

Confidentiality and Electronic Communication



You asked a Practice Advisor: As a nurse, should I use e-mails to communicate health information to my clients? How can I send secure and private e-mails to my clients?

BY VIRGIL GUITARD

Background

Nurses are often central to communication between the patients and other health care providers. *"Fulfilling this role is pivotal to ensuring the patient receives safe care. In nursing practice, dialogue, written documentation, electronic and telephone communications and video presentations are commonly used forms of communication"* (C.N.P.S. 2006).

In recent years, issues relating to the security of personal health information have attained a higher priority. This increased demand is fueled by the

privacy with respect to their personal health information; and 2) individuals have the right to provide or withhold consent with respect to the collection, use, disclosure, or access of their personal health information. The New Brunswick Health Charter of Rights and Responsibilities Act (2003) states that a person *"has the right to be treated with...proper respect being shown for one's personal privacy and for the*

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proliferation of information technology such as e-mail, cellular phones and personal digital assistant (PDA), and the development of electronic health or medical records.

Personal health information is defined as *"...all types of information pertaining to the health of an individual under treatment or care..."* and any identifying information about clients that is in verbal, written or electronic form (Rozovsky & Inions, 2002, p.2).

The following principles reflect the need to protect personal rights associated with privacy and personal health information: 1) individuals have the right of

confidentiality of one's personal health information". The New Brunswick Government is currently developing legislation specific to the protection of personal health information.

As a nurse, should I use e-mails to communicate health information to my clients?

It is the responsibility of registered nurses to protect the confidentiality of their client's health information. The Code of Ethics for Registered Nurses (2002) states that: *1) nurses must respect the right of each person to informational privacy, that is, the indi-*

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- ◇ Ensure transmission of e-mail messages are to a specific e-mail address, and request acknowledgment of receipt
- ◇ Include a confidentiality statement indicating that the information is confidential, to be read only by intended recipients, and not to be printed or forwarded

vidual's control over the use, access, disclosure and collection of their information; 2) nurses must protect the confidentiality of all information; 3) nurses must advocate for and respect policies and safeguards to protect and preserve the person's privacy.

E-mail is not usually secure, therefore not reliably confidential.

Communication with clients using this technology should be care-

fully random characters and symbols. A recipient can only decode it with the right "key". E-mail encryption protects private, sensitive and valuable information communicated via e-mail. E-mail encryption can be deployed using e-mail encrypting software or secure e-mail servers.

In addition to encryption technology, the confidentiality and security of

E-mail is not usually secure, therefore not reliably confidential. Communication with clients using this technology should be carefully considered and security measures must be in place.

fully considered and security measures must be in place. Unlike paper messages, which move physically from one place to another and typically exist in one place at a time unless deliberately copied, electronic messages are routinely duplicated when they're sent from one computer to another across the internet. Additionally, there is a risk the recipient may misinterpret the content of e-mail messages.

How can I send secure and private e-mails to my clients?

Before using e-mail as a mode of communication, you should first verify if your agency has a policy on e-mail communication with clients. Agencies will need to assess under what conditions and with what resources it may be safe to engage in electronic communications with patients. The appropriate policies and their implementation will support nurses as they protect a patient's right to privacy of their personal health information. According to informatics specialists, the only way to send e-mail in a secure manner is to use encryption technology. Encryption is like an electronic combination lock. The sender encodes the text of a message, causing it to appear to others as a series of seem-

e-mail transmission to clients can be further enhanced by:

- Verifying e-mail addresses of intended recipients before sending;
- Ensuring transmission of e-mail messages are to a specific e-mail address, and by requesting acknowledgment of receipt; and
- Including a confidentiality statement indicating that the information is confidential, to be read only by intended recipients, and not to be printed or forwarded

When in doubt about the security of electronic transmission, which may include cellular phone use, more secure means should be used.

For more information regarding confidentiality and electronic communications, you may call the NANB Practice Department at 1 800 442-4417 and speak with a practice advisor.

References:

- Canadian Nurses Association (2002). *Code of Ethics for Registered Nurses*. Ottawa. Author
- Canadian Nurses Association (2001). *Position Statement: Privacy of Personal Health Information*. Ottawa. Author.
- Canadian Nurses Protective Society (1996). *InfoLaw-confidentiality of Health Information*. Ottawa. Author

NANB Consultation Services

Did you know that NANB offers individual, one-on-one, consultation services?

This confidential service is offered to support New Brunswick nurses and to encourage safe, ethical, and competent practice.

Consultation is offered on a wide variety of issues such as the interpretation of Association documents and government legislation, scope of practice issues, ethical behaviours and standards, issues of safety and appropriate action, conflict resolution, and the management of procedural and practice issues.

If you would like to access NANB Consultation Services, please contact Virgil Guitard, Nursing Practice Advisor, tel.: (506) 783-8745, toll free 1 800 442-4417 or E-mail: vguitard@nanb.nb.ca.

Canadian Nurses Protective Society (2006). *InfoLaw-communication*. Ottawa. Author

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Rozovsky, E., Inions, N. (2002). *Canadian Health Information, 3rd Edition*. Butterworths Canada LTD. ISBN 0-433-42381-1. □

Editor's note: Virgil Guitard is a nursing practice advisor with the Nurses Association of New Brunswick.