
CATEGORY:	ORGANIZATIONAL - INFORMATION MANAGEMENT
SUB-CATEGORY:	RELEASE OF INFORMATION
GROUP:	
DISTRIBUTION:	ALL STAFF
TITLE:	RELEASE OF INFORMATION – LAWYERS

PURPOSE

To outline the process for releasing information to lawyers.

POLICY

Information must only be released to lawyers with the consent of the client/patient/resident using the *Consent to Release/Obtain Information* form or as required by law. A copy of the specific information may then be discussed with or sent to the lawyer's office.

Employees of Western Health must consult with their manager if presented with a subpoena. The manager must consult with the Regional Risk Manager/Patient Safety Advisor for further direction.

When information is being released to a lawyer from a client/patient/resident record that also contains information pertaining to another individual, the employee who is processing the release of information request must notify this individual. If the individual responds indicating that s/he does not want the information to be included in the release of information or the individual cannot be notified, a copy will be made that must have the third party information vetted (third party information is blacked out with permanent marker) before it is released to the lawyer. The original information must not be altered. The employee must document in the client/patient/resident's record that the third party did not agree or was unable to be contacted.

When an employee of Western Health receives a request to release / obtain information, an original release form is required. Faxed authorizations may only be used in urgent or exceptional circumstances with the reason for doing so outlined in the record. Furthermore, the original authorization must follow. Photocopied consents are not acceptable. A *Consent to Release / Obtain Information* form may be sent for the client/patient/resident to sign if necessary.

Similarly, verbal authorizations may only be used in urgent or exceptional circumstances. In those instances, the reason for using verbal versus written authorization must be documented in the client/patient/resident's record. The employee who accepts the verbal authorization for release of information must make every effort to follow up the verbal authorization with written authorization.

Upon releasing information, employees of Western Health must document that the *Consent to Release / Obtain Information* form was signed and the manner in which the information was released (eg. photocopies provided, telephone contact, direct viewing of the record). The employee must also place the *Consent to Release/Obtain Information* form in the client/patient/resident's record.

DEFINITIONS

Third party – For the purposes of this policy, a third party refers to an individual whose personal information is included in the record of a client/patient/resident of Western Health.

LEGISLATIVE CONTEXT

Access to Information and Protection of Privacy Act (2004). Available at: http://www.assembly.nl.ca/legislation/sr/tablestatutes/tableofpublicstatutes_c14-1.htm.

A Bill - An Act to Provide for the Protection of Personal Health Information (2008). Available at: <http://www.assembly.nl.ca/business/bills/Bill0807.htm>.

KEYWORDS

Lawyers, releasing information to lawyers

FORMS

[*Consent to Release/Obtain Information \(# 12 – 475\)*](#)

<p>Approved By: Chief Executive Officer</p>	<p>Maintained By: Regional Manager, Information Access and Privacy</p>
<p>Effective Date: 26/October/2008</p>	<p><input type="checkbox"/> Reviewed: <input type="checkbox"/> Revised: <i>(Date of most recent changes to the policy)</i></p>
<p>Review Date: 26/October/2011</p>	<p><input checked="" type="checkbox"/> Replaces: (WHCC) AD-R-200 Release of Information from Clinical Records (WHCC) RR-A-200 Authorization for Release of Information – Standard/Form (WH) 12-1200 Consent to Release/Obtain Information Form (WH) 18-06-25 Release of Information</p> <p><input type="checkbox"/> New</p>