

Handout #2 – Myth Or Fact?

For each of the following statements, decide whether it is a myth or a fact.

1. Public bodies and agencies providing care and support to children, youth and their families need to be able to share personal information with other public bodies and agencies in order to enhance and more effectively deliver those services.
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2. Existing privacy legislation, such as FOIP and HIA, prevents service providers from sharing information regarding children, youth and families.
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3. The overall goal of information sharing is to support positive outcomes for children, youth and families within the context of integrated, coordinated and effective service delivery.
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4. Services to children are not always effective or complete when delivered in isolation from other service providers, and without involvement of the family and their natural supports.
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5. Under FOIP, participants within an integrated service can only share information with consent.
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6. Although organizations that fall under HIA may participate in an integrated service approach, consent is generally required.
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7. Information should be shared on a "need to know" basis.
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8. When disclosing personal or health information under FOIP or HIA, the maximum amount of personal information should be shared within the requirements of existing legislation.
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9. The Information Sharing Guideline is approved by the Government of Alberta and meets requirements under FOIP and HIA.
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Handout #4 – Hospital Emergency Room, Physical Violence

An adult client goes to the emergency room of a hospital. Physical indicators and family violence screening point to family violence as a presenting issue. The client discloses a history of abuse, does not indicate imminent danger and has refused to give consent to share information.

Question 1: If the client DOES NOT have dependent children, is this a green, yellow or red light situation for emergency room staff to contact family violence service providers and/or the police?

Question 2: If the client DOES have dependent children, is it a green, yellow or red light situation for emergency room staff to contact family violence service providers and/or the police?

Handout #5 – Law Enforcement in Remote Area, Elevated Risk

The client contacts law enforcement in a remote area to report spousal abuse. The perpetrator is a high profile service provider in the community and the client is concerned that risk will escalate if information is shared between service providers. The client is indicating that she wants her information to be maintained in confidence.

Question 1: If there are children involved, is it a green, yellow or red light situation for law enforcement officials to contact child and family services?

Question 2: Question 2: If there are children involved and consent is provided, is it a green, yellow or red light situation for law enforcement officials to contact family violence service providers on behalf of the family?

Question 3: If there are no children involved and consent is not provided, is it a green, yellow or red light situation for law enforcement officials to contact family violence service providers on behalf of the family?

Handout #6 – Immigrant Serving Agency, Translator Concerns

The client is working with an immigrant serving agency and reports violence in their home. The client is willing to consent to information sharing, however the only available translator is an extended family member of the perpetrator. The client fears disenfranchisement from their cultural community, as well as reprisals from extended family.

Question 1: If there are no children and the client has provided consent for her information to be shared with other appropriate service organizations, is this a green, yellow or red light situation?

Question 2: If there are no children and the client has not provided consent for her information to be shared with other appropriate service organizations, is this a green, yellow or red light situation?

Question 3: If there are children involved, is this a green, yellow or red light situation for the immigrant serving agency to share information with Children's Services?

Question 4: The agency was contracted by a public body and the information was collected as a result of the contract. Is this a green, yellow or red light situation for the agency to share information?

Handout #9 – AADAC, Incarceration Concerns

A client discusses issues of family violence while attending a patient treatment program offered by AADAC, and also identifies living in a criminal subculture. The client has realistic fears that if law enforcement gets the information, the perpetrator will be incarcerated and further risk of ongoing violence from collaterals is a possibility.

Question 1: If the client provides consent, is it a green, yellow or red light situation for the AADAC counselor to contact police?

Question 2: If the client does not provide consent, is it a green, yellow or red light situation for the AADAC counselor to contact police?

Question 3: If the client has dependent children living with her, is it a green, yellow or red light situation for the AADAC counselor to contact Child and Family Services?

Handout #12 – Client Referral in Case Plan, Refused Consent

As part of a case plan, a client is referred to a counseling/treatment intervention by a community based agency. Follow up on the client’s progress is essential to inform the larger case plan of family stability. When the community based agency contacts the treatment agency they are advised the client has refused consent to share information on their attendance and participation in the counseling/treatment program. The community based agency believes they have a right to the information.

Question 1: Can the treatment agency share the information? Is this a green, yellow or red light situation?

Question 2: If the referring agency is a public body, such as Children’s Services, and the referral to the counseling services is under contract, can the treatment agency provide the information? Is this a green, yellow or red light situation?

Answer Handout #1- An Example

Here is the process for determining what could be shared:

- ✓ **Think about it** – Members of the team expressed what they thought they needed to know to assist the child. Discussion centered around the students' behaviours and the concern for her safety and the safety of the other students. The Child Intervention Worker was initially reluctant to share information about the child's past involvement in care. The education staff were concerned that they did not have the necessary information to plan appropriately for the young lady. The foster parent had very little information about her foster child and wanted to know more so she could assist her more in the home setting.
- ✓ **Talk about it** – Each member of the team discussed what information they hoped to gain in order to assist the child. Documentation around the child's academic and behavioural history arrived from Ontario and, according to Alberta standards, she did not meet the requirements for the special placement that she was in. However, due to her level of functioning and behavioral concerns it appeared as though there were no clear cut answers to her educational placement.

The Child Intervention Worker did not initially think that she was free to disclose the child's history but after discussion with team members disclosed that the child had been involved in prostitution from a very young age and had been severely traumatized. She also indicated that she needed very close supervision in every setting that she was in to help her learn new boundaries and to protect her safety and the safety of other children due to her sexual acting out behaviours.

- ✓ **Understand and reach agreement** – **Through discussion it was determined that while the** school did not need to know all the details of the child's past, it did need to know that she had been involved in prostitution in order to provide her the assistance that was needed. A service plan was developed that provided a secure placement within the school system with caring and experienced staff and a small school ratio that allowed for constant supervision and specialized instruction that could meet her needs. The mental health therapist agreed to provide counseling, and the foster mom agreed to work closely with everyone to reinforce positive boundaries and appropriate behaviour for her foster daughter. The Child Intervention Worker agreed to communicate on a regular basis and a follow up meeting was scheduled with the school to ensure that the service plan was working and the young lady getting the service that she required.

Answer Handout #2 – Myth Or Fact?

1. Public bodies and agencies providing care and support to children, youth and their families need to be able to share personal information with other public bodies and agencies in order to enhance and more effectively deliver those services.

FACT

2. Existing privacy legislation, such as FOIP and HIA, prevents service providers from sharing information regarding children, youth and families.

MYTH - Although information sharing across ministries, organizations and mandates is complex, current privacy legislation allows for information sharing within clearly defined boundaries.

3. The overall goal of information sharing is to support positive outcomes for children, youth and families within the context of integrated, coordinated and effective service delivery.

FACT

4. Services to children are not always effective or complete when delivered in isolation from other service providers, and without involvement of the family and their natural supports.

FACT

5. Under FOIP, participants within an integrated service can only share information with consent.

MYTH - Participants within an integrated service can share information, with or without consent, under FOIP.

6. Although organizations that fall under HIA may participate in an integrated service approach, consent is generally required.

FACT

7. Information should be shared on a "need to know" basis.

FACT

8. When disclosing personal or health information under FOIP or HIA, the maximum amount of personal information should be shared within the requirements of existing legislation.

MYTH - Only the minimum amount of personal information necessary may be shared within the requirements of existing legislation.

9. The Information Sharing Guideline is approved by the Government of Alberta and meets requirements under FOIP and HIA.

FACT

Answer Handout #3 – Community Based Family Violence Service Provider, Physical Violence

Question 1: Can the family violence service provider obtain this information on the client's behalf and can the courts/police release the information? Is this a green, yellow or red light situation?

This is a green light situation. The client has requested services and has provided information to the family violence service provider. The client must be made aware of implications of giving consent and understand current services and practices within coordinated and integrated service models. Even with the informed consent, the family violence service provider must consider any ramifications (such as increased risk to the client) when sharing information.

The family violence service provider must determine if the conditions and/or date of release is required, to support safety planning for the client (e.g., client relocation). If the perpetrator's release information was determined as a requirement; the family violence service provider may contact law enforcement/courts who have the authority to disclose this information.

Depending on the authority and the considerations that apply to the disclosure of the perpetrator's release information, the family violence service provider may or may not obtain the information.

When the release date and/or conditions have been made public, the required information would be accessible by the client and/or the family violence service provider.

Note that if the client has police file information and is able to make a direct contact with the police, the service provider may not need to facilitate the request.

Key concept: Safety of the child, youth, and family should be the first consideration when making decisions about information sharing.

Answer Handout #4 – Hospital Emergency Room, Physical Violence

Question 1: If the client DOES NOT have dependent children, is this a green, yellow or red light situation for emergency room staff to contact family violence service providers and/or the police?

This is a red light situation. The health services provider cannot disclose information without the consent of the individual.

Question 2: If the client DOES have dependent children, is it a green, yellow or red light situation for emergency room staff to contact family violence service providers and/or the police?

This is a yellow light situation. The health service provider would need to look to see if imminent danger applied or if the *Child, Youth and Family Enhancement Act* (CYFEA) reporting requirements (section 4(1)) are met.

In order to determine imminent danger, the health service provider must consider whether the three criteria of eminent danger exists:

- ✓ Clarity – intended victim/group of victims must be ascertainable or sufficiently identifiable. (client, children, family)
- ✓ Danger – the danger to the victim must be seriously bodily harm or death, and (severity of physical abuse)
- ✓ Imminence – the risk must be serious and a sense of urgency must be created by the threat of danger. Future risk must be serious enough that a reasonable person would be convinced that the harm would be carried out (previous abuse timeframe; years ago or months ago).

If the health service provider determined the provision enabling disclosure without consent on imminent danger applies disclosure to or engagement of law enforcement may occur.

If there are children involved the health service provider must also consider the CYFEA reporting requirements (section 4(1)). If they applied it could be a green light situation, where a report to Children's Services could be made on the grounds that there are reasonable and probable grounds to believe the children are in need of intervention services.

If the service provider was unsure whether Section 4(1) of the CYFEA applied, the service provider might call the local Child and Family Service Authority, discuss the circumstances in general terms without disclosing any personal identifying information and then make a determination as to whether a report should be made or not.

If the health service provider determined the disclosure provision did not apply, the health service provider could provide the client with information on family violence service referrals.



Note: The health service provider may want to talk more with the client about the specifics surrounding the risk of violence. This would help the health service provider help determine imminent danger themselves.

Answer Handout #5 – Law Enforcement in Remote Area, Elevated Risk

Question 1: If there are children involved, is it a green, yellow or red light situation for law enforcement officials to contact Child and Family Services?

This is a green light situation. If there are children involved a decision would need to be made as to whether the children are at risk of violence or exposed to violence. (Section 4 of the *Child, Youth and Family Enhancement Act*.) This would allow the police to report a matter to Children's Services for investigation and they could then share the necessary information without consent of the individual.

Question 2: If there are children involved and consent is provided, is it a green, yellow, or red light situation for law enforcement officials to contact family violence service providers on behalf of the family?

This is a green light situation. If the client provides consent, the police can share the information the client consented to have shared, with the services providers the client consented to have it shared with.

Question 3: If there are no children involved and consent is not provided, is it a green, yellow or red light situation for law enforcement officials to contact family violence service providers on behalf of the family?

This is a red light situation. If no consent were provided, then information could not be shared with other services providers. Police and Victim Service Units often assist in engaging the victim in developing a safety plan. They could hopefully work with the individual to convince them to access necessary services or provide consent to share the necessary information with the appropriate individuals/organizations. If consent is then obtained it would become a green light situation.

Key concept: Remote or rural areas may have unique constraints to information sharing:

- ✓ Lack of anonymity.
- ✓ May take longer to build relationships.
- ✓ Less available resources.

Answer Handout #6 – Immigrant Serving Agency, Translator Concerns

Question 1: If there are no children and the client has provided consent for her information to be shared with other appropriate service organizations, is this a green, yellow or red light situation?

This is a yellow light situation. While the client has provided consent, the client has expressed concerns about the translator that should be addressed. The agency can share the information consented to, but it may have to find a different way to collect it. Alternatives include engaging the translator in a discussion around confidentiality, or engaging a different translator through another service agency.

Question 2: If there are no children and the client has not provided consent for her information to be shared with other appropriate service organizations, is this a green, yellow or red light situation?

This is a red light situation. If no consent is provided then information could not be shared. If no consent is provided then the agency could try to engage the victim in developing a safety plan and hopefully obtain from the individual consent to share the necessary information with the appropriate individuals/organizations. If consent is then obtained it would become a green light situation with the same provisos as in question 1.

Question 3: If there are children involved, is it a green, yellow or red light situation for the immigrant serving agency to share information with Children's Services?

This is a green light situation. If there are children involved a decision would need to be made as to whether the children are at risk of violence or exposure to violence. (Section 4 of the *Child, Youth and Family Enhancement Act*.) This would allow the agency to report a matter to the police and/or Children's Services for investigation disclosing the necessary information without consent of the individual.

Question 4: The agency was contracted by a public body and the information was collected as a result of the contract. Is this a green, yellow or red light situation for the agency to share information?

This is a green or yellow light situation. The agency could only share information as stipulated in their contract. To help determine this they could contact the individual in the public body or health custodian responsible to oversee their contract.

If the sharing of information fell outside of what their contract stipulated, they would need to seek direction from the public body they were contracted with. Generally speaking then, the Green, Yellow and Red Overview Document on Information Sharing would apply to the public body, along with their own parent legislation, policies and procedures. If there are children at risk, for example, the agency would be obligated to report under the *Child, Youth and Family Enhancement Act*.

Key Concept: Cultural differences may identify additional constraints to information sharing:

- ✓ Lack of anonymity within a small community.
- ✓ Varying customs, beliefs, values.
- ✓ Different levels of power between genders.
- ✓ Trust (or lack of) in authority.

Answer Handout #7 – Community Based Women's Shelter Agency, Child Protection Concerns

Question 1: Is it a green, yellow or red light situation for the shelter to share information with Child and Family Services?

This could be a green, yellow or red light situation. Many of the women's shelters receive funding through contracts from Alberta Children's Services. That however, would not impact on the decision to disclose in this circumstance.

This is a green light situation:

- ✓ If client's children are not with her, there may be a concern regarding their safety, so information can still be shared with Children's Services. Children's Services would have authority to collect and the agency would be required to disclose.
- ✓ Requirement to disclose may prove to provide additional rationale to assist the woman in making a decision to consent and work with service delivery network.
- ✓ The shelter needs to understand Alberta Children's Services mandate, and be able to extend that information to the client so as to allay fears of loss of children (she is already taking steps to provide safe environment by virtue of being at shelter).

It could also be a yellow light situation:

- ✓ If children are with the client, the issue of immediate intervention services being required may not be as clear, unless it appears that the client may return to an unsafe situation, and/or if children appear to have been harmed, either physically, or by exposure to violence.
- ✓ Consent would be a better approach, and that should be pursued where possible, but there may still be sufficient grounds to identify the abuse to Children's Services or to medical authorities.
- ✓ Same as above (green light) applies.

This could also be a red light situation:

- ✓ If the client has children and they all appear safe and healthy, and the client has a sound plan in place to start fresh, and not return to situation where children or self may be at risk, there may not be a need to refer elsewhere.
- ✓ Without consent, and any mitigating concerns as in previous areas, personal information should likely not be disclosed.

Answer Handout #8 – Disabled Adult in Remote Area, Need of Support

Question 1: If the client is unwilling to consent to information sharing with community agencies, is it a green, yellow or red light situation for the public health nurse to share information with community agencies to support safety planning?

This is a yellow or red light situation. The individual has not provided consent. The public health nurse determined the individual is mentally competent and understands the risks and benefits to the individual of consenting or refusing to consent.

The public health nurse should consider any provisions that enable disclosure without consent (discretionary/mandatory exceptions) that may apply such as imminent danger, Persons with Developmental Disabilities (PDD) (HIA section 35(1)(m)(p)).

In order to determine imminent danger, the public health nurse must consider whether the three criteria of eminent danger exists:

- ✓ Clarity – intended victim/group of victims must be ascertainable or sufficiently identifiable (client, children, family).
- ✓ Danger – the danger to the victim must be seriously bodily harm or death, and (severity of physical abuse).
- ✓ Imminence – the risk must be serious and a sense of urgency must be created by the threat of danger. Future risk must be serious enough that a reasonable person would be convinced that the harm would be carried out (previous abuse timeframe; years ago or months ago).

At this time the public health nurse determines that the disclosure provision does not apply and sharing of information is not warranted. However, the individual is presenting with concerns and the public health nurse should be providing information to support informed consent and/or assisting the person in accessing appropriate community resources.

The public health nurse should monitor the situation during regular visits and if the risk increases reevaluate the need to intervene.

Answer Handout #9 – AADAC, Incarceration Concerns

Question 1: If the client provides consent, is it a green, yellow or red light situation for the AADAC counselor to contact police?

This may be a green, yellow or red light situation. The approach will be in part dependent on whether or not there are children involved. Children are not likely with her if she is attending AADAC, so the risk for them is significant, given her fears of violence and exposure to criminal subculture.

This is a green light situation. AADAC is obligated to report children at risk to Children's Services and this requirement may provide additional rationale and support to encourage the client to seek formal delivery assistance.

If there are no children involved, and the situation the client is returning to may be an unknown in terms of risk to her health and safety, disclosure may require consent, so efforts should be made to support the client towards making that decision. It may not require disclosure to police to move her towards a safe environment.

Question #2: If the client does not provide consent, is it a green, yellow or red light situation for the AADAC counselor to contact police?

This could be a yellow light situation. It may not require report to police, although dependent on risk and situation they may be called in by Children's Services.

If there are no children involved, but the client is likely to return to a situation where she may be at risk for health and safety, disclosure without consent may still be an option.

Question #3: If the client has dependent children living with her, is it a green, yellow or red light situation for the AADAC counselor to contact Child and Family Services?

This could be a red light situation. Where there are no children, and client has a realistic plan that will move her away from the current environment, and there are no outstanding health and safety issues, and no consent, then no disclosure may take place. [George these answers seem mixed up for numbers 2 and 3. They need to be clarified.](#)

Additional Consideration: A power imbalance likely exists between a service provider and a client. The client may feel pressure to comply with consent even if it is not in their best interest. Ensure you explain the consent process and expected outcomes completely.

Answer Handout #10 – Coordinated Service Response in Remote Area, Family Safety

Question 1: Is it a green, yellow or red light situation for the service provider to contact Child and Family Services?

While this may appear to be a red light situation, the service provider, after having witnessed the relapse in public, would need to determine if Section 4 of the *Child, Youth and Family Enhancement Act* applies. (This section states that "any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter to a director.")

If the relapse by the perpetrator led to potential violence or acting out towards a child in the family, the section of the Act stated above would certainly apply. If violence was perpetrated against the spouse, an argument could be made that, given the fact that children reside in the home, they are at risk of family violence as well and therefore the section still applies. They could then call Children's Services to report the matter so that Children's Services could investigate the situation further and collect, use and disclose the necessary information to conduct their investigation in order to provide the needed supports to the family. In investigating the matter Children's Services could also involve the police.

Key concept: Avoid labeling victims, abusers and their families. Don't just look at the snapshot, see the whole scenario. Consider the date of the information - is it current or past information? Has the person or situation changed?

Answer Handout #11 – Provider Shares Generic Information, No Consent

Question 1: The partners consider sharing personal information to provide resources to the client. Under what circumstances might this be a green, yellow or red light situation?

- ✓ The partner can share solution with the provider, who can then share it with the client.
- ✓ The provider can also provide direct referral to client, connecting him/her to the partner.
- ✓ If the circumstances are such that there are child protection or health and safety risk issues identified during the discussion, then there may be a need to report the matter to Children's Services.

This may also be a yellow light situation:

- ✓ Potential child protection or health and safety issues emerge during the discussion, but it is not clear that they require reporting. This may require further consultation with other agencies if necessary, and likely without immediately providing identifying personal information.

This could also be a red light situation:

- ✓ No issues are identified that raise health and safety or child protection concerns. In this case, it does not allow for the disclosure of the client's identity without consent.

One of the key concepts here has to do with the notion that service providers may not always feel that they have the authority to disclose or share personal information. At the same time they often need to have a forum where they can discuss things in a 'generic' manner so as to assist them in problem solving, or in making decisions as to what their next steps should be. Those next steps could include the disclosure of personal information.

Answer Handout #12 – Client Referral in Case Plan, Refused Consent

Question 1: Can the treatment agency share the information? Is this a green, yellow or red light situation?

This is a red light situation. The client has not provided consent.

This could be a green light situation only if there are other circumstances that emerge, such as if there are children involved in the family that are at risk. (Section 4 of the *Child, Youth and Family Enhancement Act* applies. This section states that "any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter to a director.") This would enable them to report the matter to Children's Services for a follow up investigation.

Question 2: If the referring agency is a public body, such as Children's Services, and the referral to the counseling services is under contract, can the treatment agency provide the information? Is this a green, yellow or red light situation?

This would be a yellow light situation. The treatment agency could only share information as stipulated in their contract. To help determine this they could contact their contract manager in the public body. The case plan may also identify expectations around the reporting of information by the treatment agency.

Answer Handout #13 – Report to Law Enforcement, Contact to Service Providers

Question 1: If a local service provider is aware of the person in question, is it a green, yellow or red light situation for them to share this information with the law enforcement agency?

This could be a green, yellow or red light situation.

This is a green light situation:

- ✓ The law enforcement agency may be able to provide sufficient information about the concerns identified, to allow the service provider to make a determination as to whether they are working with missing person, and/or whether or not there are safety issues identified. If the local service provider receives adequate information to demonstrate that there is a safety concern for the individual, they may share information with law enforcement without consent.
- ✓ Depending on the amount of detail that the service provider has, they may only be able to disclose a description of the person, or their identity, or other information relating to the degree of risk, harm, and so forth.

This could be a yellow light situation:

- ✓ The provider may need to follow up with the person before being able to share any information back to police, or to a relative. Follow up may involve determining level of risk to safety, both in the current environment, and if the person returns home, or may require consent.
- ✓ The age of person may also be a determinant as to whether information needs to be disclosed, although the disclosure may be to a child protection agency and not necessarily to police.
- ✓ Providers may also be able to share the information further (e.g. to other provider agencies) depending on the degree of risk that is deemed to exist.
- ✓ Previous information regarding past involvement with the missing person, or their family, may be appropriate to share with the police, and or a child protection agency, again depending on the degree of risk of harm to health and safety.



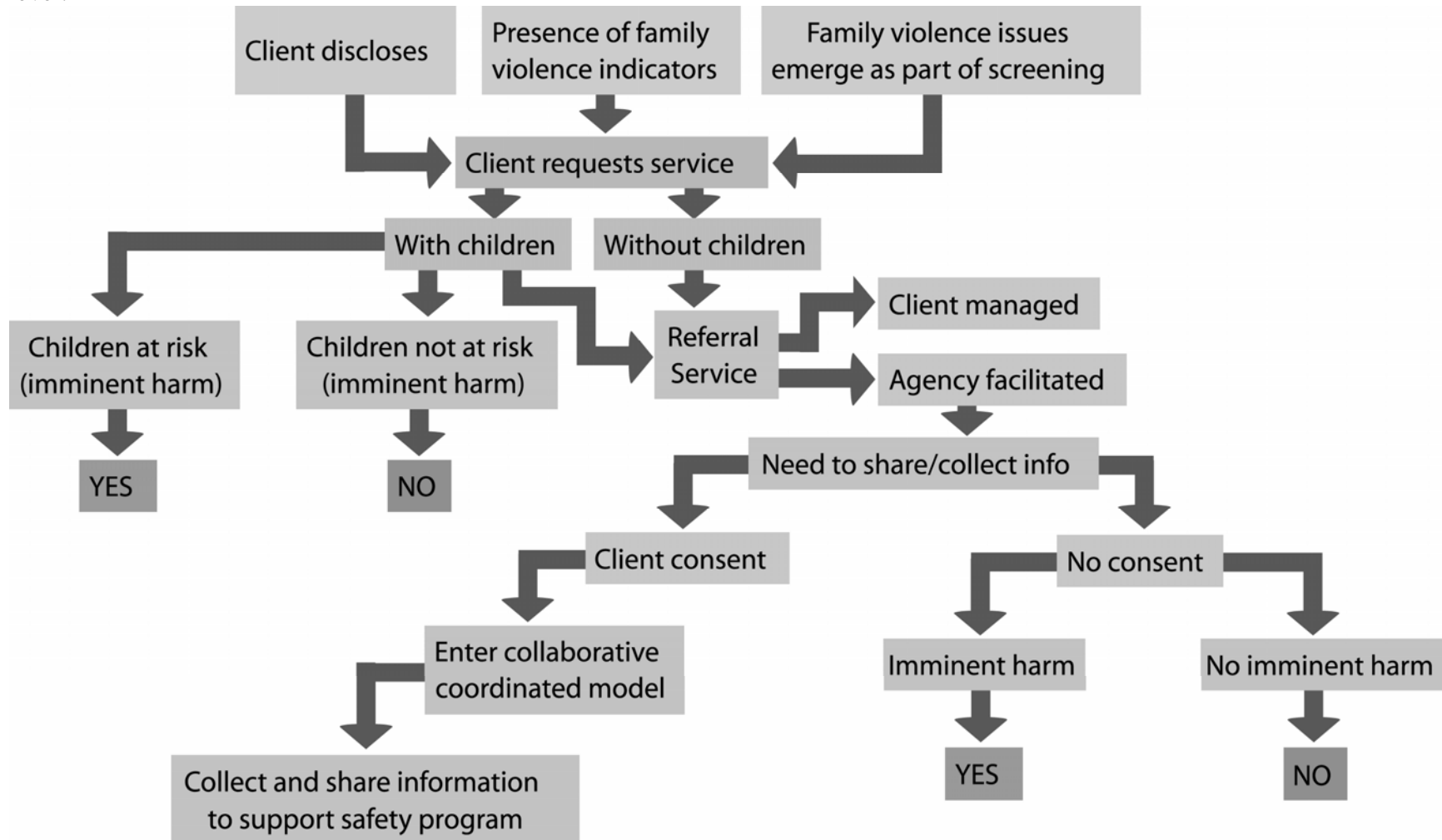
This could also be a red light situation:

- ✓ If there are no issues related to health and safety, and there is no involvement by the agency, they may not need to collect the personal information about the missing person, or at best may only be able to maintain it for a transitory period.
- ✓ The whereabouts of the missing person will not be disclosed by the law enforcement agency if the:
 - missing person is at risk; and
 - the individual does not consent to disclosure.

The capacity of the person and the person's age to make this decision must be taken under consideration.

Handout #14 – Point of Entry – Community Level

This diagram is a general process example of what might occur in a service intervention with the point of entry at the community level.



Handout #15 – Point of Entry – Community Based Service Provider

This diagram is a general process example of what might occur in a service intervention with the point of entry through a community based service provider.

