

# ADVISORY STATEMENT

REVISED: January 2024



## Remedying a Breach of Security/Privacy 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 and to a “public body” employer when there has been a breach of privacy or security.

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

A breach of privacy or security occurs when there has been unauthorized access, collection, use, and/or disclosure of a client's personal information including theft and loss of that 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 confidential information, notifying anyone affected by the breach (including the College), and, if necessary, law enforcement officials. It also requires that the occupational therapist evaluate what transpired and modify existing practices to minimize the risk for or prevent a re-occurrence of the breach.

Occupational therapists who are employed by a “public body” are also subject to mandatory privacy breach notification requirements under the *Freedom of Information and Protection of Privacy Act* (“FOIPPA”) that must be followed in the event of a privacy breach. In addition, the occupational therapist must report to the head of the public body responsible for privacy to ensure that necessary steps are taken to comply with the privacy breach notification provisions contained in s. 36.3 of FOIPPA.

In addition to the above, all occupational therapists need to comply with Section 85 of the *COTBC Bylaws (Part 7: Registrant Management of Patient Records)* that outlines occupational therapists' responsibilities regarding a breach of privacy or security:

85. 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).

Once the above steps have been taken, complete the Breach of Security Report Form (Appendix A) and remit to [info@cotbc.org](mailto:info@cotbc.org). It is the registrant's responsibility to ensure the form is received by COTBC.

### **References/Resources**

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

COTBC. (2023). *Practice standards for managing client information* (Rev. ed.). Victoria, BC: Author.

*Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, s. 36.3

### **Websites**

College of Occupational Therapists of British Columbia  
[www.cotbc.org](http://www.cotbc.org)

Office of the Information and Privacy Commissioner for British Columbia  
[www.oipc.bc.ca](http://www.oipc.bc.ca)

# Remedying a Breach of Security

## Appendix A

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Please complete and return this form by email to: [info@cotbc.org](mailto:info@cotbc.org)

### CONTACT INFORMATION

Name \_\_\_\_\_ Registration Number \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_  
Employer name \_\_\_\_\_ Phone \_\_\_\_\_

### DETAILS OF BREACH OF SECURITY

Date of Occurrence \_\_\_\_\_ Date Discovered \_\_\_\_\_  
Location \_\_\_\_\_  
Type of Information Disclosed \_\_\_\_\_

Information Disclosed Belongs To:

- Patient/Client
- Employee
- Other: \_\_\_\_\_

Disclosed To:

- Wrong Patient/Client
- Employer  Public
- Healthcare Provider
- Other: \_\_\_\_\_

Description of Events: Attach additional page if needed.

**REMEDIATION STEPS**

Notification:

Individual(s) notified:	Method (email / phone / in-person):

**STEPS TAKEN TO REMEDIATE BREACH:**

**LESSONS LEARNED & FUTURE PRACTICE CHANGE**

Signature \_\_\_\_\_

Date of Submission: \_\_\_\_\_

**\*For Office Use Only**

Follow Up:

Received On \_\_\_\_\_

Registrant \_\_\_\_\_

Date \_\_\_\_\_

Method:  phone  email  phone & email

COTBC Staff \_\_\_\_\_

Date \_\_\_\_\_

Method:  phone  email  phone & email

Motion  Yes  No