I. POLICY

UPMC shall centrally administer electronic mail and messaging systems used for UPMC related communications by its workforce.

Links to policies referenced within this policy can be found in Section VIII.

II. SCOPE

This policy applies to all UPMC United States based and international operations entities.

III. PURPOSE

1. Establish guidelines for the use of the electronic mail system and other electronic messaging systems.
2. Identify ownership of electronic messages.
3. Establish guidelines for UPMC access to all e-mail and messaging users’ messages.

IV. DEFINITIONS

**Electronic Messaging System(s)** - Any UPMC sponsored e-mail or other electronic messaging system (including instant messaging systems), that is used to conduct UPMC business and has the capability to create, send, receive, forward, reply to, transmit, store, copy, download, or display electronic messages for purposes of communication across computer networks among individuals and groups.

**Electronic Messages** - One or several electronic computer records or messages created, sent, received, forwarded, replied to, transmitted, stored, copied, downloaded, or displayed by one or several E-mail or electronic messaging systems or services. This definition applies equally to the contents of or attachments to such records and to transactional information associated with such messages, such as headers, summaries, addresses, and addressees. This policy applies only to electronic messages while in electronic form. This policy is not intended to address communications by facsimile,
voice mail, scanned or copied information, or information passed through electronic data interchange (EDI).

V. GUIDELINES

1. UPMC Electronic Messaging Systems are provided to facilitate UPMC business, education & research and/or patient care.

2. UPMC electronic messaging systems may not be used:
   - To promote illegal activity or used in a way that is malicious, obscene, threatening, or sexually offensive; or
   - To sponsor or promote a political party or candidate or to campaign against a political party or candidate; or
   - In a manner inconsistent with UPMC policies and directives, including, but not limited to policies concerning commercial communication, solicitation, sexual harassment, job performance and appropriate Internet use.

3. UPMC electronic messages are the property of UPMC. Electronic messages are presumed to be UPMC business related and give rise to no reasonable expectation of privacy. UPMC reserves the right to access and disclose messages sent over its electronic messaging systems.

4. In an effort to facilitate appropriate email management by staff and control Electronic Messaging System storage costs, the Information Services Division shall establish mailbox storage quotas and electronic message retention periods for its Electronic Messaging Systems. These quotas and retention periods will be determined and implemented in accordance with UPMC policies and procedures concerning data/document retention. However, they will at all times be overridden by applicable laws, court orders or instructions from legal counsel that may require certain data/documents to be retained beyond timeframes established by policy.

5. The user must determine whether an electronic message should be retained within a business record or patient medical record, based on relevant policies and statutory requirements.

6. If the user decides to retain electronic messages outside of the UPMC Electronic Messaging System, the user is responsible to ensure that the Electronic Messages are appropriately secured consistent with UPMC policies.

7. For privacy reasons, staff shall not attempt to gain unauthorized access to another individual's electronic messages. Electronic messaging systems users shall not share or request to share the personal user authentication information (i.e. password, PIN, token, etc.) of another. However, UPMC management reserves
the right to enter an electronic messaging systems user’s file whenever there is a legitimate business need to do so.

8. The user should avoid giving the user’s e-mail address or e-mail addresses of co-workers to non-work related sources, such as to subscribe to non-work related web sites. Often, web sites will sell e-mail lists, thus generating SPAM that could impact the operation of UPMC’s e-mail systems.

9. Global address lists and contacts within UPMC Electronic Messaging Systems shall only contain information associated with UPMC and affiliates’ staff, unless approved by UPMC executive management.

10. Where technically feasible and to the extent possible, when proprietary or confidential information is sent via electronic messaging system, a footer message should be automatically added to the printout or electronic message. The message should state:

    This e-mail may contain confidential information of the sending organization. Any unauthorized or improper disclosure, copying, distribution, or use of the contents of this e-mail and attached document(s) is prohibited. The information contained in this e-mail and attached document(s) is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify the sender immediately by e-mail and delete the original e-mail and attached document(s).

    This footer message should be in addition to any other footer(s) that may be applicable.

11. Where the confidentiality classification of information being conveyed through electronic messages is classified higher than public, the sender is responsible to ensure that appropriate control and protections are established. These controls include:

    a) Ensuring that the destination e-mail/message address is correct.
    b) Ensuring that the distribution of the information is appropriate based on UPMC policy and that the recipient(s) have a need to know such information.
    c) Notifying the recipient that the information being conveyed is sensitive in nature and that the recipient must protect such information from inappropriate re-disclosure.
    d) Employing additional appropriate security and encryption methods as part of the transmission process, if available, for electronic messages to be sent by means of the Internet. Where automated processes / technologies to identify and encrypt electronic messages are available, the sender shall use (and not circumvent) such processes / technologies.
12. For liability reasons, staff should not provide specific medical advice in response to e-mails from individuals with whom a clinical relationship has not been established. Staff should use their judgment regarding how to best respond to such e-mails. For example, it may be appropriate to ask the individual to schedule an appointment, or ask that the individual’s physician contact you directly.

13. Before communicating with a patient using a non-secure method (such as Internet e-mail), the sender shall ensure that the patient agrees to such communications. This can be accomplished through a number of methods, including having the patient agree to the attached consent form titled “UPMC Patient Consent for Health Information to be communicated by E-mail”. Such provisions are also set forth within the E-mail Terms of Use disclaimer found at http://www.upmc.com/contact/Pages/terms-of-use.aspx#Email.

As an alternative, when communicating directly with patients, the sender shall add the following language to the footer of the e-electronic message”

By communicating with UPMC staff through e-mail, you agree to comply with UPMC’s e-mail terms of use found at http://www.upmc.com/contact/Pages/terms-of-use.aspx#Email. Should you decide that you do not want to comply with these terms, it is your obligation to reply to those UPMC staff members with whom you are corresponding to indicate you do not agree to comply with these terms and cease further communication with UPMC by e-mail.

Additionally, it is the responsibility of the staff member to:

a) Determine that electronic communication is an appropriate form of communication with the patient.

b) Ensure that the patient understands that while other physicians or clinicians may have access to the electronic communications for clinical coverage purposes, they may decide not to correspond with the patient electronically. In each case, it is the decision of each UPMC physician or clinician whether to correspond electronically.

c) Include complete contact information within the electronic message.

d) If the attached consent form is used, verify and maintain documentation that the patient agreed to such provisions. Such documentation may include obtaining the patient’s signature to the attached consent, or evidenced by an e-mail that clearly indicates that the patient has reviewed and agrees with the provisions. Where technically feasible, information systems can be used to automate and manage this function.

e) Follow up with the patient if an e-mail is inappropriate or there is a misunderstanding by the patient.

f) As appropriate request that the patient confirms receipt of e-mail(s);

g) Structure communications to require the patient to respond if facts underlying your communication are incorrect or incomplete. Provide
appropriate disclaimers where appropriate, especially where additional information is required to provide complete information;

h) Not to communicate with groups of patients within a single electronic message, except where other patients’ e-mail addresses do not appear on e-mail message to each patient.

i) Determine whether the electronic message should be maintained within the patient’s medical record. If so, it is the staff member is responsible to take appropriate steps to include the electronic message in the patient’s medical record.

14. Care should be taken to ensure that the electronic message is sent to the intended recipient(s) when originating or forwarding electronic messages.

15. All Electronic mail messages should be purged from the e-mail system when no longer needed, except when advised by UPMC counsel that such electronic mail messages must be preserved pursuant to a litigation hold notice or some other reason.

16. The Information Security Group and the Electronic Messaging Group within the Information Systems Division should be consulted as new electronic messaging systems are developed to ensure compliance with appropriate UPMC standards and policies.

17. The Information Security Group must approve all e-mail systems that generate messages that are not solely sent between systems within UPMC’s network infrastructure.

VI. RESPONSIBILITY

Each UPMC entity is responsible for implementing processes and procedures to meet the requirements set forth within this policy. The process and procedures may be based upon the entity’s unique systems and procedures.

VII. NON-COMPLIANCE

An employee’s failure to abide by this policy may result in removal of e-mail access privileges and disciplinary action in accordance with UPMC policy HS-HR0704, Corrective Action and Discharge. Non-employee work force members may have their access privileges terminated for failure to comply with this policy.

VIII. POLICIES REFERENCED WITHIN THIS POLICY

HS-HR0704 Corrective Action and Discharge
* With respect to UPMC business units described in the Scope section, this policy is intended to replace individual business unit policies covering the same subject matter. In-Scope business unit policies covering the same subject matter should be pulled from all manuals.

Attachment
UPMC

Patient Consent for Health Information To Be Communicated By E-Mail

Name: ____________________________________________
Address: ____________________________________________
E-Mail Address: _______________________________________
Telephone Number: _________________________________

1. E-MAIL RISKS AND YOUR RESPONSIBILITY

At the discretion of UPMC, it’s staff, physicians and agents and upon your agreement to the terms outlined within this consent form, you may use e-mail to communicate with UPMC. These e-mails may contain your personal health information. If you decide to use e-mail to communicate with UPMC, you should be aware of the following risks and your responsibilities:

a) As the Internet is not secure or private, unauthorized people may be able to intercept, read and possibly modify e-mail you send or are sent by UPMC.
b) You must protect your e-mail account, password and computer against access by unauthorized people.
c) Since e-mail can be used to spread viruses, some which cause e-mail messages to be sent to people who you do not intend to send e-mail messages to, you should install and maintain virus protection software on your personal computer.
d) Since e-mails can be copied, printed and forwarded by people to whom you send e-mails, you should be careful regarding whom you send e-mails.

2. CONDITIONS FOR THE USE OF E-MAIL

By consenting to the use of e-mail with UPMC, you agree that:

a) UPMC may forward e-mails as appropriate for diagnosis, treatment, reimbursement, and other related reasons. As such, UPMC staff members, other than the recipient, may have access to e-mails that you send. Such access will only be to such persons who have a right to access your e-mail to provide services to you. Otherwise, UPMC will not forward e-mails to independent third parties without your prior written consent, except as authorized or required by law.
b) Although UPMC will try to read and respond promptly to your e-mails, UPMC staff may not read your e-mail immediately. Therefore, you should not use e-mail to communicate with UPMC if there is an emergency or where you require an answer in a short period of time.
c) If your e-mail requires or asks for a response, and you have not received a response within a reasonable time period, it is your responsibility to follow up directly with UPMC.
d) You should carefully consider the use of e-mail for the communication of sensitive medical information, such as, but not limited to, information regarding sexually transmitted diseases, AIDS/HIV, mental health, developmental disability, or substance abuse.

e) You should carefully word your e-mail messages so that the information that you provide clearly describes the information that you intend to convey.

f) You are responsible for correcting any unclear or incorrect information.

g) UPMC reserves the right to save your e-mail and include your e-mail or information contained within your e-mail in your medical record.

h) It is the patient’s responsibility to follow up and/or schedule an appointment if warranted or recommended by UPMC.

i) E-mails may not be the only form of communication that UPMC will use to communicate with you. Additionally, UPMC may decide that it is not in your best interest to continue to communicate with you by e-mail. In such case, UPMC will notify that it no longer intends to communicate with you by e-mail.

3. INSTRUCTIONS

a) You shall immediately inform those individuals with whom you communicate with at UPMC of changes in your e-mail address.

b) You shall send e-mails only to such UPMC e-mail addresses as instructed.

c) You shall put your name and appropriate identifying information in the body of the e-mail.

d) You shall include the category of the communications in the e-mail’s subject line, for handling purposes (e.g. prescription, appointment, medical advice, billing question, etc.)

e) Prior to sending the e-mail, you shall review the e-mail to make sure it is clear and that all relevant or requested information is provided.

f) You shall withdraw your consent to communicate by e-mail by sending an e-mail to all of the e-mail addresses for which you had previously communicated.

4. PATIENT ACKNOWLEDGMENT AND AGREEMENT

UPMC will use reasonable means to protect the privacy of your health information sent by e-mail. However, because of the risks outlined above, UPMC cannot guarantee that e-mail communications will be confidential. Additionally, UPMC will not be liable in the event that you or anyone else inappropriately uses your e-mail. UPMC will not be liable for improper disclosure of your health information that is not caused by UPMC’s intentional misconduct.

I acknowledge that I have read and fully understand this consent form. I understand the risks associated with the communications of e-mail between UPMC and me, and consent to the conditions outlined herein, as well as any other instructions that UPMC may impose to communicate with me by e-mail. Any questions I may have had were answered.

Patient Signature________________________________ Date__________________