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## McMaster University Postgraduate Medical Education

### Guidelines for Appropriate Use of the Internet Electronic Networking and Other Media

**(This policy was adapted from the University of Toronto)**

These guidelines apply to all postgraduate trainees registered with McMaster University, Faculty of Health Sciences, Postgraduate Medical Education Office. It includes Residents, Clinical and Research Fellows. Use of the internet includes posting on blogs, instant messaging (IM), social networking sites, email, posting to public media sites, mailing lists and video sites.

The capacity to record, store and transmit information in electronic format brings 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.

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, 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 developed by reference to existing standards and policies as set out in the *Regulated Health Professions Act*, the *Medicine Act and Regulations*, September 2007, the *McMaster University, PGME Guidelines on Professional Behaviour and Ethical Performance*, and the *McMaster University, PGME Policy and Procedures on the Evaluation of Postgraduate Students' Performance* (<https://login.medportal.ca/>, Under 'Policies and Procedures').

Postgraduate trainees are also subject to the Personal Health Information and Privacy Act ([http://www.elaws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_04p03\\_e.htm](http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm)) "health information custodians" of "personal health information" about individuals.

#### 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 inter-professional 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) [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_04p03\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm) , which defines a record as: “information in any form or any medium, whether in written, printed, photographic or electronic form or otherwise.”<sup>1</sup>

(a) Posting Information about Patients

Never post personal health information about an individual.

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.”<sup>2</sup>

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 anonymized 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:

1. With the express consent of the patient or substitute decision-maker.
2. Within secure internal hospital networks if expressly approved by the hospital or institution. Please refer to the specific internal policies of you hospital or institution.<sup>3</sup>
3. Within specific secure course-based environments<sup>4</sup> that have been set up by McMaster University and that are password-protected or have otherwise been made secure.

Even within these course-based environments, participants should:

- (i) adopt practices to “anonymize” individuals;
- (ii) ensure there are no patient identifiers associated with presentation materials; and

<sup>1</sup> *Personal Health Information Protection Act, S.O. 2004 C.3,s.2.*

<sup>2</sup> *Personal Health Information Protection Act, S.O. 2004 C.3,s.4.*

<sup>3</sup> *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.*

<sup>4</sup> *Faculty and instructors are reminded that they must use a secure environment provided by the University.*

- (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, i.e., 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.

4. Entirely fictionalized accounts that are so labeled.

(b) 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 University's codes of behaviour regarding harassment including the University policies on Sexual Harassment and Anti-Discrimination (<http://www.mcmaster.ca/hres/>)

(c) Professional Communication with Colleagues and Co-Workers

Respect for colleagues and co-workers is important in an inter-professional 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 University's policies on Sexual Harassment and Anti-Discrimination (<http://www.mcmaster.ca/hres/>)

(d) 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 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.

(e) 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.

(f) Academic Integrity extends to the appropriate use of the Internet

McMaster University's Academic Integrity Policy contains provisions on academic dishonesty and misconduct.

(<http://www.mcmaster.ca/univsec/policy/AcademicIntegrity.pdf>)

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 Postgraduate Medical Education Office, Faculty of Health Sciences, McMaster University
- Discipline for breach of hospital or institutional policy.
- Prosecution or a lawsuit for damages for a contravention of the PHIPA
- 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, s/he may complain in writing to the Assistant 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 Commission/Ontario.