

GETTING BACK TO BUSINESS DURING COVID 19

Adhere to screening, contact tracing, and privacy and health compliance guidelines and regulations to reduce the risk of liability, fines and shutdown.

Powerful new screening and management **solutions to help you comply**

ENTRY APP

5 TOP ISSUES TO COMPLY WITH

Covid & Privacy Compliance Screening & Management

Q&A of noteworthy regulations and tools | APRIL 2021

Covid screening questionnaires and contact tracing obligations have been mandated by various levels of government, both in Canada and the US.

“

If your organization is complying with Covid screening and contact tracing, you are asking and storing health-related questions ².

If you are using any currently popular tools like Google docs, Microsoft Forms or just a stack of papers administered by whoever is managing the front door, for taking specific health information such as symptoms or temperature, then we suggest that **you assess your risk exposure in terms of privacy and health legislation.**

Ontario's "Stage 3" Regulation now requires employers to conduct employee screening for COVID-19 whenever employees come to work, using questions set out in a new "Screening Tool"¹ issued by the Ontario Ministry of Health. The Regulation was made on Friday, September 25, 2020, and continues to be in effect.

To comply with government mandates, response frameworks include screening, questionnaires, data and specific health information which need to be collected, stored, disposed of and if required, disclosed for contact tracing purposes.

This presents yet another challenge to business: are you exposing confidential personal staff and visitor information by using pen and paper or in house Excel sheets?

Privacy issues and health privacy legislation may be applicable. GDPR, HIPAA, PHIPA, FOIDA, and PIPEDA are examples of legislation which affects the collection, storage, disposal and dissemination of information subject to compliance with privacy legislation.

If an organization does not correctly comply with health and privacy legislation, they risk exposure to penalties and even litigation. Do you comply?

The Q&A below outline and provide reference to help organizations assess their own level of risk and exposure regarding compliance with privacy and health legislation during Covid-19.

PLEASE NOTE THAT THIS INFORMATION IS FOR GENERAL REFERENCE PURPOSES AND SHOULD NOT BE TAKEN AS LEGAL ADVICE. PLEASE CONSULT YOUR OWN COUNSEL FOR SPECIFIC LEGAL DIRECTION.

1. [RULES FOR AREAS IN STAGE 3](#)
2. [What is Considered Protected Health Information Under HIPAA?](#) HIPAA Journal

1

PERSONAL HEALTH INFORMATION (PHI)

WHAT QUALIFIES AS PHI AND IS PROTECTED UNDER MOST PRIVACY LEGISLATION?

[Learn more](#)

Under privacy legislation, there are numerous identifiers which qualify as PHI. You can identify anyone from any of the following information:

- NAME
- ADDRESS OR
- E-MAIL

You are collecting personal information and are subject to privacy legislation.² If you obtain health related information, such as symptoms or physical status (temperature), you are also subject to health privacy legislation.³



OR

2

COVID RESPONSE FRAMEWORK - COLLECTION OF DATA AND CONTACT TRACING

Yes

If you are following a screening and contact tracing response framework, are you asking and storing health-related questions?

2a. Are you subject to Government privacy or health legislation

Yes

Obtaining consent is not enough to exempt you from legislation.^{L8}

2b. If you do not comply with the legislation, what is your exposure or liability?

Exposure to fines, penalties, litigation, audits and disruption of services are all possible scenarios.⁴ Your organization needs to assess its risk exposure and take appropriate action.



“

DID YOU KNOW?

How little information is needed to IDENTIFY YOU?

According to a *landmark study*, 87% of Americans can be uniquely identified from their ZIP code, date of birth (including year), and sex.

According to *another important study*, more than 80% of users of a flagship DVD rental service could be uniquely identified by when and how they rated any three movies they had rented.

- [Read more](#)

“

PERSONAL LIABILITY & FINES:

An organization's failure to have appropriate privacy compliance programs in place can result in significant financial and reputational consequences. Directors may also be held **personally liable** in cases where they do not provide appropriate oversight to mitigate the risks of these consequences.

- [Read more](#)

3. [What is Considered Protected Health Information Under HIPAA?](#) HIPAA Journal
 4. [Canada: Privacy And The Board – Responsibilities And Liabilities](#)

DIY - CAN YOU IMPLEMENT PROPER PRIVACY PROTOCOLS YOURSELF?

**CERTAINLY!
HOWEVER, IT DOES REQUIRE A
COMPREHENSIVE SET UP.**

Your exposure is directly related to how you obtain, store, and share information, and how you classify the information. There are a myriad of compliance issues which need to be managed and it is up to each organization to implement and comply based on its internal policy and the specific legislation which applies in its jurisdiction.

“

...compliance teams should err on the side of caution when it comes to sharing information and maintain data minimisation [sic] procedures wherever they can.

- [Read more](#)

3a. What are the essential criteria you need to address if you intend to implement health privacy protocols?

Generally, key compliance objectives in health and privacy legislation address:

1. Collection of information (consent)
2. Storage of information (security and access)
3. Publication of information (consent, data release)
4. Data breach (security and process for restitution)
5. Encryption and technical storage and transmission compliance
6. Management of ongoing legislation (implementation of compliance updates)
7. Reporting or other compliance issues

COVID VACCINATIONS ARE HERE! WILL COVID 19 VACCINATION AND TESTING PROGRAMS ELIMINATE THE NEED FOR SCREENING AND RECORDING INFORMATION?

IN THE SHORT TERM, IS THE COVID RESPONSE FRAMEWORK A NON-ISSUE?

Highly unlikely. For the foreseeable future, contact tracing and screening will still be integral to how the pandemic is managed. Privacy and health legislation will only become more critical for both the current situation and any future crises.

4a. And in the long term?

As vaccination and Covid testing are becoming more common, the response framework may be relaxed, but compliance with privacy legislation will remain.

The obligation of your organization to manage or supply testing options and/or record vaccinated or not-vaccinated staff and visitors for contact tracing is another criterion requiring risk assessment.

EntryAPP provides a flexible questionnaire which permits your organization to add and safely manage such questions within a compliant environment.

THE CRITICAL QUESTION IS WHETHER YOUR INSTITUTION HAS TAKEN REASONABLE STEPS TO PROTECT THE PRIVACY AND SECURITY OF THE RECORDS IN ITS CUSTODY AND CONTROL.

Instead of fussing with the privacy laws and devoting time to administration and updates, assess your risk exposure and ensure you are compliant.

“If possible, retain a third-party vendor...”³ like EntryAPP, a fully compliant platform.

AUTOMATE. Save time & Money

No errors or inadvertent publication of private medical or other information through the EntryApp automated process.

EntryApp is a wholly North American developed platform, with compliant servers in both Canada and the USA. No off-shore servers or software.



Enjoy cost savings of 40% to 75% by automating process through technology.

- How Much Is Intelligent Automation Saving You? Forbes, Sept 2017

TAKE THE BURDEN OF SCREENING OFF YOUR STAFF.

AUTOMATE.
SAVE TIME.
SAVE MONEY.

PROTECT PEOPLE
[staff, residents & visitors.]

Easy, modular, process gathers all the data you require. Satisfy your security and compliance needs.



THINGS TO CONSIDER & RESOURCES

When it comes to privacy, this means that directors are responsible for ensuring that the organization is in compliance with privacy laws and takes appropriate steps to mitigate privacy and related risks (including cybersecurity).

An organization's failure to have appropriate privacy compliance programs in place can result in significant financial and reputational consequences. Directors may also be held personally liable in cases where they do not provide appropriate oversight to mitigate the risks of these consequences.

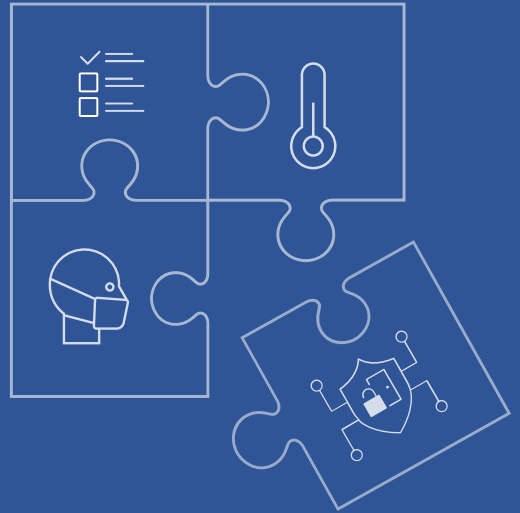
- [Read more](#)

Let your staff do what they do best.
TAKE CARE OF YOUR BUSINESS.

TRULY FLEXIBLE.

Use only what you need most.
Choose pre-set solutions or customize them based on your organization's specific needs.
Our modular system integrates with most existing platforms, so you don't have to do the job twice.

- ✓ FastPass Mobile Screening Questionnaire
- ✓ Temperature check
- ✓ PPE validation & dispensing
- ✓ Security & Access control



With EntryApp you can **FREE UP YOUR STAFF & RESOURCES**

- ✓ Integrate with existing systems – modular
- ✓ Quick, easy mobile sign in
- ✓ Managed and Professional Services
- ✓ Remote support
- ✓ Security
- ✓ Detailed reporting
- ✓ Pre-booking
- ✓ Cost savings

Enjoy the confidence and peace of mind that comes with a remote, contactless, fully integrated safety and site management system.

CONTACT US NOW!

info@entryapp.ca

OR YOUR AUTHORIZED REPRESENTATIVE: