

The Use of Consent in the Information Sharing Framework (ACYI)

Rationale

- A means of empowering individuals.
- Meets legislated requirements for sharing personal and/or health information.

Requirements

The requirements for proper consent are:

- Must clearly authorize **what** information will be disclosed,
- With **whom**,
- For what purpose (**why**),
- And for **how long**.
- It should also indicate that the individual understands the risks and benefits of providing or not providing consent.

The goal is to ensure that the individual who is consenting to the release of his/her personal information knows what he or she is consenting to.

A sample template for a consent form is provided on the reverse of the Sample Integrated Services Terms of Reference, that meets the requirements of the government partnering organizations and their respective Acts.

Sometimes an organization is allowed to share personal information without getting prior consent. In such cases, where appropriate, the person to whom the information relates should be told that this would occur. Fully informing the individuals will help to empower them, as they will better understand why and how their information will be used.

Providing Consent on Behalf of Another

Individuals may be represented by another person. For example, a minor may be represented by their guardian, lawyers and/or legal representatives, providing that any disclosure of the minor's personal information is not an unreasonable invasion of the minor's privacy.

Children's Consent

Children have rights to the protection of their personal information similar to adults. However, their rights may sometimes be exercised by another, in particular a parent or guardian. This is sometimes due to the child being, by reason of age or immaturity, unable to fully understand his/her rights. On the other hand, the child may sometimes be considered sufficiently mature that he/she can exercise his/her rights on his/her own. This general rule is sometimes modified by legislation that provides that the parent and child both have a role in consenting to certain types of information.

Where children can consent, in deciding whether a child can give independent consent to release his/her personal information, the following can be taken into account:

- The governing legislation
- The age of the child. Twelve is a rough guide
- The child's level of maturity. Is the child able to understand the requirements of consent (what, who, why and how long?)
- The sensitivity of the information and the consequences of releasing it. For example, there may be information about a child that should not be shared with a parent; there may be information that must be shared or withheld for the safety or best interests of the child.

Additional Resources

- School Jurisdictions
<http://foip.alberta.ca/resources/publications/SchoolCounselling.cfm#Alberta>
Alberta Children and Youth Initiative
<http://www.child.alberta.ca/home/501.cfm>
- Information Sharing Policy Framework and Appendices
- FOIP and HIA Coordinators
<http://foip.alberta.ca/pbdirectory/index.cfm>