Managing Privacy and Personal Information in Drug Checking

Purpose and Scope

In BC, FTIR drug checking results data is collected in a data repository. This data does not include any personal information meaning that all the drug checking results are anonymous and cannot be traced back to an individual. However, sometimes service users drop off samples (e.g., collection site) and receive the drug checking results later. To get the results back to them, some personal information must be collected.

Any information that can link a sample back to an individual is considered personal information. Personal information may include a phone number, email, initials, a first name or a birthdate. Any codename that is used frequently or is well known can also be considered to be personal information. It is important to know how to handle this information to protect the privacy and identity of the individual using the drug checking service.

In BC we have legislation in place to protect the privacy of individuals when personal information is collected and stored (BC Freedom of Information Act and Protection of Privacy Act). Your organization may also have policies and procedures regarding the handling of personal information that go above the requirements laid out here.

This document does not supersede any legal requirements and it is recommended that organizations confer with their privacy officers and/or the legislation to ensure they are in compliance. This document is not to be considered legal advice.

Managing personal information includes: (1) collection, (2) storage and (3) destruction of personal information. The following procedures provide guidance on how to manage personal information when it is required within the context of drug checking. These guides closely follow the procedures laid out in the BCCSU Sample Collection, Storage, and Transportation standard operating procedure.

Procedures

1. Establishing Consent to Collect Contact Information

When a service user is not going to receive their results immediately and will need to be contacted with results, the staff person will fill out a standardized sample collection form to gather information about the sample and contact information. Before filling out the form, it is important to notify the service user about what you are collecting and ask permission to record any personal information.

1.1. Tell the service user that you will need to collect personal information in order to convey the results of their drug check.

1.2. Explain that the personal information will not be used for any other purpose.

1.3. Explain that the personal information will be handwritten on paper and stored in a secure file folder and will not be stored within a database.

1.4. Explain that the personal information will be destroyed upon delivering the results, or after 1 month, whichever comes first.

1.5. Ask for consent to use their personal contact information under these terms.

Example of what to say to service user:

"To receive your results, I'm going to need to record some personal information so I can contact you when the results are ready. I'm going to store the information temporarily as handwritten notes in a file folder that we keep in a safe. We do not share this information with anyone other than one of our staff that will be getting back to you with results and we do not record it in the computer. Once you get your results, I'll shred the information. If I can't get a hold of you after a month, the notes will be shredded. Do I have your consent to record this information?"

2. Collecting Contact Information

Determining what form of contact is best for the service user will help to ensure the results are given quicker and in a safe way for the service user.

2.1. Before asking which forms of communication the service user would prefer, determine which forms of communication the site can support.

2.2. **Do not use personal devices** to send emails, make calls, send texts, or use apps such as Signal. Only use secured devices designated by your organization when using personal information

2.3. With the service user's permission, collect one or more forms of personal information that will be used to get their results back to them. Refer to the below table for considerations for each form of communication:

Contact	Notes
Phone	• Ask if anyone else has access to the phone. • Ask for permission to leave a voicemail. Ask if they would like their results left via voicemail. • Ask if there's a particular time you should call the number. • If they have the phone, try the number to make sure it is correct.
Text	• Ask if anyone else has access to the phone. • Ask if they would like their results left via text. • If they have the device, text the number to make sure it is correct.
Email	• Ask if anyone else has access to the email. • Ask if they would like their results left via email. • If they have access to the email, try it to make sure it is correct.
Signal/App	• Ask if anyone else has access to the app they want to use. • Ensure that your site supports the use of the desired app before agreeing to use the app. • If they have access to the app, send a test message to ensure the contact information was correctly entered.
Unique Identifier	• See section 3: Using unique identifiers.

3. Using Unique Identifiers

In some cases, you may need to confirm a person's identity when they return to pick up their sample. Using a unique code or identifier to link an individual and with their sample is the best practice. This approach allows you to confirm identity without recording a name.

3.1. Create a code based on details that can be recalled through questions (e.g., initials, year of birth). A common method is to take the first two letters of the service user's first name, first two letters of their surname, and add the last two digits of their date of birth. For example, Homer Simpson born in 1956 would be HoSi56.

3.2. Codenames, handles, or street names may be offered by the service user, but a recognizable codename that is used frequently will not help to protect the identity of the service user.

4. Documenting and Storing Information

If the drug checking is conducted in a public location, be discreet when receiving and recording personal information. Speak quietly such that you cannot be overheard, and write the personal information where it cannot be seen by others. See the BCCSU standard operating procedure on sample collection, storage and transportation for an example of a sample collection form.

4.1. Write down the service user's personal information and/or unique identifier on the sample collection form with any additional information about how to reach them (e.g., don't leave a message, call between 12-3pm).

4.2. If the service user desires in-person results and the sample is to be taken offsite for testing, The bottom section of the form must be detached and the chain of custody number copied onto it such that the results can be retrieved. **Codenames and unique identifiers should not be sent offsite.**

4.3. Ensure the sample collection forms are stored in a safe or a secured cabinet where samples are kept for drug checking. The safe or cabinet should be located in a locked room with restricted access as well. If a restricted access room is not available, a safe mounted in a locking cabinet with restricted access is acceptable.

4.4. Only affiliated drug checking staff (at the discretion of the RPIC of the site) will have access to the personal information in the safe and only for the purposes of drug checking.

4.5. **Do not store personal information on a computer, personal device, or a database such as DCBC or a shared spreadsheet.**

4.6. Chain of custody numbers can be used in a database, though their associated personal information can only ever be stored on paper in the drug checking safe, and only for a maximum of one month.

4.7. Check the file folder containing personal information at least once a month for slips that have been stored for more than one month and promptly destroy them.

5. Testing Samples

When checking samples, care must be taken not to enter personal information into a computer or expose it to the public.

5.1. Retrieve samples from the drug checking safe and take them to the testing area. Ensure that the sample collection forms cannot be seen by passerby when you are working on them. If testing is conducted in a public-facing area, a screen or blind can be used to make a private area on the table where the form can be kept private.

5.2. When the testing is complete, enter the data promptly.

5.3. If the results are to be conveyed in-person at the testing site at a later time, file the sample collection form in a file folder in the drug checking safe.

5.4. If the results are to be conveyed in-person at a different site (i.e. the collection site where the sample came from), use email or another form of electronic communication to securely message the offsite staff with the results using the chain of custody number as an index. Destroy the sample collection form as soon as the data is entered into DCBC.

5.5. If the results are to be conveyed to the service user electronically, do so privately. Phone calls should be done in a private room where they cannot be overheard.

In the event that a codename or unique identifier was incorrectly sent to a testing site from a collection site and no other method of contact was indicated, the technician may relay the codename and chain of custody number over the phone to a staff member at the collection site.

6. Retrieving Results

When in-person results are desired, the codename or unique identifier must be linked to the chain of custody number (or another applicable indexing system) in order to find the drug checking results.

6.1. Retrieve the paper forms kept in the drug checking safe. When looking through the forms, do not allow anyone to see the information on them.

6.2. Ask the service user if they remember their codename or unique identifier. If they don't, but the codename follows a format (e.g. initials and birth year), additional questions can be asked to find the codename.

6.3. Do not reveal codenames in order to determine which is theirs.

6.4. If the date is all that can be remembered, do not volunteer information on other tests done on that date. Ask the service user to describe the sample in order to determine which is theirs.

6.5. When the correct form is found, match the codename with the chain of custody number that is associated with the sample in question.

6.6. With the chain of custody number as an index, access the results.

7. Giving Results

When giving results either in person or via electronic means, care must be taken not to be overheard. Protect personal information and privacy whenever giving results, regardless of the mode of communication.

7.1. When identifying yourself, always identify yourself with your first name and organization.

7.2. A neutral name for your organization may be needed in cases where the organization name explicitly references drug use. This is necessary when determining if the service user is able to talk discreetly.

7.3. Follow any instructions left by the service user regarding when and how to contact them.

Contact	Notes
In-person	• If possible, deliver in-person results in a private area where others cannot see the interaction, or hear the results. • If a private room is not possible, speak quietly and explain that privacy cannot be guaranteed before giving the results. • If the service user is deaf or hard-of-hearing, consider writing the results down such that the interaction can be discreet and not overheard.
Phone	• Do not assume that the person speaking is the service user. • Begin the call with a neutral statement identifying yourself and your organization and allow the speaker to confirm or deny that they are expecting your call and that it's a good time to talk. • This may help in cases where the service user does not have control over the phone line, or that they're not in a safe place to accept the call. e.g. "This is [your first name] from [the collection site] calling. Are you expecting a call from us? If so, is this a good time to talk?"

	• Ask the speaker to confirm what service was requested before beginning with the drug checking results. • If voicemail was authorized by the service user, a voicemail can be left with the results. Leave a number for the service user to call back if they wish to discuss the results further.
Text Signal/App	• Do not assume the person reading the text is the service user. • Begin with a neutral statement identifying yourself and your organization and allow the speaker to confirm or deny that they are expecting your text. • This may help in cases where the service user is being watched and does not want the drug checking results to be seen by another person. e.g. "This is [your first name] from [the collection site]. Are you expecting a text from us?" • Request confirmation of what service was requested before beginning with the drug checking results.

7.4. If the wrong person picks up or responds, do not volunteer information about the service provided. Do not identify yourself as a drug checking staff member.

7.5. If the contact information does not work (e.g. phone number is incorrect), do not attempt to contact the service user through a means not described on the collection form. If no electronic means remain to contact the service user, the service user must return to the collection site to get their results.

7.6. If no valid contact information is provided and in-person codename was not given, mark the collection form with "Could Not Reach" and cross out any incorrect contact information. If the service user comes to the collection site for the results, they will be easier to find.

8. Destroying Personal Information

Once the results have been delivered to the service user, any personal information associated with the results must be destroyed.

8.1. Separate the personal information from the sample collection form and destroy.

8.2. Destroy sample collection forms after data has been entered and confirmed after one month.

8.3. If unable to promptly return results, do not keep personal information for longer than one month including sample collection forms.

8.4. All paper containing personal information should be destroyed in such a way that it cannot be easily reconstructed. Some options include:

- Using a paper shredder (or shredding scissors)
- Cutting the paper into very small pieces
- Tearing the paper into very small pieces
- Soaking the paper in a cup of water

9. Receiving Results via a Third Party

In some cases, a service user may wish to have a third party receive the results. This may be because the service user doesn't have regular access to communication devices, or can't return to the site where they dropped off the sample. Consent to have a third party receive results must be established with the service user at the time of the sample being dropped off.

9.1. Establish consent with the service user that a third party may receive their results.

9.2. With the third party present (or on the phone), establish consent to receive the drug checking results.

9.3. With the third party, establish consent to collect their contact information as per section 1: *Establishing Consent to Collect Contact Information.*

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