business information system, I will adhere to and be bound by the established, authorized or legislated access processes to these systems and the additional specific requirements for protecting and managing Confidential Information maintained in these systems as set out in the “Terms of Use for Agreement for Acceptable Management of Confidential Information accessed from an Electronic Information System”.

Signature

(Name) (Title/Role)

(Island Health Department or Program OR Affiliation with Island Health)

(Signature) (Date)

Note: a copy of this Commitment will be retained on file with Human Resources. If you wish to retain a copy for your own records, please print or save this document electronically.

6.0 Policy Definitions

Authorized (Individuals, Decisions or Actions)

Individuals, decisions or actions that are entitled or permitted to act, or be acted upon, by virtue of their Authority under law or by written agreement and that are in accordance with Island Health’s “Permitted Work Purposes.” Authorized individuals external to Island Health may include, but are not limited to police, government authorities (e.g. ICBC, WCB, MCFD, etc.), regulatory bodies (e.g. CRNBC, College of Physicians and Surgeons), researchers, or private companies or associations (e.g. business partners, unions). Authorized decisions or actions may include, but are not limited to, accessing, collecting, receiving, using, sharing or disposing of Confidential Information for “Permitted Work Purposes”.

Business Contact Information

information that enables an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual

Confidential Business Information

verbal or recorded non-personal information, in any form, of a legal, financial or business nature provided to or created or obtained by Island Health, including, but not limited to, information provided in confidence by a contractor, vendor or service provider; prepared or provided as part of a pending or ongoing legal proceeding; subject to a law enforcement proceeding, Workers Compensation Board (WCB) or labour relations investigation; related to a credentialing, discipline, quality assurance or other review; *in camera* deliberations of the board or other committee where personnel, labour relations, land acquisitions, litigation or policy development matters may be discussed

Confidential Information

both Confidential Personal Information and Confidential Business Information

Confidential Personal Information

verbal or recorded information in any form about identifiable individuals, other than “Business Contact Information”, including, but not limited to, race, national or ethnic origin; colour; religious or political beliefs or associations; age, sex, sexual orientation, marital or family status; identifying numbers, symbols, fingerprints or blood type; images or audio recordings; health care history; physical or mental disability; education; financial, criminal or employment history; another person’s opinions about the individual and the individual’s own views or opinions, except if they are about someone else

Immediate Supervisor or Person of Direct Accountability or Report (“Accountable Person”)

the designated immediate superior to whom a staff, physician or agent of Island Health reports or is accountable to, including, but not limited to, a team leader, supervisor, manager, contract manager, director, medical director, executive medical director, or member of the Executive or the Board

Information Privacy

the right of an individual or data subject to determine with whom their personal information is shared, under what circumstances and to know of and exercise control over the collection, use, disclosure and access to any personal information collected about him or her

Island Health Staff, Physicians or Agents (“Staff, Physicians or Agents”)

includes employees, physicians and agents (individual or corporate) who have an employment, clinical, affiliate or business relationship with Island Health, including members of the board, contracted health care providers, researchers, volunteers, students, contractors, sub-contractors, vendors/suppliers or any other entity fulfilling or providing care or services on behalf of Island Health

Management and Handling of Confidential Information (“Handling Confidential Information”)

any act or activity that involves accessing, viewing, searching for, collecting, creating, obtaining, receiving, using, applying, sharing, disclosing, retaining, storing, deleting, disposing of,

discarding or in any other way engaging with and managing Confidential Information

Permitted Work Purposes

duties, activities and responsibilities that are ethically and legally permitted at Island Health to support day-to-day care, service, clinical governance, organizational governance, quality improvement, service planning, research, evaluation and communication needs and that are explicitly identified, or directly related to those explicitly identified, in the individual’s job or position description, or pursuant to a legal agreement, and, as required, as directed by the individual’s Accountable Person. Specific permitted purposes are set out in Island Health’s “Patient, Client and Resident” and “Employee” Notices, and are collectively called “a Permitted Care or Service Activity” of Island Health

Personal Privacy

the right of control over the integrity of one’s body as provided by the fundamental legal rights of “life, liberty and security of the person” enshrined in Sections 7 and 8 of the *Canadian Charter of Rights and Freedoms*

Records

includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records

Supporting Information Management Policies and Procedures (“Supporting IM Policies and Procedures”)

the Information Management Policies and Procedures specifically referenced throughout this CIM Code, listed in section 7.0 as amended from time to time and as set out in the Island Health Policies and Procedures intranet page [<https://intranet.viha.ca/pnp/Pages/default.aspx>]

7.0 Supporting Information Management Policies and Procedures

Policy 1.5.1: Confidential Information – Privacy Rights of Personal Information

Policy 1.5.2: Confidential Information – Third Party, VIHA Business and Other Non-Personal Information

Policy 1.5.3: Release of patient Information to Law Enforcement Personnel in Urgent or Emergency Circumstances

Policy 1.5.4: Privacy and Related Information Security Breaches: Reporting, Investigation and Management

Policy 1.5.4PR: Privacy and Information Security Breaches: Risk Assessment and Ranking by Supervisory and Leadership Staff

Policy 1.5.4PRT: Breach Assessment Reporting and Incident Management Tool

Policy 16.1.1: Information and Data Governance

Policy 16.1.2PR: Data Classification Scheme and Safeguards

Policy 16.2.1: Health Records

Policy 16.4.2.1: Security of Electronic Information

Policy 16.4.2.2: Security of Health Records

Policy 16.4.2.3: Acceptable Use of Assets and Resources

Policy 16.4.2.4: Remote Access

Policy 16.4.2.5: Mobile Computing

Policy 16.4.2.6: Remote Assistance and Session Sharing for Support Purposes

Policy 16.6.1: Photography and Recording – Maintaining Respect for Individuals and their Personal Information when Staff and Physicians undertake Recording Activities in Island Health Facilities and Service Areas

8.0 References

Relevant Federal or Provincial Legislation, Regulations, Policies and Programs:

BC Freedom of Information and Protection of Privacy Act

BC Personal Information Protection Act

BC Privacy Act

Canadian Charter of Rights and Freedoms

BC Health Professions Act

BC College of Physician and Surgeons Bylaws

College of Registered Nurses of British Columbia Bylaws and Standards of Practice

Island Health Code of Conduct

Island Health Conflict of Interest Code

Notice to Patients

Notice to Employees

Procedures, Guidelines, Protocols

Medical Staff Bylaws for the Vancouver Island Health Authority

Medical Staff Rules for the Vancouver Island Health Authority