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| CATEGORY: | ORGANIZATIONAL: INFORMATION MANAGEMENT |
| SUB-CATEGORY: | RELEASE OF INFORMATION |
| GROUP: | |
| DISTRIBUTION: | ALL EMPLOYEES |
| TITLE: | RELEASE OF INFORMATION – MEMBERS OF THE HOUSE OF ASSEMBLY (MHAs) |

PURPOSE

To outline the process for responding to requests for information from Members of the House of Assembly (MHA’s)

POLICY

The privacy of all individuals who receive, or have received, services from Western Health must be maintained.

Western Health recognizes the right of individuals who are receiving services to request that their Member of the House of Assembly (MHA) inquire or advocate on their behalf to assist them in resolving issues related to their treatment/care/service.

When inquiries / requests for information are received from an MHA, all employees must immediately make their manager aware of the inquiry/request.

When information is released to an MHA 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 before it is released to the MHA. The original information must not be altered. The employee must document in the client/patient/resident’s record either 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 *Consent to Release/Obtain Information* 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.

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.

Vetted - third party information is blacked out with permanent marker

PROCEDURE

The manager/leader who is responding to the inquiry/request:

1. Confirms with the requester that the client/patient/resident is aware of the request and that the requester has obtained consent from the client/patient/resident. If the requested information also pertains to another client/patient/resident, proceed to step #2 in the procedure. If this is not the case, proceed to step #3.
2. Obtains the name and section of the applicable law if the requester indicates that s/he is entitled to information without consent and discusses as necessary with the Regional Manager Information Access and Privacy.
3. Consults with the Regional Manager Information Access and Privacy if information is being requested that pertains to an individual other than the client/patient/resident about whom the inquiry/request is being made (eg. the requester asks for information about the individual's spouse and his/her consent has not been obtained for the purposes of the request).
4. Obtains a written request from the MHA's office that includes the following information:
 - a) The name and date of birth or MCP number of the client/patient/resident whose information is being requested,
 - b) The specific information (including the name of specific programs/services) being requested, and
 - c) The contact information for the MHA and staff member at the MHA's office.
3. Documents in the client record the details of the request, the title and section(s) of the legislation under which the information may be released without consent, any direction that was sought, to whom information was released, and the specific information that was released to the MHA's office.

The leader/manager/director:

1. Discusses requests with relevant employees.
2. Consults with the Regional Manager Information Access and Privacy as needed regarding any concerns relating to release of information.
3. Informs the Regional Manager Information Access and Privacy so that requests can be tracked/trended.

The Regional Manager Information Access and Privacy:

1. Provides direction to all managers who bring forward release of information issues concerning inquiries/requests from an MHA.
2. Develops and implements a tracking/trending system for all requests that have been received.

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>.

REFERENCES

Health and Community Services Western. (2005 April). *Policy Manual: Release of Information*

KEYWORDS

MHA's, releasing information to MHA's

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| <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> |