

Information Sharing for Human Service Providers in Private Sector Organizations

VISION

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

PURPOSE

The document is to be a quick reference guide for human service professionals who are employed by private sector organizations in Alberta. It reviews the factors to consider in making decisions of how and when to share information about children, youth, adults, and families. It is a companion document to the Information Sharing Guideline, Overview, and Appendices prepared by the partnering ministries of the Alberta Children and Youth Initiative (ACYI)¹.

LEGISLATION

There are three major pieces of privacy legislation in Alberta. The *Freedom of Information and Protection of Privacy Act* (FOIP) and the *Health Information Act* (HIA) apply to the public sector. Since January 1, 2004, the *Personal Information Protection Act* (PIPA) has applied to private sector organizations in Alberta. 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 purposes that are reasonable.

PIPA applies to organizations, including not-for-profit organizations. There are special sections of the Act dealing with certain non-profit organizations.

The FOIP Act may govern personal information of an organization when working under contract to a public body in Alberta. For example, a community agency may provide addiction counseling under contract to a Child and Family Services Authority (CFSA). If the contract specifies that the clients' counseling records are under the control of the CFSA, then the sharing of the client's information must comply with the FOIP Act.

When an organization is providing services to clients on its own behalf, then it must comply with PIPA when collecting, using, and disclosing personal information. Certain non-profit organizations – organizations incorporated under the *Societies Act* or the *Agricultural Societies Act*, or registered under Part 9 of the *Companies Act* – need to comply with the PIPA rules only when engaged in a commercial activity. This might include when a client pays a fee for a service that is more than a nominal fee.

An organization cannot require clients to agree to sharing information as a condition of obtaining a service, beyond what is necessary to provide the service.

When a non-profit organization is not required to comply with PIPA's rules for protecting personal information, the organization can share information in accordance with its own guidelines, and any professional obligations that may apply to staff. It is recommended that such organizations protect personal information and follow fair information handling practices.

GREEN LIGHT

Generally speaking, under **PIPA**, personal information can be shared in these circumstances:

- 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;*
- To a health care custodian when working under contract to the custodian;*
- 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, Youth & Family Enhancement Act* ;
- To respond to an order of a court in Alberta;
- To cooperate with the police or a *Child, Youth & Family Enhancement Act* caseworker who is conducting an investigation;
- To comply with an Act or regulation of Alberta or Canada.
- Note that disclosures due to contracts are still on a need-to-know basis, and should be addressed within the requirements of the contract.

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; or
- 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 no legislated requirement to disclose information; or
- No consent and no emergency situation.

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

²See *PIPA Information Sheet 1: Non-Profit Organizations*, at www.pipa.gov.ab.ca for more information on how PIPA applies to non-profit organizations.

Quick Reference Sheet

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

GLOSSARY OF TERMS

- **Organization:**
An Alberta corporation, unincorporated association, trade union, partnership, or individual operating a business.
- **Need to know:**
Necessary to perform one's duties.
- **Minors under PIPA:**
A minor who understands his or her rights and the consequences of exercising those rights may exercise his or her right to provide, or refuse consent. Otherwise the minor's guardian exercises those rights.
- **Reasonable:**
What a reasonable person would think is reasonable under the circumstances.
- **Public body:**
Entities subject to the *Freedom of Information and Protection Act*, including provincial government ministries, regional health authorities, school boards, post-secondary education institutions, and municipalities.
- **Health care custodian:**
Entities subject to the *Health Information Act*, such as regional health authorities, hospitals, and physicians.

RESOURCES

The following resource materials and offices may be contacted if you have questions regarding 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)

ADDITIONAL INFORMATION

Deciding whether to share information

Information should be shared on a "need to know" basis. Limit sharing to what is required to meet the purpose of the sharing. The following process may help you decide whether or not you can share information related to a child, youth, adult, or family:

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.

Alberta Alcohol and Drug Abuse Commission (AADAC)

AADAC's legislation restricts the information that can be disclosed about clients and consent is required in most instances. If you are under contract to AADAC, find out what limitations apply.

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.

Public Bodies under FOIP

Each public body has a FOIP Coordinator. You can obtain contact information from the Directory of Public Bodies at www.foip.gov.ab.ca.

LOCAL CONTACT INFORMATION