



## **Member Resources: Considerations for Electronic and Digital Counselling**

**March 17, 2020**

We recognize the need for members to have access to accurate information about best practice when considering the use of electronic or digital technology to deliver service, especially given what we know about COVID-19 and the need for social distancing.

Therefore, we have compiled some key information when considering use of electronic or digital technology in your practice as this relates to ethics, professional liability and legal responsibilities. Before moving to the use of this technology, we recommend that you consider the following:

- Any approach to the use of technology in practice should be anchored in our Practice Standards and Code of Ethics. OASW strongly recommends that members review, [\*Professional and Ethical: Communication Technology Practices and Policies for a Digital World\*](#) (OCSWSSW), including the check-list at the end of this Practice Note, to assist you in assessing your competence and readiness for the provision of electronic practice.
- Confirm that your professional liability insurance will extend to you providing this service, especially if this is to a client who is out of province or out of country.
  - **For OASW members who hold Professional Liability Insurance through PROLINK, your OASW member policy FULLY INSURES ONLINE SERVICES** much as it would services provided face to face or over the phone to those inside and outside of Ontario and Canada as long as those individuals are Canadian residents temporarily abroad.
  - If the person you are considering providing telephone or online counselling to lives outside of Ontario, place a call to the relevant College of Social Workers in that jurisdiction to inquire about your ability to provide this service across regulatory boundaries.
- If using electronic or digital technology to engage with your clients, you are responsible for:
  - Maintaining the privacy and confidentiality of any information collected or stored and communicating your approach to doing so with your client. Your knowledge of the security of electronic or digital technology you use should span your application of this technology. For example, is your internet connection secure, do you use any software to increase security protection and how are your home/office devices protected from unauthorized access?
  - Having knowledge of applicable provincial and federal laws that govern this. For more information, see below.



- In times of uncertainty in regard to your legal obligations, **all PROLINK policyholders have access to free unlimited legal advice.** Your Trisura Guarantee Insurance Company policy with OASW includes access to this advice by calling **1-866-945-5207**. The Trisura Legal Assistance Hotline is available from 8 a.m. to midnight (local time) seven days per week. In emergency situations, your call will always be answered. Have your policy number ready as you will be required to quote this when calling.

**What is PHIPA?** The Personal Health Information Protection Act (PHIPA) governs the manner in which personal health information may be collected, used and disclosed in Ontario. PHIPA also provides a means for redress through the Information and Privacy Commissioner (IPC) of Ontario when privacy rights relating to personal health information have been violated. When using electronic and digital technology, privacy breaches can and do occur. Therefore, it is strongly recommended that you understand your duties regarding these as defined by the IPC ([www.ipc.on.ca](http://www.ipc.on.ca)).

**What is the Difference Between PIPEDA and PHIPA?** The Personal Information Protection and Electronic Documents Act (PIPEDA) is national legislation that regulates the collection, use or disclosure of personal information in the private sector. PHIPA is considered by the federal government to be a substantially similar piece of privacy legislation therefore, PHIPA takes precedence in Ontario.

**What Does this Mean for the Provision of Online Counselling in Ontario?** When considering the use of technology to facilitate online counselling it is important that any platform selected is PHIPA compliant. Most major providers of online platforms for counselling have a dedicated section of their website where they discuss their compliance with either PIPEDA and/or PHIPA. When providing online counselling, understand and be prudent about the security of your online platform and ask about where data is stored, who has access to this and how it may be used.

Additional Resources:

[Social Work Practice in a Digital World: Professional Identities, Ethics, and Opportunities](#) (Dr. Lauren McInroy, OASW AGM, 2019)

[Top 10 Considerations for Using Communications Technology in Practice](#) (OCSWSSW)

[Virtual Counselling](#) (CASW)

[Toolkit for e-Mental Health Implementation](#) (MHCC)

[Guidelines for Uses of Technology in Counselling and Psychotherapy](#) (CCPA)

[Frequently Asked Questions: Personal Health Information Protection Act](#) (IPC)