



Policy Number: QA7.052	Policy Section: Quality Assurance	Effective: September 22, 2010 Revised: June 27, 2014
Title: Confidentiality and Information Sharing Policy		Executive Sponsor: Manager, Quality Assurance

1. PURPOSE

The *Confidentiality and Information Sharing Policy* guides staff in maintaining the rights of individuals to confidentiality and privacy of personal information and assists them to comply with the *Freedom of Information and Protection of Privacy Act*.

It is one of a suite of policies described in the *Organizational Privacy Policy*. These policies are supplemented by the *CLBC Privacy Guidelines* which provide an overview of privacy legislation and best practices.

2. DEFINITIONS

Confidentiality: The obligation to keep others' personal information private, secret and safe from access, use or disclosure by people who are not authorized to have that personal information.

Consistent Purposes: Use and disclosure of personal information is considered consistent if the use and disclosure has a reasonable and direct connection to the purpose for which it was originally collected and is necessary to carry out the mandate and responsibilities of CLBC.

Freedom of Information and Protection of Privacy Act (FOIPPA): Provincial legislation that provides the legal context for the accountability of public bodies, including CLBC, as regards to information sharing and protecting personal privacy.

Informed Consent: A person is made aware of the decision or choice to be made; understands the possible consequences of giving or not giving consent, including for instance the purpose for which released information may be used; and then consents voluntarily.

Need-to-Know: The legitimate requirement to know, access or possess personal information that is critical to the performance of an authorized, assigned mission.

Personal Information: Information recorded about an identifiable individual, including, but not limited to:

- Name, address, telephone number, email
- Race, national/ethnic origin, colour, religious or political beliefs or associations

- Age, sex, sexual orientation, marital status
- Identifying number or symbol such as social insurance number or driver's licence number
- Fingerprints, blood type, DNA prints
- Health care history
- Educational, financial, criminal, employment history
- Anyone else's views or opinions about an individual and the individual's personal views or opinions unless they are about someone else

Personal information also includes separate pieces of information that may seem unrelated, but when put together would allow someone to accurately infer information about an individual.

Privacy of Personal Information: The fundamental right of individuals to determine for themselves when, how and to what extent their personal information is collected, used and communicated to others.

Records: All materials regardless of type or format including but not limited to books, documents, reports, photographs, letters, papers, assessments, plans, notes, electronic methods of communication such as Email or FAX, audio or video tapes, film and information stored in CLBC information systems whether in writing, electronically, mechanically or by other means.

Service Provider: A person or an independent organization under contract with CLBC to deliver supports and services to individuals and/or families.

Third Party: A person or organization other than the person or organization requesting the information.

3. POLICY

Staff treat the personal information of individuals served by CLBC as confidential and share such information only as required by law or for consistent purposes as outlined in the *Freedom of Information and Protection of Privacy Act*. Individuals have a right to know how their information has been used and whether and to whom their information has been disclosed.

Personal information about individuals applying for and receiving services is used for the purposes for which it is collected. It is treated as confidential, securely stored, and is accessible to and shared amongst CLBC staff only on a need to know basis.

4. PROCEDURES

Sharing Personal Information with Consent

4.1 Staff only share information about individuals with other people or organizations, with the informed consent of the individual unless otherwise required by law or permitted by this policy. Only information essential to the request is released. Whenever possible, individuals themselves provide the information needed.

4.2 Staff notify the individual, family member or other informal representative that they are collecting some personal information at the start of the intake process using the Intake Consent Form in PARIS.

4.3 Staff review with individuals the specific consents to share information with service providers and others as needed to deliver agreed upon services.

4.4 Staff obtain an individual's informed consent before sharing or collecting personal information about the individual. Staff assist the individual or informal representative to complete the *Personal Information Consent Form*, using the individual's personal means of communicating.

4.5 Staff review the appropriate contract sections and applicable standards governing sharing personal information with service providers.

Sharing Personal Information with Ministries and Other Government Bodies

4.6 Staff share personal information with other government bodies and ministries with consent or as outlined in the applicable legislation, agreement or protocol, and for consistent purposes. These government bodies include but are not limited to the Ministry of Child and Family Development, Ministry of Social Development and Social Innovation, Public Guardian and Trustee, and Ministry of Health.

4.7 Staff call the relevant office to verify the identity of a member of a government ministry or body, when CLBC staff do not have direct knowledge of the person requesting information.

Sharing Personal Information without Consent

4.8 Staff **must** share personal information, even without consent, about individuals in the following circumstances:

- When required by law, such as during a Coroner's Inquest, on receipt of a court order, or as outlined in the *Legal Requirements Policy*.
- As required to the Medical Health Officer when an individual may have a serious communicable disease.
- As outlined in the *Investigations: Abuse and Neglect Policy*, where staff assist the Medical Health Officer to investigate alleged abuse or neglect in licensed facilities.
- As required under the *Adult Guardianship Act and Policy*.
- As required to the Ombudsperson under the *Ombudsperson's Act*.
- As required to the Coroner under the *Coroners Act*.
- As required under the *Child, Family and Community Service Act*, to delegated MCFD staff. For more information regarding when to share information with MCFD staff see the *Appendix to the Information Sharing Agreement between MCFD and CLBC – Subsidiary Information Sharing Agreement regarding a Director's authority to compel Disclosure under section 96 of the Child, Family and Community Service Act (CFCSA)*.

- As required under the *Representative for Child and Youth Act*, to the Representative for Children and Youth, to assist them to meet their support and advocacy role for youth and young adults up to age 23.
- As required, to the Public Guardian and Trustee (PGT), pursuant to British Columbia legislation which includes, but is not limited to: the *Public Guardian and Trustee Act*, the *Patients Property Act*, the *Power of Attorney Act*, the *Adult Guardianship Act*, *Health Care (Consent) and Care Facility (Admission) Act*, and the *Representation Agreement Act*.

4.9 Staff **may** share personal information without consent as follows:

- For consistent purposes as defined in the *FOIPPA* and this policy.
- In compelling circumstances where the health and safety of individuals may be impacted.
- To assist police in an ongoing investigation where there is a significant likelihood of harm to the safety of an individual or the public.

4.10 Where specific information about a transitioning youth is needed and is only available under the *Youth Criminal Justice Act (YCJA)*:

- Staff may share relevant information only, with those who will be providing direct service to the youth when he turns 19, such as the terms of a conditional discharge order of the B.C. Review Board.
- Information that may impact the ongoing safety of the individual, the service provider or the community must also be made available to service providers; for example, challenging or dangerous behaviours.
- Staff comply with the requirements of the *Youth Criminal Justice Act*, which severely restricts publishing or sharing information obtained under that Act.

Third Party Records

4.11 Staff should not share personal information or records obtained in confidence from a third party. Staff explain that the third party is responsible for release of their records. Staff may consult the Manager, Quality Assurance:

- When unsure if the records have been obtained in confidence.
- When unsure about the source of the records.
- With concerns about the content of the records.

Role of the Manager of Quality Assurance

4.12 Staff consult the Manager, Quality Assurance immediately when they become aware of information about an individual CLBC serves, who is engaged in activities that may pose a risk of significant harm to the environment or to the health or safety of the public or a group of people, that may require the exchange of information without the individual's consent.

4.13 Staff consult the Manager, Quality Assurance when they receive a request to release personal information for research purposes.

4.14 Staff consult the Manager, Quality Assurance with questions about the process for supporting individuals to request their personal records under *FOIPPA* and where an individual requests to have their personal information in CLBC possession altered.

4.15 Staff consult the Manager, Quality Assurance with any questions about receiving or sharing information obtained under the YCJA.

5. DOCUMENTATION

5.1 Signed *Personal Information Consent Forms* are uploaded to the individual's PARIS SharePoint site.

5.2 Staff document in PARIS any occasions where personal information about an individual is released with or without their consent.

6. PRACTICE

6.1 Sharing personal information, where necessary, is done with respect for the individual's privacy and dignity, and with a view to supporting continuity, integrated planning and quality of service.

6.2 CLBC staff, who may share information about an individual, should consider whether the person the information is about would expect their information to be used in the proposed way. Staff must ensure that personal information is used for consistent purposes. A consistent use of personal information has a logical and plausible link to the original purpose for which the information was obtained or compiled. It must flow from or be directly related to the original reason for collecting the information or be a logical extension of the purpose for which the information was initially gathered. Where it is not clear that the intended use or disclosure of personal information is "consistent", CLBC staff shall seek the consent of the individual for the proposed use or disclosure.

6.3 Staff support the privacy of individuals in their practice, through the application of this policy and through the provision of clear understandable information about confidentiality to individuals receiving service and their families/support networks.

6.4 Individuals may involve family, friends, and informal representatives in assisting them to make decisions and give informed consent. The *Role of Formal and Informal Representatives Policy* provides information about who informal representatives may be and guidance for staff about their roles.

7. REFERENCES

CLBC Policy, Guidelines & Protocols:

Adult Guardianship Policy

Investigations: Abuse and Neglect Policy

Legal Requirements Policy

Organizational Privacy Policy

CLBC Privacy Guidelines

Role of Formal and Informal Representatives Policy

Information Sharing Agreement between Ministry of Children and Family Development (MCFD) and Community Living British Columbia (CLBC): Appendix B: Appendix to the Information Sharing Agreement: Subsidiary Information Sharing Agreement regarding a Directors authority to compel Disclosure under section 96 of the Child Family and Community Service Act (CFCSA)

BC Government Information:

Ministry of Citizen's Services FOIPPA Information Page:
http://www.cio.gov.bc.ca/cio/priv_leg/foippa/index.page

Legislation:

Adult Guardianship Act

Child, Family and Community Services Act

Coroners Act

Freedom of Information and Protection of Privacy Act:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Health Care (Consent) and Care Facility (Admission) Act

Ombudsperson's Act

Patients Property Act

Power of Attorney Act

Public Guardian and Trustee Act

Representation Agreement Act

Representative for Child and Youth Act

Youth Criminal Justice Act