

CATEGORY:	ORGANIZATIONAL: INFORMATION MANAGEMENT
SUB-CATEGORY:	DISCLOSURE OF INFORMATION
GROUP:	
DISTRIBUTION:	ALL STAFF
TITLE:	DISCLOSURE OF INFORMATION - OFFICE OF THE CITIZENS' REPRESENTATIVE

PURPOSE

To outline the process for responding to requests for information from the Office of the Citizens' Representative.

POLICY

General

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 in receipt of services to request that the Office of the Citizen's Representative inquire or advocate on their behalf to assist them in resolving issues related to their treatment/care/service.

Section 15 of the *Citizen's Representative Act* (the *Act*) establishes the legal authority for the Office of the Citizens' Representative to commence an investigation into a decision or recommendation made by Western Health. It states as follows:

15. The Citizens' Representative may, on a written complaint or on his or her own initiative, investigate a decision or recommendation made, including a recommendation made to a minister, or an act done or omitted, relating to a matter of administration in or by a department or agency of the government, or by an officer, employee or member of the department or agency, where a person is or may be aggrieved.

In addition, sections 31(1) and 33 of the *Act* cover the collection of evidence and the application of particular rules. These sections state as follows:

31. (1) The Citizens' Representative may require a person who, in his or her opinion, is able to give information relating to a matter being investigated by him or her

(a) *to furnish the information to him or her; and*

(b) *to produce a document, paper or thing that in his or her opinion relates to the matter being investigated and that may be in the possession or under the control of the person,*

whether or not the person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

33. (1) *A rule of law that authorizes or requires the withholding of a document, paper or thing, or the refusal to answer a question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of an investigation by or proceedings before the Citizens' Representative.*

(2) *A provision of an Act requiring a person to maintain secrecy in relation to, or not to disclose information relating to, a matter shall not apply in respect of an investigation by the Citizens' Representative, and a person required by the Citizens' Representative to furnish information or to produce a document, paper or thing or summoned by the Citizens' Representative to give evidence, shall not refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of that provision.*

Responsibilities of All Employees

If an employee receives a request for information from the Office of the Citizens' Representative, s/he must immediately make the immediate manager/leader aware of the request.

Responsibilities of Immediate Leaders/Managers/Directors

The manager/leader must immediately direct all written requests for information from the Office of the Citizens' Representative to the attention of the Office of the Chief Executive Officer (CEO).

As requested by the designated VP/COO, Managers/Directors must provide access to records that the Regional Manager, Information Access and Privacy requires to respond to requests from the Office of the Citizens' Representative.

Responsibilities of the Chief Executive Officer (CEO)

The Office of the CEO must initiate and retain the file for each request that is received.

Once the request is ready for processing, the CEO must provide the appropriate Vice President (VP)/Chief Operating Officer (COO) and the Regional Manager, Information Access and Privacy with a copy of the request.

The CEO must review and sign the final response and ensure that it is forwarded to the Office of the Citizens' Representative in a secure manner.

Responsibilities of Vice Presidents (VPs)/Chief Operating Officers (COOs)

As requested by the CEO, the designated VP/COO must participate in the preparation and review of the final response to the request before it is sent to the Office of the Citizens’ Representative.

Responsibilities of the Regional Manager, Information Access and Privacy

As requested by the CEO or designated VP/COO, the Regional Manager, Information Access and Privacy must take a lead role in clarifying the request, ensuring that appropriate client/patient/resident consent has been obtained, gathering and reviewing the information pertinent to the request, and forwarding all relevant information to the appropriate VP/COO as part of the final, written response as required.

The Regional Manager, Information Access and Privacy also tracks/trends all requests for information that are received from the Office of the Citizens’ Representative.

LEGISLATIVE CONTEXT

Citizens’ Representative Act. (2001) Available at:

http://www.assembly.nl.ca/legislation/sr/tablestatutes/tableofpublicstatutes_c14-1.htm

KEYWORDS

Citizens’ Representative, releasing information to the Citizens’ Representative, Office of the Citizens’ Representative

TO BE COMPLETED BY QUALITY MANAGEMENT & RESEARCH STAFF ONLY

Approved By: Chief Executive Officer	Maintained By: Regional Manager, Information Access & Privacy
Effective Date: 18/March/2009	<input checked="" type="checkbox"/> Reviewed: 11/October/2011 <input checked="" type="checkbox"/> Revised: 02/March/2012
Review Date: 02/March/2015	<input type="checkbox"/> Replaces: <i>(Indicates name and number of policy being replaced)</i> OR <input checked="" type="checkbox"/> New