

CATEGORY:	<b>ORGANIZATIONAL: INFORMATION MANAGEMENT</b>
SUB-CATEGORY:	
GROUP:	<b>DISCLOSURE OF INFORMATION</b>
DISTRIBUTION:	<b>ALL EMPLOYEES</b>
TITLE:	<b>ELECTION PROTOCOLS (Federal, Provincial, Municipal Elections)</b>

**PURPOSE**

To support the right of clients/patients/residents to vote and, at the same time, ensure that their privacy is maintained.

To provide guidance in responding to requests to establish polling stations, facilitate advance voting, compile voters’ lists and/or campaign in a Western Health facility.

**POLICY**

Western Health recognizes that clients/patients/residents have the right to vote in an election of members of the House of Commons or a legislative assembly as outlined in the Canadian Constitution, 1982, Canadian Charter of Rights and Freedoms.

Section 36 of the *Personal Health Information Act* (PHIA) states that personal health information must be disclosed only with the consent of the client/patient/resident or where the disclosure is permitted or required by law.

Prior to the disclosure of personal information for election purposes, where it is determined that a patient/resident has the capacity to understand and participate in the decision making process, the patient/resident must complete the [Consent to Disclose Personal Information for Election Purposes form \(12-5175\)](#).

Employees may also consult the guideline titled [Balancing Right to Vote with Right to Privacy](#).

When an employee receives a request as outlined in this policy, she/he must notify their manager/director of the request to ensure that consent is obtained from patients/residents or where appropriate, an authorized representative acting on their behalf.

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## **Requests for Election Candidate Campaigning on Western Health Premises**

Election candidates are permitted to campaign on and around Western Health premises; however, they are not permitted to campaign inside a Western Health facility with the exception of a long term care facility.

In the event that an employee receives a request from a Candidate (running for office in a federal, provincial or municipal election) to campaign in a Western Health long term care facility, the manager/director will work with the candidate to arrange an appropriate date, time and location within the facility where campaigning may take place.

## **Establishing Polling Stations within a Western Health facility**

Section 121 of the *Elections Act, 1991* SNL 1992 c E-3.1, states that a polling station may be established in a home for the aged, a hospital or similar institution for the care and treatment of chronic illness.

All requests to establish polling stations at Western Health facilities require the approval of the Chief Executive Officer or designate.

## **Facilitating Advance Voting by Inpatients and Restorative Care Unit Clients (Hospital Special Ballot)**

Upon notification of a request for advance voting, the manager/director must advise the Regional Manager Information Access and Privacy or designate of the request.

The Regional Manager Information Access and Privacy and manager/director will work together to arrange advance voting for patients as follows:

1. The designated manager/director will assign an employee to assist and accompany the election representative(s) during the advance voting process.
2. The assigned employee must:
  - a) notify nursing staff on each nursing unit the purpose for obtaining patient consent;
  - b) in consultation with nursing staff, determine which patients have the capacity to understand and participate in the decision making process;
  - c) inform patients of advance voting prior to arranging for an election representative(s) to visit the patient's room to take the vote;
  - d) where an election representative is required to visit patient rooms to facilitate voting, ensure that the election representative signs Western Health's [Oath / Affirmation of Confidentiality](#) (12-800) and be accompanied by a designated Western Health employee when making these visits.

Note that the assigned employee may obtain from Information Management, through consultation with the Regional Manager Information Access and Privacy, a computer generated list of patients to assist in the identification of patients who are eligible to vote, e.g. a by-election in one district where a portion of patients would be eligible to vote. In these instances, the employee must ensure that any such lists generated for the purpose of identifying patients are securely destroyed, i.e. placed in the confidential waste bin.

1. Where the patient expresses an interest to vote:
  - a) accompany the election representative(s) to the patient's room, or where required deliver the necessary documents to the client to be completed.

### **Compiling Voters' Lists**

As previously stated, patients'/residents' consent is required to disclose personal health information for the purposes of compiling a list of eligible voters. The information on the list must be limited to demographic information, i.e. the patient's/resident's name, date of birth and location within the facility. Consent must be documented using the [Consent to Disclose Personal Information for Election Purposes form \(12-5175\)](#).

The following steps must be adhered to when responding to requests for information to be used for the purpose of compiling a voter's list:

1. The designated manager/director will assign an employee to facilitate the process.
2. The assigned employee must:
  - a) notify nursing staff on nursing unit the purpose for obtaining patient/resident consent;
  - b) in consultation with nursing staff, determine which patients/residents have the capacity to understand and participate in the decision making process;
  - c) inform patients/residents of the purpose of obtaining consent;
  - d) where patients/residents consent to the disclosure of their information, complete [Consent to Disclose Personal Information for Election Purposes form \(12-5175\)](#).
  - e) where patients/residents have provided consent, compile a list of demographic information including names, birth dates (and where required, location in the facility) and provide this list to the manager/director;
  - f) file the completed consent forms on the patients'/residents' health records;

Note that the assigned employee may obtain from Information Management, through consultation with the Regional Manager Information Access and Privacy, a computer generated list of patients to assist in the identification of patients who are eligible to vote, e.g. a by-election in one district where a portion of patients would be eligible to vote. In these instances, the employee must ensure that any such lists generated for the purpose of identifying patients/residents are securely destroyed, i.e. placed in the confidential waste bin.

3. The Manager/Director must:
  - a) retain a copy of the list of patients/residents who have provided consent to the disclosure of their information for voting purposes;
  - b) provide a copy of the list to the election representative.

## DEFINITIONS

**Advance Voting:** Also referred to as advance polls, advance voting is held to allow participation by voters who may not be able to vote on the set election day(s). This may include people who will be out of the polling area during the election period, poll workers, campaign workers, people with medical procedures scheduled for that time, adherents to religious commitments, among others. Advance voting is usually held on one or more of the seven days immediately preceding ordinary polling day.

**By-election:** An election to fill a political office that has become vacant between general elections.

**Election:** An election for which a writ of election has been issued whether by a general election, by-election or special election.

## GUIDELINES

Newfoundland and Labrador Health Information Privacy Collaborative (HIPC). (2014, June). Balancing Right to Vote with Right to Privacy.

## LEGISLATIVE CONTEXT

Canada *Fair Elections Act*, S.C. 2014, c. 12. Available:  
[http://laws-lois.justice.gc.ca/eng/AnnualStatutes/2014\\_12/page-1.html](http://laws-lois.justice.gc.ca/eng/AnnualStatutes/2014_12/page-1.html)

Newfoundland and Labrador *Elections Act*, 1991, SNL 1992, c E-3.1., s. 2 and 121. Available:  
<http://www.assembly.nl.ca/legislation/sr/statutes/e03-1.htm>

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Newfoundland and Labrador *Personal Health Information Act*, SNL 2008, c. P-7.01, s. 5 and 36. Available:

<http://www.assembly.nl.ca/legislation/sr/statutes/p07-01.htm>

**REFERENCES**

Elections Newfoundland and Labrador. Available:

<http://www.elections.gov.nl.ca/elections/>

Elections Canada. Available:

<http://www.elections.ca/home.aspx>

**KEYWORDS**

Elections, voting, voters’ lists, federal election, provincial election

**FORMS**

*[Consent to Disclose Personal Information for Election Purposes \(12-5175\)](#)*

**TO BE COMPLETED BY STAFF IN INFORMATION AND QUALITY**

Approved By: Chief Executive Officer	Maintained By: Regional Manager Information Access & Privacy
Effective Date: 13/March/2017	<input type="checkbox"/> Reviewed: <input type="checkbox"/> Revised: <i>(Date of most recent changes to the policy)</i>
Review Date: 13/March/2020	<input type="checkbox"/> Replaces: <i>(Indicates name and number of policy being replaced)</i> OR <input checked="" type="checkbox"/> New

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