

COFM Policy: Guidelines for the Appropriate use of the Internet, Electronic Social Networking and Other Media – February 3, 2009

These Guidelines apply to all postgraduate trainees registered at an Ontario School or Faculty of Medicine, including postgraduate students, fellows, clinical research fellows, or equivalent. Use of the Internet includes posting on blogs, instant messaging (IM), social networking sites, e-mail, posting to public media sites, mailing lists and video-sites.

The capacity to record, store and transmit information in electronic format brings new responsibilities to those working in healthcare with respect to privacy of patient information and ensuring public trust in our hospitals, institutions and practices. Significant educational benefits can be derived from this technology but trainees need to be aware that there are also potential problems and liabilities associated with its use. Material that identifies patients, institutions or colleagues and is intentionally or unintentionally placed in the public domain may constitute a breach of standards of professionalism and confidentiality that damages the profession and our institutions. Guidance for postgraduate trainees and the profession in the appropriate use of the Internet and electronic publication is necessary to avoid problems while maintaining freedom of expression. Ontario Schools and Faculties of Medicine are committed to maintaining respect for the core values of freedom of speech and academic freedom.¹

Postgraduate trainees are reminded that they must meet multiple obligations in their capacity as university students, as members of the profession and College of Physicians and Surgeons of Ontario (CPSO), and as employees of hospitals and other institutions. These obligations extend to the use of the Internet at any time – whether in a private or public forum.

These Guidelines were adapted from the University of Toronto Policy on Appropriate Use of Information and Communication Technology and reference existing standards and policies as set out in the *Regulated Health Professions Act*, the *Medicine Act* and *Regulations*, *CPSO The Practice Guide: Medical Professionalism and College Policies*, September 2007, the *Standards of Professional Practice Behaviour for all Health Professional Students* (the Standards) and the Policy on Appropriate Use of Information and Communication Technology.

Postgraduate trainees are also subject to the *Personal Health Information and Privacy Act* as “health information custodians” of “personal health information” about individuals.

¹ Policy on Appropriate Use of Information and Communication Technology at <http://www.provost.utoronto.ca/policy/use.htm>.

General Guidelines for Safe Internet Use:

These Guidelines are based on several foundational principles as follows;

- The importance of privacy and confidentiality to the development of trust between physician and patient,
- Respect for colleagues and co-workers in an interprofessional environment,
- The tone and content of electronic conversations should remain professional,
- Individual responsibility for the content of blogs,
- The permanency of published material on the Web, and
- That all involved in health care have an obligation to maintain the privacy and security of patient records under *The Personal Health Information Protection Act [PHIPA]*, which defines a record as: “information in any form or any medium, whether in written, printed, photographic or electronic form or otherwise.”²

1. Posting Information about Patients

Never post personal health information about an individual patient. Personal health information has been defined in the *PHIPA* as any information about an individual in oral or recorded form, where the information “identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual.”³ These guidelines apply even if the individual patient is the only person who may be able to identify him or herself on the basis of the posted description. Trainees should ensure that anonymised descriptions do not contain information that will enable *any* person, including people who have access to other sources of information about a patient, to identify the individuals described.

Exceptions that would be considered appropriate use of the Internet:

It is appropriate to post:

- a) With the express consent of the patient or substitute decision-maker.
- b) Within secure internal hospital networks if expressly approved by the hospital or institution. Please refer to the specific internal policies of your hospital or institution.⁴

² *Personal Health Information Protection Act*, S.O. 2004 C. 3, s. 2.

³ *Personal Health Information Protection Act*, S.O. 2004, C. 3 s. 4.

⁴ Faculty, instructors and postgraduate trainees are reminded that portable devices are not necessarily secure, and that confidential patient information should not be removed from the hospital.

⁵ Faculty and instructors are reminded that they must use a secure environment provided by the University.

- c) Within specific secure course-based environments⁵ that have been set up by the School/Faculty of Medicine and that are password-protected or have otherwise been made secure. Even within these course-based environment, participants should:
- i. adopt practices to “anonymise” individuals;
 - ii. ensure there are no patient identifiers associated with presentation materials; and
 - iii. use objective rather than subjective language to describe patient behaviour. For these purposes, all events involving an individual patient should be described as objectively as possible, e.g., describe a hostile person by simply stating the facts, such as what the person said or did and surrounding circumstances or response of staff, without using derogatory or judgmental language.
 - iv. entirely fictionalized accounts that are so labelled.

2. Posting Information About Colleagues and Co-Workers

Respect for the privacy rights of colleagues and coworkers is important in an interprofessional working environment. If you are in doubt about whether it is appropriate to post any information about colleagues and co-workers, ask for their explicit permission – preferably in writing. Making demeaning or insulting comments about colleagues and co-workers to third parties is unprofessional behaviour. Such comments may also breach the universities’ codes of behavior/conduct.

3. Professional Communication with Colleagues and Co-Workers

Respect for colleagues and co-workers is important in an interprofessional working environment. Addressing colleagues and co-workers in a manner that is insulting, abusive or demeaning is unprofessional behaviour. Such communication may also breach the universities’ codes of behavior/conduct.

4. Posting Information Concerning Hospitals or other Institutions

Comply with the current hospital or institutional policies with respect to the conditions of use of technology and of any proprietary information such as logos or mastheads. Postgraduate trainees must not represent or imply that they are expressing the opinion of the organization. Be aware of the need for a hospital, other institution and the university to maintain the public trust. Consult with the appropriate resources such as the Public Relations Department of the hospital, Postgraduate Medical Education Office, or institution who can provide advice in reference to material posted on the Web that might identify the institution.

5. Offering Medical Advice

Do not misrepresent your qualifications. Postgraduate trainees are reminded that the terms of their registration with the College of Physicians and Surgeons of Ontario limits

the provision of medical advice within the context of the teaching environment. Provision of medical advice by postgraduate medical trainees outside of this context is inconsistent with the terms of educational registration.

6. Academic Integrity extends to the appropriate use of the Internet

University codes of behavior/policies on academic matters contain provisions on academic dishonesty and misconduct. These provisions may be breached by sharing examination questions, attributing work of others to oneself, collaborating on work where specifically instructed not to do so, etc.

Penalties for inappropriate use of the Internet

The penalties for inappropriate use of the Internet include:

- Remediation, dismissal or failure to promote by the School/Faculty of Medicine,
- Discipline for breach of hospital or institutional policy,
- Prosecution or a lawsuit for damages for a contravention of the *PHIPA*, and/or
- A finding of professional misconduct by the College of Physicians and Surgeons of Ontario.

Enforcement

All professionals have a collective professional duty to assure appropriate behaviour, particularly in matters of privacy and confidentiality. A person who has reason to believe that another person has contravened these guidelines should approach his/her immediate supervisor/program director for advice. If the issue is inadequately addressed, he/she may complain in writing to the Dean Postgraduate Medical Education or to the College of Physicians and Surgeons of Ontario through designated processes. Complaints about breaches of privacy may be filed with the Information and Privacy Commissioner/Ontario.

References:

Policy on Appropriate Use of Information and Communication Technology

<http://www.provost.utoronto.ca/policy/use.htm>

College of Physician and Surgeons of Ontario:

CPSO *The Practice Guide: Medical Professionalism and College Policies*, September 2007

<http://www.cpso.on.ca/Policies/PracticeGuideSept07.pdf>

CPSO Physician Behaviour in the Professional Environment #4-07, November 2007.

www.cpso.on.ca/Policies/behavior.htm

CPSO Confidentiality of Personal Health Information #8-05, November 2005

<http://www.cpso.on.ca/Policies/confidentiality.htm>

University of Toronto:

University of Toronto Standards of Professional Practice Behaviour for Health Professional Students

Policies on on-line harassment:

<http://www.enough.utoronto.ca/policies.htm>

Appropriate Use of Information and Communication Technology

<http://www.provost.utoronto.ca/policy/use.htm>

Code of Behavior on Academic Matters

<http://www.governingcouncil.utoronto.ca/Assets/Policies/PDF/Code+of+Behaviour+on+Academic+Matters.pdf>

Personal Health Information Protection Act

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm#BK3

Information and Privacy Commissioner/Ontario

<http://www.ipc.on.ca/>