

Information Sharing Quick Reference - PIPA

for Human Service Providers in Private Sector Organizations in Smithers BC

VISION

Integrated planning and service delivery for children, youth, adults and families is supported by appropriate cross-sector information sharing.

PURPOSE

This document is a quick reference guide for human service professionals who are employed by private sector organizations in B.C. and are covered by PIPA. It reviews the factors to consider in making decisions of how and when to share information about children, youth, adults, and families.

This document was created by the Smithers Community Coordination for Women's Safety (CCWS) committee.

The CCWS used the Alberta government's 'Information Sharing Guidelines' as a guide in their work.

<http://infosharing.gov.ab.ca/home/publications.cfm>

LEGISLATION

There are two major pieces of privacy legislation in B.C. The *Freedom of Information and Protection of Privacy Act* (FOIPA) applies to the public sector. Since January 1, 2004, the *Personal Information Protection Act* (PIPA) has applied to private sector organizations in B.C. The Act balances an individual's right to have his or her personal information protected, and the organization's need to collect, use, and disclose personal information for reasonable purposes.

Deciding Whether to Share Information

Information should be shared on a "need-to-know" basis only. Limit sharing to what is required to meet the purpose of the sharing.

Think about it

What do you need to know or disclose to best serve the child, youth, adult or family? Are there local internal information-sharing policies that should be taken into consideration along with legislation?

Talk about it

Sometimes people disagree on what needs to be shared. Discuss why you need the information and what you hope to accomplish for the child, youth, adult or family.

Try to understand and reach agreement

Reaching an agreement on what information should be shared will require ongoing communication, patience, trust and a collaborative approach.

Personal Information Protection Act - PIPA

GREEN LIGHT

In general, personal information can be shared:

- With the consent (written or oral) of the individual for a reasonable purpose;
- To a public body when working under contract to the public body (disclosures while under contract are on a need-to-know basis and should be addressed within the requirements of the contract);
- To respond to an emergency that threatens the life, health, or security of an individual or the public;
- To report a child who may need intervention under the *Child, Family and Community Services Act*;
- To respond to an order of a court in B.C.;
- To cooperate with the police or a *Child, Family and Community Services Act* caseworker who is conducting an investigation (through a Section 96 request);
- To comply with an Act or regulation of B.C. or Canada.

YELLOW LIGHT

In these circumstances obtain more information and/or get advice from a supervisor, consultant, or lawyer:

- To report criminal activity to police;
- Where there is a demand or request to produce information for a legal proceeding;
- When a professional code of ethics appears to limit disclosure;
- Where a contract exists with, and requires disclosure through the public body or health care custodian.

RED LIGHT

Information can NEVER be shared if there is:

- Legislation preventing disclosure (e.g. *Youth Criminal Justice Act* limitations);
- No consent and/or no legislated requirement to disclose information;
- No emergency situation.

Quick Reference Sheet - PIPA

Working Together for the Benefit of Children, Youth, Adults, and their Families

- Build working relationships based on mutual respect and trust.
- Involve children, youth, adults, and their families in planning for services and supports.
- Recognize that each child, youth, adult, and their families have unique strengths and needs that should be considered when developing a service plan to meet their needs.
- Realize that working together successfully is a process of learning, listening, understanding and compromising with one another.
- Be patient and trust that by working together, we can help children, youth, adults, and families become happy, healthy, active, involved and caring members of the community.

Service Provider	Legislation	<u>ADDITIONAL INFORMATION</u>
Most employees of provincial public bodies, including those who work for the Province of BC: <ul style="list-style-type: none"> • Ministries • Agencies • Boards • Commissions 	FOIPPA	<p>Note on Chart to the left: This chart was copied from The B.C. Handbook for Action on Child Abuse and Neglect For Service Providers available from the Queen's Printer: QP4500155715.</p> <p>Other participants: Some groups you may want to work with are not covered by provincial privacy legislation. These include First Nations and the RCMP. The specific service may need to be examined in greater detail to determine where they fit within the information sharing process.</p> <p>Public Bodies under FOIPPA Each public body has a FOIP Coordinator. Contact the office involved and ask them for the FOIP Coordinator's contact information.</p> <p>Royal Canadian Mounted Police As a federal agency, RCMP are governed by the federal <i>Privacy Act</i> and the <i>Access to Information Act</i>.</p> <p>Youth Criminal Justice Act Where the case at hand involves a person under the age of 18 who may have committed a criminal offence, provisions of the <i>Youth Justice Act</i> may also apply. These provisions prohibit the disclosure of information that could identify the accused.</p> <p>RESOURCES</p> <ul style="list-style-type: none"> • Office of the Information & Privacy Commissioner of BC http://www.oipc.bc.ca/ • Information Commissioner of Canada http://www.infocom.gc.ca/eng/ • Freedom of Information and Privacy Act • Personal Information Protection Act • Child, Family and Community Services Act • Privacy Act • Youth Criminal Justice Act http://www.bclaws.ca/ • ENQUIRY BC: 1-800-663-7867
Child welfare workers employed by MCFD or a Delegated Aboriginal Child and Family Services Agency	CFCSA	
Most employees of local public bodies, including those who work for: <ul style="list-style-type: none"> • School Boards • Hospitals • Municipal and Regional Boards • CLBC • Municipal and First Nations police 	FOIPPA	
RCMP	Privacy Act (federal)	
Service providers not within public bodies, including: <ul style="list-style-type: none"> • Physicians • Private psychologists • Child care providers • Employees of most community-based service agencies (e.g. transition houses, neighbourhood houses, sexual assault centres, family service agencies) 	PIPA *Note: May also be covered by FOIPPA if specified in the terms of a contract or agreement.	
Check with your regulatory body, professional association, contract manager or other appropriate person/organization for details of legislation and/or provisions (e.g. code of conduct, policies, code of ethics) that may apply.		