

GUIDELINE FOR USING ELECTRONIC COMMUNICATION TO TRANSMIT CLIENT INFORMATION

Preamble

Midwives shall at all times protect and maintain the confidentiality of client personal information consistent with CMBC Bylaws 79 and 83 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. Midwives should be aware that all means of electronic communication and 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.

Guideline

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. A public Wi-Fi connection should *never* be used when transmitting client information electronically as these connections are vulnerable to unauthorized interception.
2. Informed consent must be obtained from the client or client's designated representative and documented prior to sending any client information by email, fax, instant message or text message. Implied consent may be relied upon when sharing information with other health care providers that form a client's circle of care (e.g. consultants, lab technologists, etc.).
3. The use of email, instant message and/or text message is strongly discouraged when 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, midwives must ensure 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; e) the password or cryptographic key is sent separately to the intended recipient, preferably by telephone or other non-electronic communication; and f) the email contains a confidentiality disclaimer.
5. The use of text message or instant message is not considered a confidential means of communication. In rare situations where use of texting or instant messaging information is necessary and the only feasible means of communicating, and client consent to do so has

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

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. When faxing client information midwives must: a) confirm the correct number for the recipient; b) include a cover page that identifies both the sender and recipient including contact information, indicates the total number of pages sent, and contains a confidentiality disclaimer; and c) confirm that the fax was sent to the correct place and that all pages were transmitted and received.
7. Medical records must include documentation of all emails, faxes, text messages, instant messages, phone calls and any other encounters related to client care.

Midwives should develop clear, written protocols around the use of email, fax, instant message and text message in their midwifery practice. All midwives and office staff in the practice should be made 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*. April 2017 www.crnbc.ca

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