UNIVERSITY of VIRGINIA HEALTH SYSTEM

Vice President and Chief Executive Officer of the Medical Center

MEDICAL CENTER POLICY NO. 0193

A. SUBJECT: Electronic Mail (E-mail)

B. EFFECTIVE DATE: April 1, 2013 (R)

C. POLICY:

1. Applicability

Electronic mail (e-mail), when used properly, can be an effective tool for communication of business information. It is not advisable to use e-mail for confidential information or when there would be concern if the e-mail were forwarded to other parties, or if all or some portion were to be copied and sent to other parties. Confidential information includes, but is not limited to, protected health information, employee information, and financial information.

E-mail can be subject to discovery in litigation and may be subject to a Request for Information under the Freedom of Information Act.

The Medical Center maintains a computer network, the Secure Clinical Subnet, which includes a "firewall" between it and the Internet. This firewall provides a measure of security against external threats, but is not invulnerable. Many departmental and School of Medicine e-mail systems are outside this firewall, and thus are more vulnerable.

E-mail accounts protected behind the firewall are displayed in the Global Address Book with an *HS added after the name. E-mails to an account that appears in the Global Address Book with an *HS, may include identifiable patient information such as the patient's name or medical record number if necessary. See Medical Center Policy No. 0201 "Patient Identification" regarding patient identifiers.

The e-mail usage practices at the University of Virginia Medical Center as outlined in this policy shall be followed to promote maximum privacy and security of confidential information. This policy applies to those within the University of Virginia Health System using the Medical Center's Exchange server (*HS).

2. General Usage Requirements

- Medical Center E-mail systems are to be used for business purposes. Outside e-mail systems such as Gmail, Hotmail, Yahoo, AOL, other academic institutions' systems, etc., shall not be used for any Medical Center purposes. E-mail may not be auto-forwarded to other e-mail systems.

- *HS accounts are available to Medical Center employees, clinical staff and University employees to transmit or receive patients' protected health information.

- Accounts must be terminated when an employee or clinical staff member leaves the Medical Center.

- Limited personal use of e-mail is acceptable only if it does not impede business functions or consume excessive institutional resources.

- Private business usage or usage related to other non-Medical Center enterprises is unacceptable, and will result in termination of the user's e-mail account in addition to other disciplinary measures.

- The content of Auto Signatures shall be limited to the sender's name, credentials, title and contact information; Auto Signatures should not contain any additional information, including but not limited to, quotations or phrases.

- Persons with e-mail accounts shall safeguard their passwords and not reveal them to others. In HS/TS administered systems, HS/TS is unable to recover a forgotten password; it can only change the password to a new, known value. See Medical Center Policy No. 0163 "Access to Electronic Medical Records and Institutional Computer Systems" for access and security policies.

  Guidelines for Use of E-mail are posted on the Health System Technology Services (HS/TS) website at:

  http://www.healthsystem.virginia.edu/technology/help-support/help-center/procedures-and-policies/guidelines-for-use-of-email.

  E-mail shall not be used to transmit any potentially offensive, disruptive or harassing materials. Among those considered unacceptable are items that contain sexual implications, racial slurs, obscene material or any other comments that offensively address age, gender, sexual orientation, religious or political beliefs, national origin or disability.

  Also prohibited are:

  - Sending advertisements for games of chance.

  - Sending chain letters (i.e., non-business related e-mails intended to be repeatedly forwarded to lists of e-mail accounts.

3. Provider/Patient Communications

Rather than using e-mail, patients should be encouraged to use MyChart©, which provides a more secure and reliable provider/patient means of electronic communication. My Chart© is available at https://mychart.healthsystem.virginia.edu/mychart/ . Providers who plan to use e-mail with their patients shall follow the guidelines posted on the Health System Privacy Office web site at https://www.healthsystem.virginia.edu/intranet/privacyoffice/guidelines.cfm.

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4. Administrative Monitoring

HS/TS monitors system performance and resources of the e-mail system. SPAM and excessive non-work related List-serve-mails place an unnecessary load on the e-mail system that may affect performance and consume valuable resources.

If an e-mail system or address is suspected of abuse or is otherwise not in compliance with this policy, HS/TS may take immediate action, including blocking any e-mail messages being sent from the suspected E-mail system or address.

All e-mail traffic may be monitored for compliance with HIPAA, HITECH, and other Federal and Commonwealth privacy and security regulations. Individual e-mail accounts may also be accessed for personnel, technical or administrative reasons with senior management approval. Any violations of law, regulation, and/or Medical Center policies will be addressed on a case by case basis.

5. Mail System Integrity

E-mail system integrity can be compromised by computer viruses, excessive mailings of large notes and/or file attachments, or inadvertent or intentional attempts to damage or delete system files.

Immediate action, including immediate termination of a user's account without warning, will be taken if the integrity of the e-mail system is threatened.

6. Mass Mailings for Business Purposes

Large mailings quickly saturate an e-mail system if used too frequently. HS/TS will accept only notices of wide interest to the Medical Center community for mass mailings sent to all Medical Center e-mail customers, such as:

- Downtime notices for computer systems;
- Major events sponsored by the Medical Center;
- Health and safety notices to the general community;
- Notices forwarded from Medical Center or University of Virginia Executive staff.

Mailings intended for mass distribution must be approved by HS/TS based on administrative guidelines found at the following url:

http://www.healthsystem.virginia.edu/technology/help-support/help-center/procedures-and-policies/health-system-mass-email

Requests for mass mailings should be forwarded to the HS/TS Help Desk. HS/TS will review the content and, if deemed appropriate, will perform the mailing usually within a 48-hour period. If the mailing is rejected, or a more limited mailing is approved, the requesting person will be notified.

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D. PROCEDURE

1. Always double-check addresses before sending e-mail.

2. Refrain from subjective, editorial or superfluous comments in e-mail.

3. Delete confidential e-mail when finished.

4. If e-mail will be distributed to the same group on a regular basis, consider establishing a secure closed shared drive location where the group can access information outside of e-mail. E-mail messages can then be used to notify the group of new data on the secure site.

5. Ensure that any PC accessing the network (e.g. a home computer using the VPN) has current antivirus files and security patches.

6. Use a confidential flag on e-mail containing confidential information and/or create a confidentiality notice on the message, such as the sample provided immediately below. **However, be aware that while labeling a document as confidential or privileged may help guide recipients, it may not protect from legal process (e.g., a subpoena) or Freedom of Information Act demand, nor will it mitigate or avoid the consequences of an intentional or unintentional HIPAA breach.**

   The following is a sample e-mail confidentiality notice from the AMA Guidelines:

   "E-mail Confidentiality Notice

   The information contained in this e-mail is confidential, privileged, or otherwise protected from disclosure. It is intended only for the use of the authorized individual(s) as indicated in the e-mail. Any unauthorized disclosure, copying, distribution or taking of any action based on the contents of this material is strictly prohibited. Review by any individual other than the intended recipient does not waive or give up the physician-patient privilege. If you have received this e-mail in error, please delete it immediately and notify the sender."

7. Mail Storage: Preservation of E-mail in Litigation; Restoration of E-mail

   a. Each e-mail user should monitor his/her saved mail and periodically purge or archive it to insure that all e-mail users have adequate storage available for their e-mail messages.

   b. The owner of any e-mail account with excessive storage will be contacted and asked to remove or archive a percentage of his/her e-mail.

   c. If litigation relevant to the subject matter of a particular e-mail or series of e-mails has been or reasonably appears likely to be commenced the user should promptly take steps, in consultation with HS/TS, legal counsel, and Patient Safety and Risk Management, to identify and preserve all relevant e-mail messages.

   d. Should employees require restoration of deleted e-mail, approval by their Administrator is required.

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Procedure for restoration is at:

http://www.healthsystem.virginia.edu/technology/help-support/help-center/procedures-and-policies/email-and-file-restoration-and-email-access-approval

8. Termination of Accounts

   a. Upon the effective date of separation of employment or receipt by HS/TS of notification of termination, whichever is later, HS/TS shall, as expeditiously as possible, disable the employee's account and remove the employee's entry in the Global Address List (GAL). Separated employees' account will be permanently deleted after being disabled unless approval for continuation is granted per 8.c.

   b. Not later than 30 days following the termination date, the separated employee's supervisor/manager may request that the contents of the folders to be transferred to such supervisor/manager's account.

   c. Permission can be granted to the separated employee for continuation of his/her HS/TS e-mail account to continue conducting official health system business. All requests for continued access shall be made in writing at least two weeks prior to separation from employment to the Chief Technology and Health Information Officer (CTHIO) or designee, who shall notify and consult with the senior administrator or department chair of the applicable area to validate the business need for continued e-mail use. Requests shall be granted on a case-by-case basis at the sole discretion of the senior administrator or department chair of the applicable area, the CTHIO and HS/TS.

SIGNATURE:

R. Edward Howell, CEO, UVA Medical Center

DATE:

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Approved November 1997
Revised July 2000, November 2002, December 2003, September 2005, September 2006, December 2009, June 2011, March 2013
Approved by (Interim) Chief Technology and Health Information Officer
Approved by Medical Center Administration