

CATEGORY:	ORGANIZATIONAL: INFORMATION MANAGEMENT
SUB-CATEGORY:	DISCLOSURE OF INFORMATION
GROUP:	
DISTRIBUTION:	ALL EMPLOYEES/PHYSICIANS
TITLE:	DISCLOSURE OF INFORMATION - OFFICE OF THE CITIZENS' REPRESENTATIVE / ADVOCATE FOR CHILDREN AND YOUTH

PURPOSE

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

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 in receipt of services to request that the Office of the Citizens' Representative or the Advocate for Children and Youth inquire or advocate on their behalf to assist them in resolving issues related to their treatment/care/service.

The *Citizens' Representative Act* (section 15) establishes a legal authority for the Office of the Citizens' Representative to commence an investigation into a decision or recommendations made by Western Health where an individual is or may be aggrieved, and to compel the disclosure of information relating to a matter being investigated (sections 31, 33.)

Likewise, the *Child and Youth Advocate Act* (section 15) establishes a legal authority for the Advocate for Children and Youth to receive, review and investigate a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate, and to compel the disclosure of information relating to a matter being investigated (section 21.)

Requests for information from the Office of the Citizens' Representative or the Advocate for Children and Youth may be in the form of a general inquiry or a formal investigation.

1. General Inquiry

Responsibilities of all Employees

In the event that an employee receives a general inquiry concerning the care/treatment/service being provided to a client/patient/resident from a representative of the Office of the Citizens' Representative or the Advocate for Children and Youth, s/he must:

- i) take reasonable steps to validate the identity of the requester;
- ii) clarify the request and respond to the questions being asked;
- iii) notify the immediate manager after the call is completed;
- iv) document in the client record the date and general details of the conversation, including the name and title of the requester, as well as a description of the information that was disclosed.

When an inquiry is received via email, the employee must respond in keeping with Western Health's [Email Acceptable Use](#) policy (10-01-50.)

2. Formal Investigation

Responsibilities of all Employees

Requests from the Office of the Citizens' Representative to provide information for the purpose of a formal investigation must be addressed to the Chief Executive Officer and copied to the Regional Manager, Information Access and Privacy.

Requests from the Advocate for Children and Youth to provide information for the purpose of a formal investigation must be addressed to the Chief Executive Officer and copied to the Regional Director, Quality and Risk Management.

As requested by the immediate Manager or designate, employees must provide access to records deemed necessary to respond to these requests. In addition, employees must participate in the preparation and review of the final response to the request.

Responsibilities of the Chief Executive Officer (CEO)

The Office of the CEO must initiate and retain the official file for each request.

As required, the CEO must provide a copy of the request to the appropriate Vice President to ensure that relevant records are provided, including any written documentation and commentary as deemed appropriate.

The CEO must review, sign and ensure that the final response is forwarded to the Office of the Citizens' Representative / Advocate for Children and Youth via a secure, traceable means of mail or courier.

Only the electronic version of this policy is to be considered current. Paper copies may be outdated. This policy is uncontrolled when printed.

Responsibilities of the Regional Director Quality and Risk Management

As requested by the CEO or designated Vice President, the Regional Director Quality and Risk Management or designate must take a lead role in clarifying requests from the Advocate for Children and Youth, ensuring that appropriate client/patient/resident consent has been obtained, gathering and reviewing the information pertinent to the request, and forwarding all relevant information.

Responsibilities of the Regional Manager Information Access and Privacy

As requested by the CEO or designated Vice President, the Regional Manager Information Access and Privacy or designate must take a lead role in clarifying requests from the Office of the Citizens' Representative, ensuring that appropriate client/patient/resident consent has been obtained, gathering and reviewing the information pertinent to the request, and forwarding all relevant information.

LEGISLATIVE CONTEXT

Access to Information and Protection of Privacy Act (2015). Available at:

<http://www.assembly.nl.ca/legislation/sr/statutes/a01-2.htm>

Child and Youth Advocate Act. (2001) Available at:

<http://www.assembly.nl.ca/legislation/sr/statutes/c12-01.htm>

Citizens' Representative Act. (2001) Available at:

<http://www.assembly.nl.ca/legislation/sr/statutes/c14-1.htm>

Personal Health Information Act (2008). Available at:

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

KEYWORDS

Citizens' Representative, disclosing information to the Citizens' Representative, Office of the Citizens' Representative, Child and Youth Advocate, Office of the Child and Youth Advocate, children's advocate

TO BE COMPLETED BY STAFF IN QUALITY DEPARTMENT

Approved By: Chief Executive Officer	Maintained By: Regional Manager, Information Access & Privacy
Effective Date: 18/March/2009	<input checked="" type="checkbox"/> Reviewed: 18/February/2015 <input checked="" type="checkbox"/> Revised: 16/July/2018
Review Date: 16/July/2021	<input type="checkbox"/> Replaces:(Indicates name and number of policy being replaced) OR <input checked="" type="checkbox"/> New