

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;"><b>POLICY</b></p>	<h2 style="margin: 0;">REGIONAL</h2> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		Level:  <h1 style="margin: 0;">1</h1>
	Policy Name: <h3 style="margin: 0;">Transmission Of Personal Health Information Via Facsimile (“Fax”)</h3>	Policy Number: <p style="text-align: center;">10.40.130</p>	Page <p style="text-align: center;">1 of 6</p>
	Approval Signature: <p style="text-align: center;"><i>Original signed by A. Wilgosh</i></p>	Section: <p style="text-align: center;"><b>Governance &amp; General Administration</b></p>	
	Date: <p style="text-align: center;">April 2010</p>	Supercedes: <p style="text-align: center;">May 31, 2000</p>	

## 1.0 PURPOSE:

- 1.1 To ensure that the Trustee protects Personal Health Information transmitted by facsimile (Fax) whether manual or auto faxed in accordance with *The Personal Health Information Act* (“PHIA”).
- 1.2 To provide Personal Health Information required for Health Care to and within Health Care Facilities in an effective and timely manner.

## 2.0 DEFINITIONS:

- 2.1 Access: The right of an Individual or a Person Permitted to Exercise the Rights of an Individual, to examine (view) and receive a copy of the Individual’s Personal Health Information Maintained by the Trustee.
- 2.2 Confidentiality: The obligation of a Trustee to protect the Personal Health Information entrusted to it, to maintain the secrecy of the information and not misuse or wrongfully Disclose it.
- 2.3 Demographic Information: An Individual’s name, address, telephone number, and email address.
- 2.4 Disclosure of Personal Health Information: Revealing the Personal Health Information outside the Trustee, i.e. to other Trustees, to family and friends of the Individual, or to other persons legally entitled to have Personal Health Information released to them.
- 2.5 Health Care: Any care, service or procedure provided to diagnose, treat or maintain an Individual’s health; provided to prevent disease or injury or promote Health Care; or that affects the structure or a function of the body and includes the sale or dispensing of a drug, device, equipment or other item pursuant to a prescription.
- 2.6 Health Care Facility: A hospital, personal care home, Psychiatric Facility, medical clinic, laboratory, CancerCare Manitoba and community health centre or other facility in which Health Care is provided and that is designated in the PHIA regulation.

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2.7 Health Professional: A person who is licensed or registered to provide Health Care under an Act of the Legislature or who is a member of a class of persons designated as Health Professionals in the PHIA regulation.

Health Services Agency: An organization that provides Health Care such as community or home-based Health Care pursuant to an agreement with the Trustee.

2.8 Individual: A patient, client or resident receiving Health Care services within the WRHA/ health care facility. For the purpose of Access, correction, Use and Disclosure of Personal Health Information includes Persons Permitted to Exercise the Rights of an Individual.

2.9 Integrity of Personal Health Information: The preservation of its content throughout storage, Use, transfer and retrieval so that there is confidence that the information has not been tampered with or modified other than as authorized.

2.10 Maintain: In relation to Personal Health Information, to have custody or control of the information.

2.11 Personal Health Information: Recorded Information about an identifiable Individual that relates to:

- the Individual’s health, or Health Care history, including genetic information about the Individual;
- the provision of Health Care to the Individual; or
- payment for Health Care provided to the Individual;

and includes:

- the PHIN (personal health identification number) and any other identification number, symbol or particular assigned to an Individual; and
- any identifying information about the Individual that is collected in the course of, and is incidental to, the provision of Health Care or payment for Health Care;

and for further clarity includes:

- personal information such as financial position, home conditions, domestic difficulties or any other private matters relating to the Individual which have been Disclosed to the Trustee;

and for the purpose of the Confidentiality policy:

- any Personal Health Information exchanged verbally about the Individual.

2.12 Personal Representative:

- an Executor/Executrix or joint Executor/Executrix named in a deceased Individual’s will; or
- a court appointed Administrator or joint Administrator of a person’s estate.

2.13 Persons Permitted to Exercise the Rights of an Individual means:

2.13.1 (a) any person with written authorization from the Individual to act on the Individual’s behalf;

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- (b) a proxy appointed by the Individual under *The Health Care Directives Act*;
- (c) a committee appointed for the Individual under *The Mental Health Act* if the committee has the power to make Health Care decisions on the Individual's behalf;
- (d) a substitute decision maker for personal care appointed for the Individual under *The Vulnerable Persons Living with a Mental Disability Act* if the exercise of the right relates to the powers and duties of the substitute decision maker;
- (e) the parent or guardian of an Individual who is a minor, if the minor does not have the capacity to make Health Care decisions;
- (f) if the Individual is deceased, his or her Personal Representative.

2.13.2 If it is reasonable to believe that no person listed in any clause of 2.13.1 exists or is available, the adult person listed first in the following who is readily available and willing to act may exercise the rights of an Individual who lacks the capacity to do so:

- (a) the Individual's spouse, or common-law partner, with whom the Individual is cohabiting;
- (b) a son or daughter;
- (c) a parent, if the Individual is an adult;
- (d) a brother or sister;
- (e) a person with whom the Individual is known to have a close personal relationship;
- (f) a grandparent;
- (g) a grandchild;
- (h) an aunt or uncle;
- (i) a nephew or niece.

**Ranking:** The older or oldest of two or more relatives described in any clause of 2.13.2 is to be preferred to another of those relatives.

- 2.14 Privacy: The fundamental right of an Individual to control the collection, Use and Disclosure of their Personal Health Information.
- 2.15 Privacy Officer: An employee designated by the WRHA or the Health Care Facility whose responsibilities include dealing with requests from individuals who wish to examine, receive a copy or make a correction to Personal Health Information Maintained by the Trustee and facilitating the Trustee's compliance with PHIA. The definition is intended to mean the Privacy Officer and/or their delegate.
- 2.16 Psychiatric Facility: A place designated in the regulation of *The Mental Health Act* as a facility for the observation, assessment, diagnosis and treatment of persons who suffer from mental disorders.
- 2.17 Record or Recorded Information: A Record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means, including by graphic,

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electronic or mechanical means, but does not include electronic software or any mechanism that produces records.

- 2.18 Site: A Health Care Facility, community health centre, community office within the WRHA.
- 2.19 Trustee: A Health Professional, Health Care Facility, public body or Health Services Agency that collects or Maintains Personal Health Information. For clarity, the WRHA as a public body is the Trustee of the Personal Health Information collected and Maintained within Health Care Facilities and Sites owned and/or operated by the WRHA and includes Community Health Services. The other hospitals and personal care homes within the region are Trustees of the Personal Health Information collected and Maintained at each Health Care Facility.
- 2.20 Use: Involves revealing Personal Health Information to someone within the Trustee’s own organization who needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of Personal Health Information.

### **3.0 POLICY:**

- 3.1 All fax transmittal of Personal Health Information including Demographic Information must be in accordance with the Winnipeg Regional Health Authority policies on Access, collection, Use or Disclosure of Personal Health Information.
- 3.2 When determining if faxing is the appropriate method to send and/or receive Personal Health Information, consider the sensitivity of the information, the number of documents that need to be transmitted, and the urgency of which the information is required.
- 3.3 Personal Health Information mistakenly faxed to an unintended recipient is an unauthorized Disclosure resulting in a breach of Privacy of the Individual to whom the information is about. The breach shall be reported in accordance with the ‘Reporting of Security Breaches Related to Personal Health Information Policy’.
- 3.4 When dealing with a request to fax Personal Health Information to a new fax number, reasonable measures should be followed to ensure the identity of the requestor and the appropriateness of sending a fax to that number.
- 3.5 Any fax machine used to send or receive Personal Health Information should be located in a place that prevents unauthorized persons from seeing faxed Personal Health Information. Access to the machine should be controlled.
- 3.6 Fax confirmation sheets shall be retained with the original faxed documents wherever possible.
- 3.7 All fax transmissions of Personal Health Information shall have a cover sheet containing the following information:
- intended recipient’s name, address (including department or program), telephone and fax number whenever feasible;

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- sender's full name and telephone number;
- Individual's Demographic Information and shall not contain any other Personal Health Information about the Individual;
- number of pages sent including cover sheet;
- Confidentiality statement stating that the faxed material is confidential, is intended only for the stated recipient, is not to be Disclosed to or used by anyone else, that if the fax is received in error or the number of pages is incorrect to immediately notify the sender and at the request of the sender to return or securely destroy the information.

3.8 When faxing sensitive Personal Health Information, unique identifiers or codes should be used to protect the identity of the Individual(s).

3.9 At no time shall Personal Health Information be left unattended on the fax machine if in an unsecured area.

3.10 When Personal Health Information is compromised through faxing and/or cannot be retrieved when faxed to an unintended recipient, notify your supervisor and contact the Site Privacy Officer or the WRHA Chief Privacy Officer.

- 3.11 A copy of the Guidelines For Faxing Personal Health Information shall be:
- Posted by all fax machines that are used to send or receive Personal Health Information; or
  - Made available to employees authorized to send and receive Personal Health Information.

#### **4.0 PROCEDURE:**

4.1 Persons authorized to fax Personal Health Information shall:

- Set up pre-programmed fax numbers (speed dial and auto faxing directories) for most commonly used fax numbers and regularly check to ensure that the fax numbers are accurate and up to date. Pre-programmed fax numbers shall not include numbers for media.
- Confirm that the fax number for the intended recipient is correct;
- Check the fax number dialed to ensure it is correct (use visual check on the display) prior to sending the fax;
- Check each fax confirmation report to ensure that the fax number on the report is the same as the recipient's number and that the number of pages transmitted and received are the same;
- Remove the documents from the fax machine as soon as the fax has been processed;
- Keep a Record of the Personal Health Information that was sent via fax.

4.2 Persons authorized to receive Personal Health Information via fax transmission shall:

- Check to ensure the number of pages received match the number noted on the fax cover sheet and that all pages are legible;

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- Advise the sender of the fax when there is a discrepancy in the number of pages sent and received, or that copies are illegible and request another copy be sent;
- Check to ensure that the fax does not contain any material that should not have been sent or was intended for another recipient;
- Promptly notify the sender when material was sent in error and return or destroy the information as requested by the sender.

## 5.0 **REFERENCES:**

- 5.1 Reporting of Security Breaches Related to Personal Health Information and the Corrective Procedures to be Followed #10.40.110
- 5.2 Manitoba Ombudsman Practice Note: Privacy Considerations For Faxing Personal Health Information.
- 5.3 *The Personal Health Information Act* (Manitoba).
- 5.4 *The Personal Health Information Act* Regulations

**Policy Contact:** *Landis Esposito, WRHA Chief Privacy Officer*