



# Confidential Information Management Code of Practice

## 16.6.2

Policies direct required organizational practice/behaviour



island health

### Purpose:

Respect is a cornerstone of Island Health's C.A.R.E. values. Respect means to "value each individual and bring trust to every relationship." Respect for individuals means respect for individuals' Personal Privacy and Information Privacy. It also means respect for all Confidential Personal and Business Information ("Confidential Information") 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. 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 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 behaviors to guide Island Health Staff, Medical Staff or Agents ("Staff, Medical Staff or Agents") in the appropriate Management and Handling of Confidential Information ("Handling Confidential Information"). These practice behaviors 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") 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 and with other organizational and professional information management standards that apply to the handling of Confidential Information at Island Health.

### Context:

Island Health offers programs and services on the unceded and traditional territories of the Coast Salish, Nuuchah-nulth, and Kwakwaka'wakw Peoples.

As a signatory to the 2015 Declaration of Commitment to Cultural Safety and Cultural Humility, Island Health is committed to addressing the ongoing impacts of colonialism and Indigenous-specific racism in order to provide a culturally safe, inclusive, healthy and respectful environment.

The organization is committed to strengthening diversity, equity and inclusion to enable excellence in health and care for everyone, everywhere, every time. Through these commitments, Island Health strives to deliver the highest possible standard of care and to promote safe workplaces.

### Scope:

- **Audience:** All Staff, Medical Staff, and Agents acting on behalf of Island Health who handle any Confidential Information under the care or in the charge of Island Health at any given time, whether in verbal, paper, film, or electronic form.
- **Environment:**
  - Island Health-wide
  - All care environments
- **Exceptions:**
  - None

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### 1.0 Policy

- Respect for Confidential Information is a key priority for Island Health. As such, Staff, Medical Staff or Agents will adhere to the CIM Code and its Supporting Information Management Policies and Procedures and act only as *Authorized* and to fulfill their *Permitted Work Purposes*. 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”).

#### 1.1 Compliance and Commitment

- Staff, Medical Staff or Agents will comply with this policy and Supporting IM Policies and Procedures at all times. When onboarding to or providing services on behalf of Island Health all Staff, Medical Staff or Agents<sup>1</sup> will complete the online [CIM Code of Practice Education Module](#) and digitally sign its required *CIM Code of Practice and Terms of Use Commitment* (“the CIM Code Commitment”) collectively referred to as the “Education Module” (See Appendix A for full text of the CIM Code Commitment). Annually thereafter Staff, Medical Staff or Agents will review the Education Module and electronically attest their adherence to the CIM Code Commitment, confirming that they understand and agree to be bound by these practice behaviors.

#### 1.2 Consequences of Non-Compliance

- Failure to comply with this policy, the CIM Code Commitment, and Supporting IM Policies and Procedures may be reported to the Staff, Medical Staff or Agent’s *Immediate Supervisor or Person of Direct Accountability or Report*, herein referred to as the *Accountable Person*, 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.

#### 1.3 Enduring Confidentiality

- Staff, Medical Staff 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.

#### 1.4 Duty to Report Breaches

- Staff, Medical Staff or Agents will immediately report all actual or suspected violations of Confidential Information, this policy, the CIM Code Commitment, 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*.

#### 1.5 Duty to Report “Foreign Demands for Disclosure”

- Staff, Medical Staff 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.

<sup>1</sup> In the case of 3<sup>rd</sup> party vendors they will provide adequate evidence confirming their compliance with FIPPA, vendor agreements including privacy and data security schedules on terms no less protective than the terms set out in this policy and the CIM Code Commitment.

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### 1.6 The CIM Code of Practice Behaviors

- Staff, Medical Staff or Agents of Island Health, must treat all Confidential Information they encounter and are Authorized to handle (access, view, collect, create, use, share, retain, store, delete or dispose of) for their Permitted Work Purposes with care, respect and in full compliance with BC law.
- The following are 10 easy-to-understand practice behaviors for Staff, Medical Staff and Agents to follow to guide them in their conduct, to ensure that Island Health is respecting people's information in a way that is consistent with valuing each individual and bringing trust to every relationship. Each behavior contains a basic information management principle that Staff, Medical Staff and Agents will apply to their daily practice. All Staff, Medical Staff, and Agents must use these Practice Behaviours wherever they encounter or handle confidential information.
  - **Practice Behavior 1: Confirm your Permitted Work Purpose for Handling Confidential Information**
    - Staff, Medical Staff and Agents will handle only the Confidential Information that they specifically require to fulfill their Permitted Work Purposes.
  - **Practice Behavior 2: Follow All Written Procedures for Handling Confidential Information**
    - Staff, Medical Staff and Agents 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 their Accountable Person if they are unsure how or where they apply.
  - **Practice Behavior 3: Document Significant Decisions and Actions Involving Confidential Information**
    - Staff, Medical Staff and Agents will document the Confidential Information they 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.
  - **Practice Behavior 4: Verify the Accuracy and Currency of Confidential Information you Use or Share**
    - Staff, Medical Staff and Agents will verify to the best of their ability that the Confidential Information they use or share for their Permitted Work Purposes is as accurate, current and complete as possible, in accordance with their approved local or program-based procedures and the Supporting IM Policies and Procedures.
  - **Practice Behavior 5: Correct Inaccurate Confidential Information Wherever Possible**
    - Staff, Medical Staff and Agents will report and/or correct to the best of their ability any errors they notice in the Confidential Information they handle, in accordance with their approved local or program-based procedures and the Supporting IM Policies and Procedures.
  - **Practice Behavior 6: Assess All Requests you Receive for Confidential Information before Acting**
    - Staff, Medical Staff and Agents will assess all verbal or written requests they receive for or about Confidential Information to confirm they are Authorized by their Permitted Work Purposes to share it and, where unsure, will refer them to their Accountable Person.
  - **Practice Behavior 7: Share Confidential Information for your Permitted Work Purposes**
    - Staff, Medical Staff and Agents will share Confidential Information with their patients, clients, colleagues or other individuals for their Permitted Work Purposes where they confirm they are Authorized to receive it, in accordance with their approved local or program-based procedures and the Supporting IM Policies and Procedures.

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- **Practice Behavior 8: Store or Dispose of Confidential Information as Required**
  - Staff, Medical Staff and Agents will retain, store or dispose of Confidential Information in the manner and at the time required by their approved local or program-based procedures and the Supporting IM Policies and Procedures.
- **Practice Behavior 9: Protect and Secure the Confidential Information you Handle as Require**
  - Staff, Medical Staff and Agents will protect the Confidential Information they handle using the level of security and specific safeguards required, in accordance with their approved local or program-based procedures and the Supporting IM Policies and Procedures.
- **Practice Behavior 10: Complete Confidential Information Education and Commitment Requirements**
  - Staff, Medical Staff and Agents 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.

### 2.0 Monitoring and Evaluation

- Immediate Supervisors or Person of Direct Accountability ("**Accountable Person**") for Staff, Medical Staff or Agents will monitor compliance with this policy in their respective areas and report opportunities for improvement to ISAP.
- The Information Stewardship, Access and Privacy Office will monitor this policy and revise accordingly. ISAP will develop monitoring supports for Accountable Persons and monitor key performance metrics for this policy.

### 3.0 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 Information:** Includes both Confidential Personal Information and Confidential Business Information as defined below.
- **Confidential Business Information:** Business information is information provided to, collected or created by Island Health that exists regardless of from and includes, but is not limited to, the following: Information provided to Island Health by an external vendor which, if disclosed, would harm the business interests of the external vendor (e.g., Proposal documents, contracts, unit prices, vendor proprietary advice or information, vendor proprietary technology), information (staff statements, legal advice, investigators' reports, incident reports) prepared as part of a pending or ongoing litigation, law enforcement investigation, quality assurance review, Workers Compensation Board or Ombudsman investigation, information related to credentialing, discipline, privilege, quality assurance reviews and external review of quality of care, in camera deliberations of Island Health where such topics as personnel, labour relations, land acquisitions or litigation may be discussed, unpublished statistical

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information and internal correspondence related to organizational initiatives and information supplied in confidence to a mediator or arbitrator to resolve or investigate a labour relations dispute.

- **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, medical staff 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 them.
- **Island Health Staff, Medical Staff, or Agents (“Staff, Medical Staff, or Agents”):** Includes employees, staff, medical staff, 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 4.0 as amended from time to time and as set out in the Island Health [Policies and Procedures intranet page](#).

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### 4.0 Related Island Health Policy Documents

- [Acceptable Use of Assets and Resources Policy](#)
- [Confidential Information – Privacy Rights of Personal Information Policy](#)
- [Confidential Information – Third Party, VIHA Business and Other Non-Personal Information Policy](#)
- [Data Classification Scheme and Safeguards Policy](#)
- [Information and Data Governance Policy](#)
- [Information Classification Policy](#)
- [Code of Conduct Policy](#)
- [Conflict of Interest Policy](#)
- [Management of Health Records Policy](#)
- [Mobile Computing Policy](#)
- [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 Policy](#)
- [Privacy and Information Security Breaches: Risk Assessment and Ranking by Supervisory and Leadership Staff Policy](#)
- [Privacy and Related Information Security Breaches: Reporting, Investigation and Management Policy](#)
- [Release of patient Information to Law Enforcement Personnel in Urgent or Emergency Circumstances Policy](#)
- [Remote Access Policy](#)
- [Remote Assistance and Session Sharing for Support Purposes Policy](#)

### 5.0 References

- *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982*
- *Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165.*
- *Health Professions Act, RSBC 1996, c 183.*
- Medical Staff Bylaws for the Vancouver Island Health Authority
- Medical Staff Rules for the Vancouver Island Health Authority
- *Personal Information Protection Act, SBC 2003, c 63.*
- *Privacy Act, RSBC 1996, c 373.*

### 6.0 Resources

- [Provincial Learning Hub CIM Code of Practice Education Module](#)
- [Confidential Information Management Code of Practice Resource Page](#)

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### Appendix A: The CIM Code Commitment

The CIM Code Commitment is to be digitally signed by all Staff, Medical Staff or Agents via the online Education Module. They must complete the Commitment when onboarding to or providing services on behalf of Island Health and it must be renewed on an annual bases while employment with or services on behalf of Island Health continue.

The CIM Code Commitment is embedded in the online CIM Code of Practice Education Module which can be accessed via the Provincial Learning Hub.

Course number: 14697

URL: <https://learninghub.phsa.ca/Courses/14697/confidential-information-management-cim-code-of-practice>

<b>The CIM Code Commitment</b>	<p><b>The Code of Practice and Terms of Use Commitment:</b></p> <p>I confirm that the <b>CIM Code of Practice</b> and its <b>Supporting IM Policies and Procedures</b> apply to me and that I will comply with them.</p> <p><b>Specifically, I COMMIT:</b></p> <ul style="list-style-type: none"> <li>• That I have read, understand and agree to be bound by the CIM Code of Practice and its Supporting IM Policies and Procedures.</li> <li>• That I will respect and protect all Confidential Information I encounter or handle as a result of my employment or affiliation with Island Health.</li> <li>• 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.</li> <li>• 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., <i>Policy 16.4.2.3: Acceptable Use of Assets and Resources</i>, and <ul style="list-style-type: none"> <li>▪ 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.</li> </ul> </li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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".</li> </ul>
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