

## TRANSMISSION OF HEALTH INFORMATION BY:

- **ELECTRONIC MEANS**
- **BY CELLULAR AND CORDLESS PHONES**

FAX machines and electronic mail options are often methods of choice for the transmission of health information. Although they provide an opportunity for rapid transmission of health information which can facilitate health care in urgent or emergent situations, this type of transmission is vulnerable to interception by non-authorized individuals.

All health care facilities which use electronic transmission devices should have policies regarding transmission of health care data. Physicians are reminded that *The Personal Health Information Act* imposes a duty upon trustees to adopt security safeguards that ensure the confidentiality, security, accuracy and integrity of personal health information. *The Personal Health Information Act* provides:

“... a trustee shall:

if the trustee uses electronic means to request disclosure of personal health information or to respond to requests for disclosure, implement procedures to prevent the interception of the information by unauthorized persons”<sup>1</sup>

and

“A trustee who maintains personal health information in electronic form shall implement any additional safeguards for such information required by the regulations.”<sup>2</sup>

Regulations made pursuant to *The Personal Health Information Act* require trustees to have written security policies and procedures. The regulations also require additional safeguards for electronic health information systems.

Physicians are expected to adhere to the requirements of *The Personal Health Information Act* and regulations made pursuant to that legislation. Physicians are therefore encouraged to carefully review the legislation and act in accordance with its requirements.

Physicians are reminded:

- There are confidentiality risks associated with the use of some cellular phones and cordless phones. Anyone with a radio-frequency scanner or tuneable very high-frequency receiver can eavesdrop on conversations. Physicians should not use

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1 *The Personal Health Information Act*, S.M. 1997, cap. P33.5, clause 18(2)(c)

2 *The Personal Health Information Act*, S.M. 1997, cap. P33.5, ss. 18(3)

telephones for sensitive discussions with patients, colleagues or business associates, unless the physician is confident that the conversation is private and meets the requirements of *The Personal Health Information Act*.

- Messages left on voice mail or telephone answering machines may be accessed by more than one person in an office or a home. Therefore, physicians must be very careful not to reveal confidential information by way of voice mail to answering machine messages left for a patient. Before leaving a message, a physician must be confident that the voice mail or answering machine is confidential to the patient.

**REFERENCE:**

1. CMAJ NOV 15, 1995; 153(10):1485-1488.

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**A guideline is practice generally recommended.**