

GUIDELINE FOR PARTICIPATING IN ELECTRONIC COMMUNICATIONS

Preamble

Midwives shall at all times protect and maintain the confidentiality of client personal information consistent with CMBC Bylaws 78 and 88 and BC's *Personal Information and Privacy Act* (PIPA) and should not engage in any professional activity that would adversely affect the honour, dignity, or credibility of the profession (CMBC *Code of Ethics*, Section 5).

Midwives have the professional and ethical responsibility to ensure that both they and their staff exercise care in the collection, use and disclosure of clients' personal information, regardless of format. They must also consider the professional, legal and ethical risks and liabilities of using the rapidly evolving social media and online networking technologies that allow individuals to connect, interact and share information over the internet through such portals as social networking sites, media-sharing sites, blogs, online forums, email, text message and multi-media message. Midwives should be aware that all means of electronic communication/ information can be retrieved and can be used in a court of law¹.

Midwives are responsible for ensuring that their practice follows provincial and federal privacy laws.

Guidelines for Emailing, Instant Messaging, Faxing and Texting Client Information

Midwives are expected to follow these guidelines when transmitting client information by email or fax and when contacting clients by email or text.

1. When transmitting client information electronically, client confidentiality and security must be maintained and protected in the same way as required with any medical record.
2. Consent must be obtained by the client or client's designated representative, and must be documented prior to sending any client information by email, fax, instant message or text message.
3. The use of email, instant message or text message are not preferred methods of communicating with a client about a diagnosis or lab result, a clinical care recommendation or any other sensitive information.
4. If emailing information is necessary and client consent has been obtained, midwives must confirm that: a) the sender has the correct contact for the recipient; b) the information was received as intended; c) all sensitive or confidential client information is password-protected or encrypted; d) a password is provided to the client or client's designated representative; and e) the password or cryptographic key is sent separately to the intended recipient, preferably by telephone or other non-electronic communication.

¹ www.laws-lois.justice.gc.ca/eng/acts/c-5/page-12.html

5. The use of text message or instant message is not considered a confidential means of communication. In rare situations where use of text or instant message information is necessary and the only feasible means of communicating, and client consent has been obtained, midwives must confirm that: a) the sender has the correct contact for the recipient and b) the information was received as intended.
6. Faxing client information requires that midwives: a) confirm that the sender has the correct number for the recipient and b) include a cover page with a confidential disclaimer.
7. Midwifery records must include documentation of all emails, faxes, text messages, instant messages, phone calls and other encounters related to client care.

Develop clear, written protocols around the use of email, fax, and text message in your midwifery practice in regards to communicating with clients and sharing their information. Ensure that all midwives and office staff are aware of the protocols.

References

College of Physicians and Surgeons of British Columbia. *Professional Standards and Guidelines – Emailing Patient Information* February 2013 <https://www.cpsbc.ca/files/pdf/PSG-Emailing-Patient-Information.pdf>

College of Physicians and Surgeons of British Columbia <https://www.doctorsofbc.ca/resource-centre/physicians/managing-practice/privacy-toolkit>

College of Registered Nurses of British Columbia. *Practice Standard for Registered Nurses and Nurse Practitioners – Privacy and Confidentiality*. October 2010 www.crnbc.ca

Personal Information Protection Act.
www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_03063_01#section5