

Information Sharing Quick Reference - FOIPPA

for Human Service Providers in Public 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 public sector organizations in B.C. and are covered by FOIPPA. 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.

Freedom of Information and Protection of Privacy Act - FOIPPA

GREEN LIGHT

In general, personal information can be shared:

- with written consent
- to avert or minimize imminent danger to the health or safety of any person,
- to report a child who may need intervention under Section 14 of the *Child, Family and Community Services Act*,
- where organizations that are subject to FOIPPA are involved in a common program or integrated service,
- by Order of the Court,
- as under the *Youth Criminal Justice Act* (Canada) (Section 125 (6)c) to facilitate the rehabilitation of a young person,
- to cooperate with a police and/or child intervention investigation.

YELLOW LIGHT

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

- consent is not provided or refused but where there may be a health or safety issue for any individual or groups,
- to report criminal activity to police (pursuant to FOIP),
- where there is a demand or request to produce information for a legal proceeding,
- when a professional code of ethics may limit disclosure.

RED LIGHT

Information can **NEVER** be shared if there is:

- a legislative requirement barring disclosure
- no consent and no need to know nor overriding health/safety concerns,
- consent but no need to know nor overriding health/safety concerns

Quick Reference Sheet - FOIPPA

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><u>RESOURCES</u></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.		

