

Guideline for Virtual Meeting Protocols and Privacy Compliance

VIRTUAL COMMUNICATION TOOLS (E.G. TEAMS, ZOOM)

This Guideline was created to ensure that virtual meeting tools (e.g., MS Teams, Zoom, etc.,) are used in a manner that upholds WRHA and Shared Health’s statutory obligations under applicable privacy legislation:

- *The Freedom of Information and Protection of Privacy Act (FIPPA), and*
- *The Personal Health Information Act (PHIA).*

These virtual meetings/communication tools were only approved for the purpose of replacing in-person meetings and should be used accordingly. While these tools allow for document sharing and storage, and the recording of calls/meetings and chats, these functions remain subject to appropriate use under privacy legislation as outlined in the organizational policies – links below.

PERSONAL INFORMATION

FIPPA provides that a public body may collect the minimum amount of personal information necessary for its purpose, and only when “*the information relates directly to and is necessary for an existing service, program or activity of the public body*”.

Recording Meetings/Calls

Convenience is not a reason for recording staff and other meeting participants. If an in-person meeting was not previously being recorded, then neither should a virtual meeting held in its place. However, as stated in a previous memo, as well as in [Shared Health Policy 310.160.100: Audio, Video, and Photographic Recordings](#), there are conditions under which staff may be recorded in the execution of their duties. This requires an approved purpose and the express informed consent of staff.

When consent is required, it must be informed, voluntary, and not obtained through misrepresentation. This means that they must be provided with sufficient information to make an informed choice, including the purpose of the recording, who will have access to their personal information, how will it be used and how long will it be maintained. Further, staff and other meeting participants must clearly understand that there is no obligation to consent to being recorded, and that no adverse outcomes will come to them for refusing to consent. If the meeting will be recorded, consent should be obtained from all meeting participants in advance of the meeting and included in the invitation.

Before a meeting may be recorded, all participants must be given an advance opportunity to provide consent or refuse in a manner that assures their privacy, including their acceptance or refusal to be recorded. **If a single participant refuses, the meeting may not be recorded.**

All information documented in virtual collaboration tools are records, and subject to requests for access under The Freedom of Information and Protection of Privacy Act (FIPPA).

Shared Health staff are under no obligation to participate in a meeting that is being recorded when they have not been provided with a prior opportunity to provide a fully informed consent in accordance with the process outlined here, regardless of whether the meeting is entirely attended by staff internal to their organization or is attended by external parties.

Please note that meeting recordings, chats and files are considered records subject to FIPPA requests and must be documented accordingly.

The following is a sample of consent:

This meeting will be recorded for the sole purpose of: [purpose]

The recording will be kept for: [length of time] and accessible to: [positions]

It will be deleted: [when]

Please be advised that you are under no obligation to consent to being recorded and no adverse outcomes will come to you should you refuse. If any participant refuses or does not provide express consent, the meeting will not be recorded. Omission may not be taken as consent. All responses will remain confidential.

Please select one of the following options:

- Yes, I consent to being recorded for the purposes as provided in the meeting invitation, or*
- No, I do not consent to being recorded.*

Any recordings should be deleted once they have served their purpose. It is the responsibility of the Recorder to manage their meeting recordings and ensure they comply with regulations.

PERSONAL HEALTH INFORMATION

Within the health-care environment, discussions related to care and treatment of individuals are a daily aspect of our work. Virtual meeting tools, though convenient, are not PHIA compliant and should **never** be used to store identifiable PHI, whether as meeting attachments, as files in MS Teams, or shared in a chat. You **can** discuss the care and treatment of patients/residents/clients during a virtual meeting or share your screen that includes PHI, in accordance with existing policies.

Questions on any issues not covered here may be addressed to: Shared Health Privacy Department at 204-583-1551 or Helen Jowett at hjowett@sharedhealthmb.ca

* All personnel are reminded that only employer provisioned devices may be used for employer purposes.

Resources:

- [Shared Health Audio, Video, and Photographic Recordings 310.160.100](#)
- [WRHA Audio, Video, and Photographic Recordings 10.40.280](#)
- [Shared Health Computer/Internet Usage 340.190.100](#)
- [Digital Shared Services Virtual Care Services Matrix](#)
- [Privacy Policies and Forms - Shared Health Intranet \(sharedhealthmb.ca\)](#)
- [Privacy Policies and Forms – WRHA Intranet PHIA Policies | WRHA Insite](#)
- [May 28, 2021 Online Recordings Memo](#)