

Fax Policy

Reviewed Date		Number	IM0120
Revised Date		Approved Date	May 28, 2014

Introduction

Purpose

To set out conditions by which information in the custody or control of SMDHU may be transmitted by facsimile (“fax”) and to ensure compliance with the *Freedom of Information and Protection of Privacy Act*, and the *Municipal Freedom of Information and Protection of Privacy Act*

Legislative Authority

Compliance with this policy is required by all SMDHU employees, including students, volunteers, board of health members and other persons acting on behalf of SMDHU (including contracted services providers). This policy is subject to all applicable laws.

- The *Municipal Freedom of Information and Protection of Privacy Act, 1991* and its regulations (MFIPPA),
- The *Regulated Health Professions Act, 1991* (RHPA) and its regulations,
- The practice standards of each profession as defined by the professional colleges which guide their practices, and
- The *Personal Health Information Protection Act, 2004* (PHIPA) and its regulations.

Policy Definitions and Interpretation

Personal Information is defined as information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.

Personal Health Information is defined as *identifying information* collected about an individual, whether oral or recorded. It includes information about an individual’s health or health care history in relation to:

- The individual’s physical or mental condition, including family medical history;
- The provision of health care to the individual;
- Long-term health care services;
- The individual’s health card number;
- Blood or body-part donations;

- Payment or eligibility for health care; and
- The identity of a health care provider or a substitute decision-maker for the individual.

Identifying information includes health information that could identify an individual when used alone or in conjunction with other information.

Confidential means the classification applied to information where the unauthorized disclosure could cause moderate risk or harm to any individual, SMDHU, third-party, or to the privacy of individuals, compromise the organization's ability to respond to disaster, or threaten the secure containment of vital records. Example: vendor contracts.

Breach means a failure to observe security or privacy processes, procedures or policies, whether deliberate or accidental, which results in the information being viewed, or having the potential to be, accessed, used, transmitted or held by unauthorized persons.

Fax Tracking Reports A fax tracking report (also referred to as an Activity Log) provides detailed information about incoming and outgoing fax traffic. A fax tracking report will track user's fax activity, track performance, and identify problems and bottlenecks.

Policy

SMDHU is committed to employing stringent safeguards and standards for maintaining the privacy, integrity and availability of information collected, transmitted, and stored. SMDHU Information shall not be used by, disclosed, or shared with unauthorized individuals or organizations.

Conditions of Fax Transmittal:

Information classified as *Public*, such as an Event Notice or a HealthFax may be transmitted by fax or email without restriction.

Information classified as *Personal Health Information* or *Confidential* shall be transmitted externally by fax under limited conditions. Transmissions must directly relate to, and be necessary for, the purpose for which the information was originally collected and must only be directed to persons authorized to receive the information. Users (senders and receivers) are individually responsible and accountable for protecting the information being faxed.

Transmission of Personal Health Information shall only occur when there is a reasonable and direct connection to the purpose for which the information was originally collected; and the transmission of information is through approved SMDHU systems and procedures and is required either for operational purposes, or to provide emergent continuity of care.

Transmission of Personal Health Information for exceptional reasons can be expressly authorized by the SMDHU Health Information Custodian.

Health information shall be faxed only when the information is required immediately and no other means of obtaining secure access to the information is practical.

The fax cover sheet shall contain the contact information of the individual sending the fax and the intended recipient but no health and personal information other than the identity of the intended recipient of the fax when that person is a client.

Faxed documents used for patient care purposes or containing health information shall be included in the patients/client's health record in accordance with applicable records management policies.

Staff requiring further guidance on the conditions for transmission shall consult the SMDHU Information & Privacy Officer.

SMDHU Information & Privacy Officer may conduct spot audits without notice to ensure compliance with the requirements of this policy.

At time of fax machine disposal all data is to be deliberately and permanently removed or destroyed off of the media storage device contained within the fax machine.

Procedure

Fax Transmission

Fax transmissions shall be in accordance with the conditions noted above. Staff who are transmitting confidential information via fax are responsible and accountable for protecting the information's confidentiality, privacy, integrity, and availability at all times and only using such information for its intended purpose.

Authorized personnel are responsible for learning the security features of their fax machines in their respective service areas. Fax equipment shall be regularly monitored by authorized personnel and located in close proximity to the administrative employee with responsibility for actively monitoring fax transmissions.

Sending Personal or Personal Health Information by Fax:

Service area directors will determine who is most responsible for supervising the sending and receiving of faxes as well as the most efficient faxing processes that meet program needs.

Staff will follow these steps when faxing personal, personal health or confidential information:

1. Use an agency specific cover page; this will document the name, title and organization of the sender and the intended recipient, date of fax, number of pages and number to send return fax, as required.
2. All fax transmissions sent from SMDHU fax machines shall include a completed cover page containing the following disclaimer:
 - a. *Confidential: This communication is intended only for the individual or institution to which it is addressed and should not be distributed, copied, or disclosed to anyone else. The document(s) in this communication may contain personal, confidential, or privileged information, which is subject to the Municipal Freedom of Information and Protection of Privacy Act and other related legislation. Any review, dissemination, or use of this transmission or its contents by persons other than the addressee is strictly prohibited.*
 - b. *If you have received this communication in error, Please notify the sender immediately. Thank you for your cooperation.*
3. Ensure fax number is correct and current. Double check the number entered on the fax machine prior to pressing send.

4. If the information is deemed to be extremely sensitive, call ahead to alert the intended recipient that the fax is being sent.
5. Make every reasonable effort to ensure that the fax will be retrieved immediately by the intended recipient, or will be received in a secure area until collected
6. Ensure that the fax transmission has taken place by remaining at the fax machine until the transmission completed signal is given. This ensures faxes that are not successfully transmitted can be appropriately re-directed or sent at a later time by the sender.
7. In the event that a fax transmission containing confidential information is sent to an incorrect fax machine, the sender shall refer to Policy IM0108 - Personal Information Including Personal Health Information – Privacy Breach

Receiving Faxes:

8. Active monitoring as a minimum includes:
 - A regular review of incoming faxes and tracking logs.
 - Verification that confidential information received is legible and complete; that the number of pages listed on the cover sheet matches the number of pages received.
 - Follow up with the sender if pages are missing.
 - Review, staple together, date stamp and forward to the appropriate staff for action.
9. If faxes are received in error, staff will:
 - Notify the sender of the fax that it was received in error.
 - Confirm whether the fax should be returned to the sender or destroyed.
 - Do not forward the fax to the intended recipient.

Fax Tracking Reports

10. A fax tracking report will be printed daily by the administrative person responsible for monitoring the fax machine.
11. Tracking reports are reviewed for activity and fax errors are identified to the appropriate staff.
12. The supervisor will be notified of any unauthorized activity.
13. Fax tracking reports are maintained on file in accordance with the health unit's records retention table.

Related Policies

Policy IM0101 Personal Information, Personal Health Information Privacy – Principles
Policy IM0102 Personal Information, Personal Health Information Privacy – Accountability
Policy IM0103 Personal Information, Personal Health Information Privacy – Consent
Policy IM0104 Personal Information, Personal Health Information Privacy – Collection & Use

Policy IM0105 Personal Information, Personal Health Information Privacy – Disclosure
Policy IM0106 Personal Information, Personal Health Information Privacy – Access
Policy IM0107 Personal Information, Personal Health Information Privacy – Correction
Policy IM0108 Personal Information, Personal Health Information Privacy – Privacy Breach

Final Approval Signature: _____

Review/Revision History: