

ADVISORY STATEMENT

REVISED: February 2020



Remedying a Breach of Security COTBC Reporting Requirements

Occupational therapists safeguard the confidentiality of information acquired in the context of professional relationships, to protect their clients' right to privacy.

— COTBC Code of Ethics

This advisory statement focuses on what information a registrant must provide COTBC when there has been a breach of security.

As a regular part of service provision, occupational therapists collect and record client information. With this collection comes the professional and statutory responsibility to protect the confidentiality of the information recorded. By doing so, occupational therapists protect the client's right to determine how, when, to whom, and for what purposes any personal information is disclosed.

A breach of security occurs when there has been unauthorized access, use or disclosure of personal information. A breach can occur via any form of communication including written, face-to-face, facsimile (fax), email and text messaging (texting).

What To Do

Remediation involves taking steps to recover the information, notifying anyone affected including the College, and if necessary law enforcement officials. It also requires that the occupational therapist evaluates what transpired and modifies existing practices to prevent a re-occurrence.

COTBC Bylaws Part 7: Registrant Management of Patient Records, Section 85 outline occupational therapists' responsibilities regarding client records, and in particular;

A registrant must take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information under this part as soon as possible after the breach is discovered, including:

- a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
- b) taking steps to ensure that any remaining personal information is secured,
- c) notifying:
 - i. anyone affected by the unauthorized access including patients and other health care providers,
 - ii. the college, and
 - iii. law enforcement officials, where criminal action may have contributed to the unauthorized action, and
- d) modifying existing security arrangements to prevent a re-occurrence of the breach of security (COTBC, 2017, p. 42).

Requirements re: Notifying the College

The following requirements build on the bylaws cited above with a focus on what information the College must receive when a breach of security occurs.

1. A letter on official letterhead (when available) via mail, fax or email must be received by COTBC as soon as possible after the breach of security has been identified. It is the occupational therapist's responsibility to confirm that COTBC has received the letter.
2. The letter needs to include the items outlined below.
 - a) Registrant name, number and contact information.
 - b) Detailed description of what happened including:
 - i. date when the breach occurred.
 - ii. date when the breach was identified or recognized.
 - iii. description of the type of documents and information involved including
 - number of documents, and
 - scope of information with level of sensitivity.
 - iv. who was involved and their relationship to the occupational therapist.
 - c) Description of the steps taken to remedy the situation including:
 - i. dates when steps occurred.
 - ii. who was informed, how they were informed, and their reactions and responses.
 - d) Reflection on the lessons learnt and the steps taken to modify existing practices to prevent a re-occurrence.
 - e) Signature of the registrant and date signed.
3. The occupational therapist should be aware that the information may require forwarding to the Inquiry Committee for further investigation.

References/Resources

COTBC. (2014). *Practice standards for managing client information*. Victoria, BC: Author.

COTBC. (2017, October 2). *College of Occupational Therapists of British Columbia Bylaws* (p. 42). Victoria, BC: Author.

Websites

College of Occupational Therapists of British Columbia

www.cotbc.org

Office of the Information and Privacy Commissioner for British Columbia

www.oipc.bc.ca

Advisory statements are published by the College of Occupational Therapists of British Columbia to increase registrants' awareness of important issues relevant to the practice of occupational therapy.