



POLICY AND PROCEDURE MANUAL

Section: 10 DOCUMENTING AND REPORTING	Date Issued: December 2016 Supersedes Policy: March 2015	Page: 1 of 2
Subject: 10.04 CONFIDENTIALITY, DISCLOSURE AND ACCESS TO INFORMATION		

Policy

Anago is committed to protecting the confidentiality of information. The collection, use, disclosure and access of an individual's information is subject to several statutes including: *The Personal Health Information Protection Act*, the *Health Care Consent Act*, the *Freedom of Information Act*, the *Youth Criminal Justice Act*, the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* and the *Child and Family Services Act*.

Procedure

Employees may be responsible for the collection of personal information. Employees shall collect, use, disclose and access personal information in accordance with all applicable legal requirements. Only information essential to the provision of service shall be recorded in an individual's case file.

Consent

Expressed or implied consent is required for the collection, use and disclosure of an individual's information. Consent shall be received from the individual, their guardian or Substitute Decision Maker (SDM) in accordance with applicable legislation.

All requests for an exchange of information between Anago and any external third party shall require a release of information form be signed by the individual or the individual's legal guardian/substitute decision maker and be witnessed.

In Youth Justice, a young person cannot consent to the release of their *Youth Criminal Justice Act* (YCJA) related information, as there are no "consent to release" provisions in the YCJA.

Documentation

Individual case files are the property of Anago. Employees are responsible for ensuring that they comply with Anago's documentation and confidentiality procedures. Upon hire, employees sign a declaration stating they understand the privacy and confidentiality policies and shall uphold their principles. This declaration is documented on the Statement of Confidentiality (HR 109).

Disclosure of Information

Upon receiving the verbal or written request for the disclosure of an individual's information from the individual, legal guardian or SDM, a disclosure decision whether or not to release the information shall be made by the Director in consultation with the Executive Director, and after discussion with the Ministry Program Supervisor for the applicable program. The least amount



POLICY AND PROCEDURE MANUAL

Section: 10 DOCUMENTING AND REPORTING	Date Issued: December 2016 Supersedes Policy: March 2015	Page:2 of 2
Subject: 10.04 CONFIDENTIALITY, DISCLOSURE AND ACCESS TO INFORMATION		

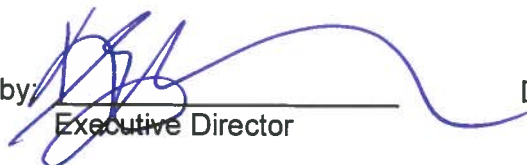
of information necessary in order to satisfy the purpose of the request, is to be shared. Third party information shall be removed.

When a request for access to information is received, one of the considerations made, after establishing that the disclosure of the information or record is authorized, is whether the request for access fits the "need to know" principle. The authorized information shall be provided according to the "need to know" principle, which includes a consideration of the reason, scope and nature of the request for information or records.

There are circumstances and conditions of disclosure and access that are unique to each of Anago's services. Procedures for granting or denying access to records and reports, as governed by applicable legislation shall be outlined in site specific protocols and shall meet the relevant requirements of the law.

Reference: *Child and Family Services Act, Regulation 70, s. 74(1)(2), Youth Criminal Justice Act, ss. 110-129, Freedom of Information and Protection of Privacy Act (FIPPA), Personal Health Information Protection Act, (PHIPA) 2004, Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008, the Child and Family Services Act.*

Authorized by:



Executive Director

Date: December 2016