



West Coast District Health Board

Te Poari Hauora a Rohe o Tai Poutini

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RE Official information request WCDHB 9255

We refer to your email dated 3 December 2018 requesting the following information under the Official Information Act from West Coast DHB.

- 1. Does the DHB have a policy in place regarding the use of smartphones/smartphone apps like WhatsApp, Snapchat, and Messenger for the recording and sharing of clinical information?**
- 2. If yes, what is the policy? If not, why not?**
- 3. How frequently would you say this is happening among clinicians?**
- 4. Is it just a sign of the times; a more efficient way of sharing information?**
- 5. What efforts are made to ensure patient privacy if/when sharing information through personal/work smartphones?**

Electronic communication is a very efficient way of communicating but we need to be sure patient info is safe. To that end we have rolled out Celo*, to a limited degree on the West Coast, which is secured and encrypted. This can be deployed on people's devices with appropriate levels of security.

*<https://www.celohealth.com/>

All staff are bound by confidentiality and non-disclosure of information policies including, access to West Coast DHB electronic systems, the use of information technology (which includes computers mobile phone, data cards, memory sticks etc) and the Health Information Privacy code 1994.

<https://www.privacy.org.nz/the-privacy-act-and-codes/codes-of-practice/health-information-privacy-code-1994/>

In the process of delivering the best service to patients, clinicians may take photos to monitor aspects of their care. This can be a particularly expedient form of communication between clinicians. Examples can include photos of skin lesions or burns to get expert advice or short videos of seizures supplied by families to help with accurate diagnosis.

Any photos are then stored within a secure environment within the DHB system, with access limited to certain users and added to the health records.

As always with patient privacy any benefits of using smartphone technology will be balanced against the risks.

We do not hold information pertaining to how frequently clinicians are using their smartphones to share clinical information. (Declined under s18(g) of the Act).

West Coast DHB has a cellular and smart phone procedure, which describes under what circumstances staff may take photographs of patients or message information, please refer to **Appendix 1** (attached). This procedure does not cover specific applications.

Information pertaining to the NZ Medical Council 'Use of the internet and electronic communication' can be found on the following link.

<https://www.mcnz.org.nz/assets/News-and-Publications/Statement-on-use-of-the-internet-and-electronic-communication-v2.pdf>

6. Have any clinicians been reprimanded for the way they have used their smartphone/tablet to record or share patient information?

We are not aware of any clinicians who have been reprimanded for the way they have used their smartphone/tablet to record or share patient information.

If you disagree with our decision to withhold information you may, under section 28(3) of the Official Information Act, seek an investigation and review of our decision from the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz; or Freephone 0800 802 602.

I trust that this satisfies your interest in this matter.

Please note that this response, or an edited version of this response, may be published on the West Coast DHB website after your receipt of this response.

Yours sincerely



Melissa Macfarlane
Acting Executive Director
Planning, Funding & Decision Support

	<h1 style="text-align: center;">Cellular/Smart Phone Use Procedure</h1>	Procedure Number <i>WCDHB-OSH-0003</i>	Version Nos: 10
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1. Purpose

This procedure is performed as a means of ensuring the safe and efficient use of cell/smart phones throughout West Coast District Health Board (WCDHB) facilities.

2. Application

This Procedure is to be followed by all WCDHB staff members, and contractors.

3. Definitions

For the purpose of this procedure:

Smart Phone

The definition covers devices with data capability, known as Personal Digital Assistants (PDAs). Examples include iPhones, Android and Windows Mobile phones.

Cellular Phone

The definition covers general cell phone devices (including satellite) primarily used for phone calls and messaging. In this procedure it should be taken to include smart phones, unless specifically indicated.

Jailbreaking

Is a term for a “hacking” procedure which unlocks the device so that the user can install software or make other changes without the vendor acting as an intermediary. It is high-risk, since if any problems occur, the device may be left in an unusable state. It also raises major security issues, since the device may have malicious software installed.

Sexting

The sending of sexually explicit photographs or messages via mobile phone.

Acceptable Use

WCDHB staff may use cellular phones for:

- Any authorised work related purpose.
- Incidental and occasional personal use, in a reasonable and responsible manner and in accordance with the ‘General Principles’ statements.

Inappropriate Use

WCDHB cellular telephones are not to be used for any purpose, judged by WCDHB, to be inappropriate. Inappropriate use includes, but is not limited to the following:

- That which interferes with WCDHB staff productivity or duties
- Activity that pre-empt's WCDHB business
- Activity that leads to personal commercial or business gain
- Personal use that is not approved by the Manager
- Personal use that is not reasonable

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- Any illegal purpose or malicious act
- Knowingly accessing 0900 or other services that are not related to WCDHB business requirements. These services may or may not attract usage or volume charges
- Knowingly spreading unsolicited text messages. Examples include but are not limited to canvassing, promotions or private advertisements
- Sending messages or images with content that may give offence to anyone who may or is likely to view or read it, for example, sexting.
- Sending messages with content that is intended to defame, threaten or harass another person
- Using the cellular telephone of another staff member for any purpose without their permission

4. Responsibilities

For the purposes of this Procedure:

Cellular phone users shall:

- Be familiar with, and comply with all aspects of this procedure if using a WCDHB owned cellular phone or mobile communication device
- Comply with the law in regards to non use of mobile phones while driving WCDHB vehicles
- Be responsible for the security of the device, regardless of whether it is used at WCDHB premises or outside locations
- All use of the cellular phone must be authorised by the assigned owner (person responsible for the phone).
- WCDHB staff members upon receiving their cell phone will sign the cell phone declaration form.

5. Resources Required

This Procedure requires:

- i) Cellular phone use signs
- ii) Signed cell phone declaration form.

6. Process – General Use

- 6.1 Cellular phones are an important communication facility and if properly used can provide an efficient and effective means of communicating.
- 6.2 The flexible nature of cellular phones creates greater opportunities for abuse and inadvertent disclosure of sensitive information. WCDHB staff members are required to

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ensure that confidentiality of health and business information is maintained when using cellular phones for WCDHB business.

- 6.3 WCDHB staff members must exercise common sense in the use of cellular phones, ensuring that they are in general set to quiet or vibrating ring tones, are kept close at hand and answered quickly, and are turned off in situations where they might be distracting.
- 6.4 WCDHB staff members will not use cellular phones while driving WCDHB vehicles, even with the use of a hands free kit. The phone may be left turned on and set to “message” or “voice mail” when driving.
- 6.5 If the cellular phone does ring while driving, staff members will pull over to the side of the road (when safe to do so) before answering, or have a passenger answer the phone.
- 6.6 Staff members must at all times comply with safety instructions displayed at petrol stations regarding the use of cellular phones.
- 6.7 WCDHB staff members are prohibited from using cellular phones for private, personal calls during work hours that result in the utilisation of excessive amounts of staff time
- 6.8 Any personal or private calls which result in a financial impact to WCDHB must be reimbursed to the DHB via the finance department.
- 6.9 Cellular telephones should not be used when a less costly alternative is readily available.
- 6.10 Satellite phones should only be used when no other alternative is available, and where there situation is urgent enough to warrant the high cost of calls.
- 6.11 Employees issued with WCDHB owned cellular telephones should take all reasonable precautions to prevent theft, damage, misuse and unauthorised use.
- 6.12 Employees with WCDHB owned cellular telephones will ensure the device is kept safe at all times, including while travelling.
- 6.13 During transportation, devices must be carried in their protective case.
- 6.14 If travelling, devices will always be carried as hand luggage, rather than checked baggage.
- 6.15 If unattended, it must be located in a physically secure area, preferably out of sight (e.g. lockable office, drawer). If left in a car, the phone will be locked in the boot for security.
- 6.16 Subject to the requirements of the Privacy Act 1993 and Health Information Privacy Code 1994, all information, including text messages and call information, stored on or sent via WCDHB cellular telephones, is the property of WCDHB, and the organisation reserves the right to examine that information at all times.
- 6.17 Cellular phones have been known to interfere with medical equipment. For this reason there are areas of WCDHB facilities where cell phones are not to be used. These areas will be clearly designated by appropriate signage.

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- 6.18 Where there is no sign displayed but electronic medical equipment is being used, no cellular phone or similar device is to be used within 2 metres of the electronic medical equipment. If there is any doubt, the cell phone must be turned off.
- 6.19 If WCDHB staff members observe any person using a cellular phone in an area where the use of cell phones is prohibited, they are to:
- i) ask the individual to stop using the cell phone, explaining the reason why;
 - ii) if the individual does not stop using the cell phone, ask them to leave the area;
 - iii) if the individual does not comply the staff member is to immediately inform the most senior person-in-charge of the area concerned.
- 6.20 The senior person-in-charge is to:
- i) ask the individual to stop using the cell phone, explaining the reason why;
 - ii) if the individual does not stop using the cell phone, ask them to leave the area;
 - iii) if the individual does not comply with the staff member, they are to contact the Police.
- 6.21 Prior to the installation and utilisation of any new medical equipment, the relevant manager is to ensure that if there is a possibility that cellular phone usage could interfere with the equipment, that there is adequate signage indicating that cell phones are not to be used in the area concerned.
- 6.22 Cellular phone usage signs can be obtained from the Quality and Patient Safety Manager.
- 6.23 Cellular phone contact with patients, either by voice or text messaging will be recorded in the clinical record/progress notes as it constitutes clinical communication or activity. Note: if using text messaging or voice message services, clinical staff must remain mindful that receipt of messages by the intended recipients cannot be guaranteed and care should be taken.
- 6.24 Cell phones with the potential to photograph staff members, patients, visitors and/or information are, in general, not to be used for this purpose on WCDHB property and in WCDHB facilities. However, at times there may be clinically reasonable cause for sending an image electronically (e.g. to assist with diagnosis or consultation regarding treatment from a remote settings). In these instances, extreme caution should be taken, particularly if imaging is deemed to be sensitive in nature. Unless urgent attention is necessary, images should be downloaded to a computer and transmitted via a secure link, and subsequently deleted from the cellular phone.
- 6.25 Access to cellular telephone services, not considered commensurate with WCDHB business needs, may be blocked.
- 6.26 Family members or friends must not use WCDHB issued cell/smart phones
- 6.27 WCDHB receives details of communication transactions, including destination numbers, frequently dialled numbers, calls by time of day and amount of time and cost for each transaction. Transactions may be subject to monitoring for security, cost management, network management, and inappropriate use purposes. Reports are available by individual phone or department when requested by the cost centre manager.

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- 6.28 Loss of a cellular telephone could potentially expose the WCDHB to a high cost in fraudulent or “stolen” calls. Anyone who loses a cellular telephone or has a cellular telephone stolen should contact the IT Helpdesk and request that the cell phone be disabled. Alternatively the person responsible for the telephone can have it temporarily disabled at any time by calling 123 and requesting that the cellular telephone be disabled.
- 6.29 Any purposeful misuse of a cellular phone that results in damage to the device or cost incurred to WCDHB may result in the employee being required to meet the cost incurred.
- 6.30 All suspected breaches of security or unexplained incidents should be reported immediately to the IT Helpdesk.

7. Additional Process – Smart Phone Features


- 7.1 Access to the Internet must be undertaken subject to the Internet and Email Policy
- 7.2 Installation of applications on smart phones for personal use is permitted, but must not interfere with staff productivity.
- 7.3 Installing any applications which are unacceptable in terms of WCDHB’s code of conduct (e.g. pornography, violent games) is prohibited.
- 7.4 Staff may seek reimbursement from WCDHB the cost of applications for business purposes, through the normal expense claims process and must be approved by the relevant manager prior to purchase.
- 7.5 Data use on any smart phone device should use WCDHB wifi network, or personal wifi networks, where available, to reduce data costs. Applications should only be downloaded via a wifi network.
- 7.6 Staff will reimburse WCDHB for any data use which uses more than a trivial amount.
- 7.7 Devices must not be “jailbroken” in any circumstances.
- 7.8 Staff will not disable any security measures that have been configured in the device
- 7.9 WCDHB smart phone devices must have a power-on password or device ‘lock’ feature activated, and used at all times.
- 7.10 Access to the WCDHB computer network (including wireless connections) and to WCDHB information systems from a mobile computing device must be authorised, and be authenticated via a user-ID/password (minimum requirement).
- 7.11 Mobile computing devices accessing the WCDHB computer network must have antivirus software installed and regularly updated.
- 7.12 Only mobile computing devices purchased by WCDHB may be used to store WCDHB confidential and sensitive information, or to access WCDHB information systems.
- 7.13 Access to applications residing on the mobile device containing confidential or sensitive WCDHB or patient information must utilise user-ID/password security (in addition to power-on and lock passwords).

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- 7.14 Passwords and lock codes must be kept confidential, and changed regularly (every 90 days is recommended).
- 7.15 The “Remember Password” or “Save Password” feature of some computer systems or applications must not be used.
- 7.16 Passwords for the device itself or for other WCDHB computer systems, must not be saved electronically in mobile devices, nor physically taped or ‘hidden’ somewhere on the device or carry case.
- 7.17 If patient identifiable or WCDHB confidential information is stored on a smart phone device, the information must be encrypted or secured by file-level password protection.
- 7.18 If patient identifiable data or WCDHB confidential information is transmitted wirelessly, then user and device authentication must take place before transmission, and the data must be encrypted during transmission.
- 7.19 Electronic (email) communication with patients, sent or received will be printed and added to the clinical record/progress notes. As part of the clinical record of contact, email communication with a patient is a legal document and is subject to the Health Information Privacy Code. It may be produced as evidence during legal proceedings. Information that is confident or sensitive in nature should not be sent electronically unless it is via a secure mechanism approved by the WCDHB IT Department.
- 7.20 Being outside the control of WCDHB, the organisation cannot guarantee the privacy of information or the delivery of messages that traverse the telephone network.
- 7.21 Critical files must be backed up/ synchronised/ downloaded frequently and routinely.
- 7.22 Inappropriate use of, or neglect of responsibility for smart phone devices is a serious concern to WCDHB, and may be grounds for loss of computing privileges, and for misconduct and disciplinary procedures, in accordance with the WCDHB Code of Conduct.

8. Process – Procurement

- 8.1 WCDHB individual departmental business needs should determine which employees are supplied with cellular telephones, and any specific limitations on usage that may apply.
- 8.2 Cellular telephones must be acquired through the IT Helpdesk. Note that a relevant minor purchasing form or requisition form will be required.
- 8.3 All costs associated with cellular telephones including but not limited to initial purchase, equipment fees, service fees and usage costs are the responsibility of the WCDHB department to which the cellular telephone is registered.
- 8.4 Unused phones are to be returned to the IT Helpdesk for disposal or reissue, where ever possible.

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- 8.5 IT Helpdesk will review usage periodically, and advise rate plan changes, to ensure maximum savings are achieved. Changes will be based on the previous 3 months calling pattern.
- 8.6 WCDHB reserves the right to monitor the use of all WCDHB owned cellular telephones and associated equipment

8. Precautions And Considerations

- ➔ Cellular phones are not to be used by WCDHB staff members whilst driving
- ➔ WCDHB staff members are to ensure confidentiality of personal information when using cellphones
- ➔ Cellphones are not to be used in WCDHB facilities where they may interfere with medical equipment

8. References

Standards Australia and New Zealand; *Guide to the safe use of electricity in patient care* AS/NZ 2500:1995

Land Transport Act (1998) and Amendments

9. Related Documents

Cellular phone usage signs

Internet Use Procedure

Email Use Procedure

Cell Phone Declaration

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