

QUICK TIPS: RESPONDING TO A PRIVACY BREACH



ALBERTA LEGISLATION CHANGE

[Mandatory breach reporting](#) requirement effective August 31, 2018.

ONLINE PRIVACY TRAINING

[AMA's privacy training](#) is available for **physicians and clinic staff**, free of charge via [Learn@AMA](#).

WHAT IS A PRIVACY BREACH?

A privacy breach means a loss of, unauthorized access to, or unauthorized disclosure of individually identifying health information.

The types of privacy breaches are:	Some breach examples are:
<ul style="list-style-type: none"> Loss of health information 	<ul style="list-style-type: none"> Loss of electronic or paper files
<ul style="list-style-type: none"> Unauthorized access 	<ul style="list-style-type: none"> An individual accesses information that they were not authorized to access
<ul style="list-style-type: none"> Unauthorized disclosure of individually identifying health information 	<ul style="list-style-type: none"> A deliberate or accidental disclosure of individually identifying health information

The custodian has a duty to respond when there is a privacy breach.

The Health Information Act (Section 60) states that a custodian must give notice as soon as practical for a breach if it results in a **risk of harm** to an individual

ACTION STEPS

- A** Contain the breach
- B** Evaluate risk of harm
- C** Mandatory reporting
- D** Mitigation

WHEN A BREACH OF PRIVACY IS SUSPECTED OR KNOWN

1. Report the potential breach to the clinic's privacy officer immediately.
2. If the breach is ongoing, take immediate steps to contain the breach.
3. Start collecting the required information by filling out the AMA [Breach Documentation Form](#). Parts A to D below reference the sections of the Breach Documentation Form

Examples of breach containment:

- Call the police for theft or criminal activity
- Recover records
- Stop the unauthorized activity
- Correct weaknesses in physical security
- Contact IT

SECTIONS OF BREACH DOCUMENTATION

PART A: Collect all relevant information about the breach

- Once the breach has been contained, use Part A of the form to collect all relevant information about the breach. The information will be necessary when you report your breach to the required parties.
- Be as specific as possible in your descriptions.

PART B: Determine if there is a risk of harm

- The Health Information Regulation defines the factors custodians must consider when assessing the risk of harm. Part B of the form will assist you in assessing the risk.
- If you answer Yes to any of the questions, the breach may be reportable.

PART C: Evaluate the mitigating factors that a custodian must consider in reporting a breach

- A custodian may decide that notification is necessary even when mitigating factors are present. Each situation is unique and all factors should be considered.

PART D: Report the breach and document mitigation strategies and implementation

- If your clinic determined that there has been a reportable privacy breach, you must notify the Office of the Information and Privacy Commissioner of Alberta (OIPC), Alberta Health (Minister), and the affected individual as soon as practicable with:
 - [OIPC Breach Reporting Form](#)
 - [Alberta Health Breach Reporting Form](#)
 - [Patient Notification Template](#)

REPORTING

Please describe any steps that the custodian has taken to address the current breach and steps they are intending to take, to reduce the risk of future breaches. This information will be needed in your report to the OIPC and Minister of Health.



Keep a copy of the Breach Documentation Form and all other documents that were used to report the breach in a secure location for your clinic's record of the breach investigation and follow up

FOLLOW UP

It is important to review and update your privacy practices on a regular basis to prevent privacy breaches.

Review and update your clinic's privacy risk mitigation strategies regularly

- Review and update safeguards
- Update policies and procedures
- Educate and train your clinic team. Enrol your entire team for free AMA Privacy Training on Learn@AMA

Audit to ensure prevention plan is implemented

WANT MORE INFORMATION ON PRIVACY BREACHES?

Enrol in the AMA's advanced privacy training course: **Responding to a Privacy Breach**.

AMA's privacy training courses are accredited by the Royal College of Physicians and Surgeons of Canada and the College of Family Physicians of Canada.

Learning Objectives

1. Explain what a privacy breach is and list the three most common types of privacy breaches.
2. Apply critical thinking skills to clinic-based scenarios to:
 - Complete the four steps to respond to a privacy breach
 - Assess the risk of harm to an individual
 - Describe the mandatory breach reporting requirements

Enrol Now!