

**ALBERTA
INFORMATION AND PRIVACY COMMISSIONER**

Report on the Investigation into the Misdirected Faxes

December 7, 2004

Investigation Report H0507, H0513, H0528

I. Introduction

[para 1] On July 1, 2004, an article was published in the Edmonton Journal reporting that an Edmonton couple had received numerous faxes in error. The article suggested the errant faxes may have pertained to communications between health service providers and may have also contained health information about identifiable individuals. The Commissioner authorized me to conduct an investigation under section 84(a) of the *Health Information Act* (HIA).

[para 2] Alberta's HIA came into force on April 25, 2001. The law applies to custodians and their affiliates and sets out rules governing the collection, use, disclosure and security of health information.

II. Background

[para 3] Between September 10, 2003 and June 25, 2004, the couple received nine faxes for which they were not the intended recipients. On July 16, 2004 the couple received another fax in error, which has been added to this investigation.

[para 4] The faxes originated from a variety of separate sources. In all cases, the intended recipient of the documents was LifeMark Health Institute. The telephone number of the couple's facsimile line is similar to the telephone number used by LifeMark for their facsimile line. The only difference between the two telephone numbers is in the prefixes where two digits are reversed.

[para 5] My preliminary review of the records determined that, in two of the cases, the records did not contain health information as defined by section 1(1)(k) of the HIA. These records will not be included in this investigation.

[para 6] My preliminary investigation also determined that several of the parties who were responsible for sending the records are not subject to the HIA; that is, they are neither a custodian as defined by section 1(1)(f) of the HIA nor are they an affiliate of a custodian as defined by section 1(1)(a) of the HIA.

[para 7] The remaining parties are subject to the HIA, as discussed below, and will be included in this investigation:

Dr. Ian Robert Johnston, a custodian

RJA Medicentres Canada Inc., an affiliate of Dr. Johnston

Capital Health, a custodian

Hys Centre Physical Therapy Ltd., an affiliate of Capital Health

Dr. Vijay Thapar, a custodian

Millbourne Medical Clinic employee, an affiliate of Dr. Thapar

III. Custodian/Affiliate Relationships:

[para 8] Dr. Johnston is a physician who is paid under the Alberta Health Care Insurance Plan to provide health services. In accordance with section 1(1)(f)(ix) of the HIA, he is a custodian.

[para 9] Dr. Johnston has entered into a contract with RJA Medicentres Canada Inc., in which RJA Medicentres Canada Inc. agrees to provide facilities and services to Dr. Johnston so that he can conduct his medical practice. "Facilities and services" are defined as premises, equipment, staff, accounting services and management services. Dr. Johnston agrees to pay a fee for using the facilities and services. The contract makes it clear that Dr. Johnston is an independent medical practitioner; he is not an employee or partner of RJA Medicentres Canada Inc. Dr. Johnston conducts his medical practice at Tudor Glen Medicentre, which is operated by RJA Medicentres Canada Inc.

[para 10] Section 1(1)(a)(ii) of the HIA defines an affiliate, in relation to a custodian, as a person who performs a service for the custodian under a contract. In accordance with the HIA, RJA Medicentres Canada Inc. is an affiliate of Dr. Johnston since RJA Medicentres Canada Inc. provides facilities and services to Dr. Johnston under a contract.

[para 11] Capital Health is a regional health authority established under the *Regional Health Authorities Act*. In accordance with section 1(1)(f)(iv) of the HIA, Capital Health is a custodian.

[para 12] The relationship between Capital Health and Hys Centre Physical Therapy Ltd. is based on a contract whereby Hys Centre Physical Therapy provides ambulatory physiotherapy services to Capital Health under the Community Rehabilitation Program.

[para 13] Section 1(1)(a)(ii) of the HIA defines an affiliate, in relation to a custodian, as a person who performs a service for the custodian under a contract. In accordance with the HIA, Hys Centre Physical Therapy Ltd. is an affiliate of Capital Health since Hys Centre Physical Therapy Ltd. provides physiotherapy services to Capital Health under a contract.

[para 14] Dr. Vijay Thapar is a physician who is paid under the Alberta Health Care Insurance Plan to provide health services. In accordance with section 1(1)(f)(ix) of the HIA, he is a custodian.

[para 15] Dr. Thapar conducts his practice out of the Millbourne Medical Clinic where he is a partner. Employees of the clinic are his employees.

[para 16] Section 1(1)(a)(i) of the HIA defines an affiliate, in relation to a custodian, as an individual employed by the custodian. In accordance with the HIA, an employee of Millbourne Medical Clinic is an affiliate of Dr. Thapar.

IV. The Legislation:

[para 17] The relevant parts of the HIA read:

s. 31 No custodian shall disclose health information except in accordance with this Act.

s. 45 A custodian that discloses health information must make a reasonable effort to ensure that the person to whom the disclosure is made is the person intended and authorized to receive the information.

s. 62(2) Any collection, use or disclosure of health information by an affiliate of a custodian is considered to be a collection, use or disclosure by the custodian.

s. 62(4) Each affiliate of a custodian must comply with
(a) this Act and the regulations, and
(b) the policies and procedures established or adopted under section 63.

s. 63(1) Each custodian must establish or adopt policies and procedures that will facilitate the implementation of this Act and the regulations.

V. Issues:

[para 18] The purpose of this investigation is to address the following questions:

1. Did the disclosures contravene the HIA?
2. Did the custodians establish or adopt policies and procedures that would facilitate the implementation of the HIA and the regulations?

VI. Investigation Findings

1. Did the disclosures contravene the HIA?

[para 19] The HIA sets our circumstances and conditions under which health information may be disclosed. Generally, health information may be disclosed with the individual's consent or, in very specific and limited situations, without consent. A disclosure without consent or a disclosure that is outside other allowable disclosures under the HIA is an unauthorized disclosure and is a contravention of the HIA.

Dr. Johnston and RJA Medicentres Canada Inc.:

[para 20] After examining a patient, Dr. Johnston completed a LifeMark Health Institute Physician Referral form. An employee of RJA Medicentres Canada Inc. at the Tudor Glen Medicentre was asked to fax the completed document to LifeMark Health. Unfortunately, the employee entered the wrong number into the fax machine, which resulted in the patient's health information going to the wrong party. This error is considered to be an unauthorized disclosure of health information under the HIA.

[para 21] Section 62(4)(a) of the HIA requires an affiliate of a custodian to comply with the HIA. The unauthorized disclosure of health information by RJA Medicentres Canada Inc. is not in compliance with the HIA and is a contravention of the HIA.

[para 22] Section 62(2) of the HIA provides that a disclosure of health information by an affiliate of a custodian is considered to be a disclosure by the custodian. Even though Dr. Johnston did not disclose the health information in error to the wrong party, the HIA nevertheless provides that the unauthorized disclosure of the health information by the employee at Tudor Glen Medicentre is considered to be an unauthorized disclosure by Dr. Johnston and a contravention of the HIA by Dr. Johnston.

[para 23] This finding is unaffected by the contractual term between RJA Medicentres Canada Inc. and Dr. Johnston, which provides that RJA Medicentres Canada Inc. has sole and absolute responsibility for the facilities and services. The contract cannot override the HIA. Furthermore, the contract provides that Dr.

Johnston must comply with all applicable laws when conducting his practice at a medicentre.

[para 24] I find that Dr. Johnston and his affiliate, RJA Medicentres Canada Inc., disclosed health information in error and in contravention of the HIA.

Capital Health and Hys Centre Physical Therapy Ltd.:

[para 25] After assessing a patient to determine her eligibility for treatment under Capital Health's Community Rehabilitation Program, a therapist at Hys Centre Physical Therapy Ltd. obtained the patient's written consent to collect additional health information from her physician at LifeMark Health Institute. The therapist intended to fax the request for information and the patient's consent to LifeMark Health. Unfortunately the number was incorrectly entered into the fax machine which resulted in the patient's health information going to the wrong party. This error is considered to be an unauthorized disclosure of health information.

[para 26] Section 62(4)(a) of the HIA requires an affiliate of a custodian to comply with the HIA. The unauthorized disclosure of health information by Hys Centre Physical Therapy Ltd. is not in compliance with the HIA and is a contravention of the HIA.

[para 27] In accordance with section 62(2), even though Capital Health did not disclose the health information in error to the wrong party, the unauthorized disclosure of health information by the therapist at Hys Centre Physical Therapy Ltd. is considered to be an unauthorized disclosure by Capital Health and a contravention of the HIA by Capital Health.

[para 28] I find that Capital Health and its affiliate, Hys Centre Physical Therapy Ltd., disclosed health information in error and in contravention of the HIA.

Dr. Thapar and the Millbourne Medical Clinic employee:

[para 29] After examining a patient, Dr. Thapar completed a LifeMark Health Institute Physician Referral form and requested one of his employees to fax the completed form to Lifemark Health. Unfortunately, the employee entered the wrong number into the fax machine which resulted in the patient's health information going to the wrong party.

[para 30] Section 62(4)(a) of the HIA requires an affiliate of a custodian to comply with the HIA. The unauthorized disclosure of health information by the Millbourne Medical Clinic employee is not in compliance with the HIA and is a contravention of the HIA.

[para 31] In accordance with section 62(2), even though Dr. Thapar did not disclose the health information in error to the wrong party, the unauthorized disclosure of health information by the Millbourne Medical Clinic employee is considered to be an unauthorized disclosure by Dr. Thapar and a contravention of the HIA by Dr. Thapar.

[para 32] I find that Dr. Thapar and his affiliate, the Millbourne Medical Clinic employee, disclosed health information in error and in contravention of the HIA.

2. Did the custodians establish or adopt policies and procedures that would facilitate the implementation of the HIA and the regulations?

[para 33] Section 45 of the HIA requires that a custodian who discloses health information must make a reasonable effort to ensure that the person to whom the disclosure is made is the person intended and authorized to receive the information.

[para 34] The custodians and their affiliates who are the subjects of this investigation use fax machines to collect and disclose health information about their patients to facilitate the provision of health services. One of the risks of using a fax machine is that, because of inputting an incorrect number into the fax machine, a patient's health information may not reach the intended person, resulting in a disclosure to an unauthorized person. A custodian who uses a fax machine to fax health information is required by section 45 to make a reasonable effort to meet the requirements of section 45, namely, to ensure that the person to whom the disclosure is made is the person intended and authorized to receive the information.

[para 35] Section 63(1) of the HIA requires that a custodian establish or adopt policies and procedures that will facilitate the implementation of the HIA and the regulations. Section 62(4)(b) requires each affiliate of a custodian to comply with the policies and procedures established or adopted under section 63.

[para 36] In my view, establishing or adopting adequate policies and procedures under section 63(1) for faxing health information would also support a finding that the custodian made a "reasonable effort" to meet the requirements of section 45 of the HIA. Under section 62(4)(b), each affiliate of the custodian would be required to comply with those policies and procedures.

[para 37] This investigation will determine whether the custodians established or adopted adequate policies and procedures that would also support a finding that the custodian made a reasonable effort to meet the requirements of section 45, and whether their affiliates complied with those policies and procedures.

Dr. Johnston and RJA Medicentres Canada Inc.:

[para 38] All clinics operated by RJA Medicentres Canada Inc. are expected to adhere to a series of corporate policies and procedures. In March 2003, RJA Medicentres Canada Inc. implemented a new policy and procedure entitled Safeguards to Protect the Privacy of Health Information, which includes information on Use of Fax Machines. The policy says it applies to staff, students, volunteers, contracted workers and physicians working within the medicentres system.

[para 39] Section 63(1) of the HIA requires that Dr. Johnston, as custodian, establish or adopt policies and procedures to facilitate the implementation of the HIA and the regulations. There is no requirement that RJA Medicentres Canada Inc., as affiliate, establish or adopt policies and procedures. However, section 63(1) does not prevent Dr. Johnston from adopting adequate policies and procedures of RJA Medicentres Canada Inc. that will fulfill Dr. Johnston's duties under section 63(1).

[para 40] To decide whether Dr. Johnston adopted the fax policy and procedure, or indeed any policies and procedures of RJA Medicentres Canada Inc. that would fulfill Dr. Johnston's duties under section 63(1), I have reviewed the contract between Dr. Johnston and RJA Medicentres Canada Inc.

[para 41] The HIA came into force on April 1, 2001. The contract was signed in 1997. The contract gives RJA Medicentres Canada Inc. the right to establish rules and regulations relating to the conduct of Dr. Johnston's medical practice, which must be in accordance with the rules and regulations of the College of Physicians and Surgeons of Alberta.

[para 42] I conclude from this provision of the contract and the date of the contract that Dr. Johnston has not adopted the fax policy and procedure or any policies and procedures of RJA Medicentres Canada Inc. There is no other evidence that Dr. Johnston has established or adopted a fax policy and procedure or any policies and procedures. Furthermore, there is no other evidence that Dr. Johnston has made a reasonable effort to meet the requirements of section 45 of the HIA.

[para 43] Therefore, I find that Dr. Johnston has contravened section 45. I also find that Dr. Johnston has contravened section 63(1).

[para 44] If Dr. Johnston had adopted the fax policy and procedure of RJA Medicentres Canada Inc., is the fax policy and procedure adequate to support a finding that Dr. Johnston made a reasonable effort to meet the requirements of section 45 of the HIA?

[para 45] A copy of the procedure on Use of Fax Machines was not available during my visit to the Tudor Glen Medicentre but was subsequently obtained from RJA Medicentres Canada Inc.'s corporate office and provided to me. The procedure says:

- Fax machines are to be located in areas where unauthorized persons cannot see the documents.
- Use pre programmed numbers for all regularly faxed locations.
- If using a non programmed number verify the number once it is entered, and before initiating the transmission.
- Review pre-programmed fax numbers in July and December each year to verify their continued accuracy.
- Attach a company cover sheet to each fax carefully completing both the sender and the receiver. This coversheet indicates that the information being sent is confidential, and if received by someone in error, it directs the receiver to return it.
- Verify that the information sent was received by contacting the receiver by telephone, or by checking on a transmission report generated by the fax machine.

[para 46] The fax policy and procedure requires users to verify that the information sent was received, by either contacting the receiver by telephone or by checking on a transmission report generated by the fax machine. In my view, merely checking the transmission report is inadequate to ensure that the information sent was received by the intended recipient. Therefore, if Dr. Johnston had adopted the fax policy and procedure, I do not believe that the fax policy and procedure would be adequate to support a finding that Dr. Johnston made a reasonable effort to meet the requirements of section 45 of the HIA.

[para 47] If Dr. Johnston had adopted the fax policy and procedure, did RJA Medicentres Canada Inc. comply with the fax policy and procedure, as required by section 62(4)(b)?

[para 48] In this case, the record transmitted by the employee at Tudor Glen Medicentre, on Dr. Johnston's behalf, was accompanied by the coversheet. An examination of the fax cover sheet confirmed that it includes the name of the sender, the name and fax number of the intended recipient and the number of pages being sent. However, as a variation to the procedure, the statement at the bottom of the sheet instructs anyone who receives the transmission in error to notify the sender, rather than return the information. This is not a significant deviation from corporate procedure.

[para 49] I was advised that staff does not contact the receiver by telephone to verify that the information was received. Staff does check the transmission report but only to verify that the transmission was successful. The report is discarded if it says the transmission was successful.

[para 50] The transmission report will not detect a misdialed number unless staff compares the transmission number against the intended recipient's number. More importantly, because staff does not verify that the information was received, there is no assurance that the patient's referral to another health services provider was successful. In this specific case, the patient was aware of the referral and followed

up with Tudor Glen Medicentre a few days later. Because Tudor Glen Medicentre does not retain a copy of the transmission sheet, there was no way to determine to whom the information was sent. I was advised that, when this occurs, the assumption is that something went wrong on the recipient's end.

[para 51] I find that, if Dr. Johnston had adopted the fax policy and procedure, RJA Medicentres Canada Inc. did not comply with the fax policy and procedure, as required by section 62(4)(b) of the HIA. Therefore, RJA Medicentres Canada Inc. would be found to have contravened section 62(4)(b).

Capital Health and Hys Centre Physical Therapy Ltd.:

[para 52] Capital Health provided Hys Centre Physical Therapy Ltd. and other contracted affiliates with a complete copy of its policies and procedures and other information regarding the affiliate's obligations under the HIA. This material has been supplemented by information provided during regular meetings with its affiliates and by a quarterly newsletter designed specifically for its affiliates.

[para 53] Included in Capital Health's policies is one titled *Health Information Security Breach or Violation?* This policy requires affiliates to report breaches, such as a misdirected fax, to their privacy office for review. Included in that review is a consideration for notifying the individual of the breach.

[para 54] Another of Capital Health's policies deals specifically with security in information handling and contains an appendix titled *Guidelines for facsimile transmission*. The newsletter for affiliates, distributed as Winter 2002/2003, also contained a column on facsimile transmission which made reference to the procedure guideline.

The guideline says:

- Confirm that the receiver of your fax has taken appropriate precautions to prevent anyone else from seeing the documents.
- Before sending a fax, check that the receiver's number is correct, then verify in the machine's display window that you have keyed it in correctly.
- If using auto fax or speed dial, ensure that your directories are up to date on a regular basis.
- Always complete a Capital Health cover sheet, clearly identifying both sender and intended receiver. This sheet must include a warning that the information is intended for the named recipient only as well as a request to contact you if the transmission was misdirected.
- When possible, call ahead to ensure that the recipient is there to receive the fax, or call afterwards to ensure he or she received the complete transmission. If neither is possible, check the confirmation sheet to ensure the fax went to the right number.
- Any fax machine used to send identifying health information or personal information should be kept in a location where unauthorized persons cannot

see the documents. If this is not possible, someone should attend the machine during transmission and reception.

- Consider making one person responsible for sending receiving documents, or send documents yourself. Be prepared to attend the machine to receive documents intended for you if called in advance.
- If your fax machine is equipped with a feature that allows storage of fax messages and use of a password to retrieve them, use this feature and ask senders to make sure that you must supply a password to retrieve the document.
- If your fax machine is equipped to encrypt documents, use this feature for very sensitive health information (see Appendix A).
- If sending or receiving fax messages using a computer modem, confirm that other users cannot access your fax messages without a password.

[para 55] I find that Capital Health established adequate fax policies and procedures, thereby supporting a finding that Capital Health made a reasonable effort to meet the requirements of section 45 of the HIA.

[para 56] Hys Centre Physical Therapy Ltd. is aware of the Capital Health policies and procedures and of the guideline. They have developed their own facsimile cover sheet, which contains the sender's name, the recipient's name and fax number, the number of pages transmitted and a statement if received in error instructing the recipient to notify the sender and return the documents.

[para 57] However, the therapist at Hys Centre Physical Therapy Ltd. did not follow Capital Health's fax policies and procedures, as the therapist did not call ahead or call after faxing the health information to ensure that the recipient received the transmission. I find that Hys Centre Physical Therapy Ltd. did not comply with the fax policy and procedures, as required by section 62(4)(b) of the HIA. Therefore, Hys Centre Physical Therapy Ltd. contravened section 62(4)(b).

Dr. Vijay Thapar and the Millbourne Medical Clinic employee:

[para 58] Dr. Thapar advised that his office follows an established practice when using the fax machine. There is no documented procedure. The practice includes the use of a fax cover sheet. Dr. Thapar provided me with a copy of the fax cover sheet used in his office. I was able to confirm that it includes the name of the sender, the name and fax number of the intended recipient, the number of pages being sent and a statement that instructs anyone who receives the transmission in error to notify the sender. In this specific case, the records transmitted by Dr. Thapar's office were not accompanied by a coversheet.

[para 59] I was also advised that the fax machine does generate a transmission report and that staff does check the report but only to verify that the transmission was successful. The report is discarded if it says the transmission was successful.

[para 60] I find that Dr. Thapar did not establish or adopt fax policies and procedures, or any policies and procedures. There is no other evidence to support a finding that Dr. Thapar made a reasonable effort to comply with the requirements of section 45 of the HIA. Therefore, I find that Dr. Thapar contravened section 45. I also find that Dr. Thapar contravened section 63(1).

[para 61] As there were no fax policies and procedures to comply with, the Millbourne Medical Clinic employee cannot be found to have contravened section 62(4)(b) of the HIA.

VII. Recommendations:

Dr. Johnson and RJA Medicentres Canada Inc.:

[para 62] 1. The HIA has been in force since April 1, 2001 and applies to custodians, including physicians. Under the HIA, there is no difference between a physician who conducts his practice from a private office and a physician who contracts with an affiliate, such as RJA Medicentres Canada Inc., to provide an office facility. In both cases, the physician is a custodian and, as such, must adhere to the requirements of the HIA. The contract between Dr. Johnston and RJA Medicentres Canada Inc. does not contain any reference to the HIA. The contract does not refer to any policies and procedures to facilitate implementation of the HIA and the regulations, nor does it say that Dr. Johnston has adopted those policies and procedures. I recommend that Dr. Johnston and RJA Medicentres Canada Inc. review and revise the contract to indicate that Dr. Johnston accepts and adopts the policies and procedures developed by RJA Medicentres pursuant to section 63 of the HIA.

[para 63] 2. The Use of Fax Machine procedure of RJA Medicentres Canada Ltd. requires users to verify that the information sent was received, either by contacting the receiver by telephone or by checking on a transmission report generated by the fax machine. Staff at the Tudor Glen Medicentre do not contact the receiver by telephone as I am advised that the volume of activity makes it impractical to do so. The transmission report is checked but only to ascertain that the transmission was successful. I recommend RJA Medicentres modify the Use of Fax Machine procedure to require the fax transmission report to be retained and placed on the patient's chart and to require staff to circle and initial the recipient's fax number and the transmission number on the transmission report as a means of verifying the document was sent to the correct number.

[para 64] 3. I recommend that Dr. Johnson and RJA Medicentres Canada Inc. implement a practice where they consider notifying an individual when the individual's health information is disclosed in error, such as a transmission to an incorrect facsimile number. The notice should include a description of the health information disclosed, the measures taken to correct or prevent the error

and of the individual's right to register a privacy complaint with the Commissioner.

Hys Centre Physical Therapy Ltd.:

[para 65] 1. I recommend that Hys Centre Physical Therapy Ltd. ensures it complies with Capital Health's fax policies and procedures.

Dr. Vijay Thapar:

[para 66] 1. Dr. Thapar has not complied with the requirement under section 63(1) of the HIA to establish or adopt policies and procedures that will facilitate the implementation of the HIA and the regulations. I recommend that, by January 31, 2005, Dr. Thapar notify this Office that he has achieved compliance with this requirement. To assist physicians, the Alberta Medical Association has developed a standard set of policy templates that physicians may adopt or use to create their own policies. I suggest that Dr. Thapar consider this resource material.

[para 67] 2. I recommend that Dr. Thapar establish and adopt a policy and procedure on use of a fax machine, based on the attached guideline that has been established by our Office.

[para 68] 3. I recommend that Dr. Thapar implement a practice where he considers notifying an individual when the individual's health information is disclosed in error, such as a transmission to an incorrect facsimile number. The notice should include a description of the health information disclosed, the measures taken to correct or prevent the error and of the individual's right to register a privacy complaint with the Commissioner.

VII. Closing Comments:

[para 69] During my investigation, several parties expressed concern over the fact that confidential information had fallen into inappropriate hands and the recipients had been reluctant to return the records. I am pleased to report that the recipients agreed to my request and have turned over all copies of the records to me.

[para 70] I want to express my appreciation to all parties for the cooperation and assistance I received throughout my investigation.

Submitted by,

Dan Cameron
Health Portfolio Officer

Attachment

Office of the Information and Privacy Commissioner

Guidelines on Facsimile Transmission

Version 2 – revised October 2002

The purpose of this document is to set out guidelines for public bodies and custodians to follow when developing systems and procedures to maintain the confidentiality and integrity of personal information received and transmitted by fax. Private sector organizations may also find these guidelines helpful.

One of the purposes of the *Health Information Act* is to protect the personal health information of individuals held by custodians². Section 60(1)(c)(i) states:

60 A custodian must take reasonable steps in accordance with the regulations to maintain administrative, technical and physical safeguards that will ...

(c)protect against any reasonably anticipated...

(i)threat or hazard to the security or integrity of the health information or of loss of the health information.

Additionally, section 38 of the *Freedom of Information and Protection of Privacy Act* states:

38 The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

How can I reduce the risk of accidentally disclosing personal information when using a fax machine?

Always confirm that the receiver has taken appropriate precautions to prevent anyone else from seeing the faxed documents;

Before sending a fax, check that the receiver's number is correct, then verify in the machine's display window that you have keyed it in correctly;

If you must send personal information, always complete the fax cover sheet, clearly identifying both sender and intended receiver. The cover sheet should include a warning that the information is private and confidential and that you should be notified immediately if the information is received in error;

Call the recipient to verify that he or she received the complete transmission; or check the confirmation sheet to see that it went through to the correct number;

Any fax machine used to send or receive personal information should be kept in a location where unauthorized persons cannot see the documents. If there is no appropriate location, someone should be watchful of the machine while in operation;

Consider making one individual responsible for the fax machine. Otherwise, limit the chances that passers-by can see personal documents by sending the documents yourself;

Try to arrange a time to receive faxes containing personal information so you can be at the machine as they arrive;

Fax only the personal information which you would feel comfortable discussing over the telephone;

If your fax machine is equipped, use the feature requiring the receiver to enter a password before the machine will print the fax. This ensures that only the intended receiver can retrieve the document.

Similarly, ask the sender to make sure you must supply a password to retrieve the document;

Security precautions should be taken for faxes received after normal office hours;

If you are sending personal information by a fax modem (a fax device contained in a computer), confirm that other users of the computer system cannot get access to the fax without a password. Likewise, if you are expecting information by fax modem, ensure that other users of your system cannot access the information without a password;

If possible, use encryption technology or other technology to secure fax transmissions;

Be aware that your fax number can be re-assigned once you have given up the number. It is possible to “purchase” the rights to that line so that the number is never re-assigned.

¹ This *Guideline* is based upon and imports many of the practices and guidelines from a number of organizations including: the Privacy Commissioner of Canada, the Office of the Information and Privacy Commissioner of British Columbia, the Office of the Information and Privacy Commissioner of Ontario, the College of Physicians and Surgeons of Alberta, and the Canadian Health Record Association. Their contributions are gratefully acknowledged.

² Custodian is defined as an entity or regulated health professional (e.g. physician) in the publicly funded health system who receives and uses health information. Custodians are responsible for ensuring that the health information is collected, used, disclosed and protected appropriately.