

Information Sharing for Human Service Providers in the Alberta Public Sector

VISION

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

PURPOSE

The purpose of this document is to be a quick reference guide for human service professionals to help them make decisions on how and when to share information about children, youth, adults and families. This is a companion document to the Information Sharing Guidelines and Appendices and was created by partnering Ministries of the Alberta Children and Youth Initiative (ACYI)¹.

The Information Sharing Guidelines have been approved by government and meet requirements under the *Freedom of Information and Protection of Privacy Act (FOIP)*, the *Health Information Act (HIA)*, and the *Personal Information Protection Act (PIPA)*⁴. The guidelines identify the processes by which information can be shared between service providers and others who are providing services and supports to the same child, youth, adult and family.

LEGISLATION

There are three major pieces of privacy legislation in Alberta. They are **FOIP** and **HIA** for the public sector, and **PIPA** for the private sector. (See the Information Sharing Guidelines and Appendix 1 for other relevant legislation).

RESOURCES / CONTACT INFORMATION

In addition to your organizations FOIP/HIA Coordinator, you may contact the following if you have questions on sharing information:

Information Sharing Training Program

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

780-644-1629 (toll free dial 310-0000 first)

Alberta Children and Youth Initiative

<http://child.alberta.ca/home/501.cfm>

Office of the Information & Privacy Commissioner

www.oipc.ab.ca/home

FOIP & HIA: 780-422-6860 or 1-888-878-4044

Health Information Act Help Desk

http://www.health.gov.ab.ca/resources/HIA_Manual.html

780-427-8089

Queen's Printer (to obtain legislation)

www.qp.gov.ab.ca

For general questions related to privacy legislation:

Access and Privacy Branch FOIP Help Desk

<http://foip.alberta.ca/>

780-427-5848 (toll free dial 310-000 first)

GREEN LIGHT

Generally speaking, pursuant to *FOIP*², **Personal** information **CAN** be shared under the following circumstances:

- with written consent,

OR

- to avert or minimize imminent danger to the health or safety of any person,

OR

- to report a child who might need intervention under the *Child Youth & Family Enhancement Act* (Enhancement Act),

OR

- where organizations that are subject to FOIP are involved in a common program or integrated service,

OR

- by Order of the Court,

OR

- as under the *Youth Criminal Justice Act* (Canada) to facilitate the rehabilitation of a young person,

OR

- to cooperate with a police and/or child intervention investigation.

Generally speaking, pursuant to the *HIA*³, **Health** information **CAN** be shared if the situation meets at least one of the following:

- with written consent,

OR

- to avert or minimize imminent danger to the health or safety of any person,

OR

- to report a child who might need intervention under the Enhancement Act,

OR

- by Order of the Court,

OR

- to a person who is responsible for providing continuing treatment and care to the individual (need not be a formal health services provider).

YELLOW LIGHT

In the following 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.

¹The ACYI is a collaborative partnership of government ministries working together on issues affecting children and youth.

²For additional disclosure provisions, see Section 40 of FOIP.

³For additional disclosure provisions, see Section 35 of HIA.

⁴For additional information on PIPA, see the companion guide on private sector privacy legislation.

Quick Reference Sheet

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

Working together for children, youth, adults and families requires participants to:

- Build working relationships based on mutual respect and trust,
- Involve children, youth, adults and families in planning for services and supports,
- Recognize that each individual has 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 and understanding one another,
- Be patient and trust that by working together, we can help individuals and families become happy, healthy, active, involved and caring members of the community.

GLOSSARY OF TERMS*

- **Integrated Service:**
A program or service which has several distinct components, each of which may be delivered separately, but when considered together comprises the complete program or service.
- **Common Program:**
A single program or service delivered by two or more public bodies.
- **Health Information**
HIA states that “health information” means any or all of the following: diagnostic treatment and care information; health services provider information and registration information.
- **Minimum Amount of Information:**
In order to respect the rights to individual privacy of children, youth, adults and families, only the minimum amount of personal information necessary may be shared.
- **Need to Know:**
An organization should not share information unless it is required to fulfill their roles and responsibilities.
- **Age of Consent for Minors:**
The age at which children and youth can give consent differs under various legislation but usually involves a determination as to whether he/she is mature enough to understand the nature of the information and the consequences of its disclosure.
- **Imminent Danger:**
A situation in which any individual or group of individuals may be at immediate risk of harm.

ADDITIONAL INFORMATION

Deciding Whether to Share Information

Information should be shared on a “need to know” basis. The following process may help you decide whether or not you can share information related to an individual:

Think about it

What information do you need to know or disclose to best serve the child, youth, adult or family?

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, and trust.

First Nations Agreements

Some services delivered by First Nations, either directly or through contracted agencies, may not be covered under the *FOIP Act*. These services need to be examined in greater detail in order to determine where they fit within an information sharing process.

Alberta Alcohol and Drug Abuse Commission (AADAC)

While AADAC is a public body and subject to *FOIP*, AADAC’s legislation prevails with regard to the disclosure of client information. As such, the ability to disclose personal information is limited and requires client consent in most instances.

Participating Organizations not under FOIP or HIA

Some organizations such as independent agencies may fall under PIPA, provincial private sector privacy legislation. Other organizations may not fall under provincial privacy legislation at all. For example, the RCMP comes under federal privacy legislation.

LOCAL CONTACT INFORMATION
