

Requests for access to personal information

If a health care provider receives a request from an injured worker for access to his or her own personal information, they may provide this information.

If you have any concerns that the disclosure of the information to the client may cause immediate and grave harm to the client or may cause the client to harm a third party, please contact your professional governing organization or the WorkSafeBC FIPP Office to discuss the disclosure.

If a health care provider receives a request for access to personal information from a person other than WorkSafeBC, the provider is responsible for providing this information in accordance with the relevant legislation unless the contractual agreement with WorkSafeBC expressly requires WorkSafeBC to provide such access.

Health care providers are also now covered under the provincial Personal Information Protection Act or federal Personal Information and Protection of Electronic Documents Act in addition to the FIPPA. Both those statutes allow people to access their own personal information in the same manner as the FIPPA. They allow an injured worker to access his or her personal information directly from the health care provider.

Notice of non-compliance

If for any reason a health care provider does not comply or anticipates that he or she will be unable to comply with a privacy protection provision in his or her contract, that provider must immediately notify WorkSafeBC of the particulars of the non-compliance or anticipated non-compliance. In addition, the provider must advise WorkSafeBC of what steps he or she proposes to take to address, or prevent recurrence of, the non-compliance or anticipated non-compliance.

Please refer to your contractual agreement and the FIPPA for more detailed requirements and provisions regarding privacy protection.

What is the WorkSafeBC Freedom of Information and Protection of Privacy (FIPP) Office?

The FIPP office is responsible for ensuring that WorkSafeBC meets its obligations under the FIPPA. Its duties include:

- Handling requests for disclosure of records that are not claim file records
- Reviewing WorkSafeBC responses to requests by the Office of the Information and Privacy Commissioner (OIPC)
- Representing WorkSafeBC at formal Inquiries by the OIPC
- Handling requests for correction of personal information
- Training and educating WorkSafeBC staff on access and privacy issues
- Investigating privacy complaints



Contacts

For more information on the FIPPA, contact:

WorkSafeBC FIPP Office
Workers' Compensation Board of B.C.
PO Box 2310 Stn Terminal
Vancouver BC
V6B 3W5
Lower mainland: 604 279-8171
Toll-free: 1 866 266 9405

If you have questions regarding this brochure, contact:

WorkSafeBC Health Care Services
6951 Westminster Hwy
Richmond, BC
V7C 1C6
Lower mainland 604 232-7787
Toll-free: 1 866 244-6404

A copy of the FIPPA can be accessed on the Ministry of Management Services website: http://www.qp.gov.bc.ca/stratreg/stat/f/96165_01.htm

For additional copies of this brochure, contact:

Customer Service
Email: customer.service@worksafebcstore.com
Fax: 604 232 9703 or toll-free at 1 888 232 9714
Phone: 604 232 9704 or toll-free 1 866 319 9704

Visit the WCB website at www.WorkSafebc.com for more information.

This brochure was prepared by WorkSafeBC to assist health care providers.

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Privacy Protection and the Health Care Provider



Penalties for non-compliance include fines of up to \$25,000 for a service provider and up to \$500,000 for a corporation.

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Workers' Compensation Board of B.C.

What is FIPPA?

The Freedom of Information and Protection of Privacy Act (FIPPA) came into force in October 1993 and covers all provincial ministries, crown corporations, agencies, commissions, and boards, including WorkSafeBC (the Workers' Compensation Board of British Columbia). The FIPPA also covers service providers – “a person retained under a contract to perform services for a public body” – such as health care providers.

In part, the FIPPA governs how WorkSafeBC collects, uses, and discloses an individual's personal information.

Why did the FIPPA change in 2004?

In 2004 the US Congress passed the USA Patriot Act giving American officials greater authority to track and intercept communications. This Act provides a possibility of unauthorized disclosure of British Columbians' personal information.

In response to the USA Patriot Act, the B.C. government amended the FIPPA in October, 2004. The FIPPA now restricts both the disclosure of personal information outside Canada and the applicability of foreign laws. As well, new obligations and rules have been introduced for public bodies, service providers, and employees.

In part, the amendments:

- Prevent personal information in the custody or control of a public body from being stored or accessed outside of Canada
- Place restrictions on public bodies and service providers disclosing personal information outside of Canada
- Add an obligation for public bodies, service providers, and employees to report to government any foreign demand for disclosure of personal information that is not authorized by the FIPPA

Disclosure of personal information in breach of the FIPPA is prohibited and there are new penalties for such offences.

What does this mean for WorkSafeBC health care providers?

It is the responsibility of the health care provider to understand and adhere to the FIPPA.

Health care provider records created and/or submitted to WorkSafeBC are subject to the provisions of the FIPPA.

Health care providers must treat as confidential any information, in any form, that is supplied to, created by, or obtained by health care providers as a result of their contractual agreement with WorkSafeBC.

A health care provider shall not, without the prior written consent of WorkSafeBC or the consent of the injured worker, publish, release, or disclose, nor permit to be published, released, or disclosed any information in any form supplied to, created by, or obtained by, or which comes to the knowledge of the health care provider as a result of his or her contractual agreement.

Health care providers must be aware that all material and information gathered as per the above is protected by the provisions of the FIPPA and shall not use or disclose any such information except as permitted by the FIPPA.

How will this affect me?

Collection of personal information

A health care provider must collect or create only that personal information that is necessary for the performance of the provider's obligations, or the exercise of the provider's rights, under his or her contractual agreement.

Protection of personal information

A health care provider must protect personal information by making reasonable security arrangements against risks such as unauthorized access, collection, use, disclosure, or disposal, including any expressly set out in your contractual agreement or the laws of your professional governing association.

Storage of and access to personal information

A health care provider must not store personal information outside Canada or permit access to personal information from outside Canada unless otherwise directed, in writing, by WorkSafeBC.

Retention of personal information

Unless the contractual agreement states otherwise, a health care provider must retain personal information until otherwise directed, in writing, by WorkSafeBC.

Use of personal information

Unless WorkSafeBC otherwise directs in writing, a health care provider must only use personal information:

- For the performance of the health care provider's obligations or for the exercise of the provider's rights, under their contractual agreement
- In accordance with storage and access provisions

Disclosure of personal information

A health care provider must disclose a record only for the purpose it was compiled or obtained, or for a use consistent with that purpose. You may therefore disclose it to an employee within your own organization, your treatment team, or to WorkSafeBC if the information is necessary for the performance of their duties.

Unless the contractual agreement states otherwise, or WorkSafeBC otherwise directs in writing, a health care provider must not disclose personal information outside Canada.

Regardless of whether a request for information has been made, if you believe compelling circumstances exist that could affect anyone's health or safety and feel it is necessary to disclose personal information to address the situation, please contact the WorkSafeBC FIPPA Office.

