

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;">POLICY</p>	<p>REGIONAL</p> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		<p>Level:</p> <p style="text-align: center;">1</p>
	<p>Policy Name:</p> <p style="text-align: center;">Privacy of Personal Information Under The Freedom of Information and Protection of Privacy Act</p>	<p>Policy Number:</p> <p style="text-align: center;">10.40.170</p>	<p>Page</p> <p style="text-align: center;">1 of 4</p>
	<p>Approval Signature:</p> <p style="text-align: center;"><i>Original signed by A. Wilgosh</i></p>	<p>Section:</p> <p style="text-align: center;">GENERAL ADMINISTRATION</p>	
	<p>Date:</p> <p style="text-align: center;">April 2010</p>	<p>Supersedes:</p> <p style="text-align: center;">April 4, 2000</p>	

1.0 PURPOSE:

- 1.1 To ensure that the individual's right to privacy of their Personal Information is protected as set out under "*The Freedom of Information and Protection of Privacy Act*" ("FIPPA").
- 1.2 To control the manner in which the Public Body may collect Personal Information from individuals.
- 1.3 To protect individuals against unauthorized access, Use, Disclosure and destruction of Personal Information by the Public Body.

2.0 DEFINITIONS:

- 2.1 Disclosure of Personal Information: Revealing the Personal Information outside the Public Body by any means (for example, by providing copies, verbally, electronically or by any other means).
- 2.2 FIPPA Access and Privacy Coordinator: Is the individual at the Public Body who is responsible for receiving FIPPA Applications for Access to Information, requests for corrections to Personal Information and for the day-to-day administration of FIPPA. At the WRHA, the FIPPA Access and Privacy Coordinator is the Chief Privacy Officer.
- 2.3 Individual: The natural person (human being) the information is about. For the purpose of collection, Use and Disclosure of Personal Information includes Persons Authorized to Exercise the Rights of Another Person.
- 2.4 Information Manager: A person or body (corporation, business, or association) that processes, stores or destroys Personal Information for the Public Body or provides information management or information technology services for the Public Body.
- 2.5 Personal Information: Recorded information about an identifiable individual including:
 - (a) the individual's name;
 - (b) the individual's home address, or home telephone, facsimile or e-mail number;
 - (c) information about the individual's age, sex, sexual orientation, marital or family status;

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- (d) information about the individual's ancestry, race, colour, nationality, or national or ethnic origin;
- (e) information about the individual's religion or creed, or religious belief, association or activity;
- (f) personal health information about the individual;
- (g) the individual's blood type, fingerprints or other hereditary characteristics;
- (h) information about the individual's political beliefs, association or activity;
- (i) information about the individual's education, employment or occupation, or educational, employment or occupational history;
- (j) information about the individual's source of income or financial circumstances, activities or history;
- (k) information about the individual's criminal history, including regulatory offenses;
- (l) the individual's own personal views or opinions, except if they are about another person;
- (m) the views or opinions expressed about the individual by another person; and
- (n) an identifying number, symbol or other particular assigned to the individual.

2.7 Personal Representative:

- an Executor/Executrix or joint Executor/Executrix named in a deceased individual's will; or
- a court appointed Administrator or joint Administrator of a person's estate.

2.8 Persons Authorized to Exercise the Rights of Another Person includes:

- (a) any person with written authorization from the individual to act on the individual's behalf;
- (b) a committee appointed for the individual under *The Mental Health Act* or a substitute decision maker appointed for the individual under *The Vulnerable Persons Living with a Mental Disability Act*, if the exercise of the right or power relates to the powers and duties of the committee or substitute decision maker;
- (c) by an attorney acting under a power of attorney granted by the individual, if the exercise of the right or power relates to the powers and duties conferred by the power of attorney
- (d) the parent or guardian of a minor when, in the opinion of the head of the Public Body concerned, the exercise of the right or power by the parent or guardian would not constitute an unreasonable invasion of the minor's privacy; or
- (e) if the individual is deceased, his or her Personal Representative if the exercise of the right or power relates to the administration of the individual's estate.

2.9 Privacy: The fundamental right of the individual to control the collection, Use and Disclosure of their Personal Information.

2.10 Public Body: means a local Public Body such as an educational body, a health care body, and a local government body. Within the WRHA means any Community Health Services and all Winnipeg hospitals.

2.11 Record: A record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, or any storage medium or by any means including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.

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2.12 Staff: All persons employed by the WRHA facilities, or WRHA funded facilities, as well as members of the medical staff, volunteers, board members, students and others associated through contracts.

2.13 Use: Involves revealing Personal Information to someone within the Public Body's own organization that needs to know the information to do their job. Use includes processing, reproduction, transmission and transportation of Personal Information.

3.0 **POLICY:**

3.1 The Public Body shall ensure that Personal Information collected by or for the Public Body:

- Is authorized by or under an enactment of Manitoba or Canada; or
- The information relates directly to and is necessary for an existing service, program or activity of the Public Body or;
- The information is collected for law enforcement purposes or crime prevention.

3.2 The Public Body must ensure that only as much Personal Information as is necessary to accomplish the authorized purpose is collected.

3.3 Personal Information must be collected directly from the individual it is about, unless the individual consents to collection from another source; or collection is authorized by another statute or regulation of Manitoba or Canada, or is authorized under FIPPA.

3.4 Individuals must be notified about the purpose of, and legal authority for, collecting Personal Information and be provided with information about a contact person within the Public Body to answer their questions.

3.5 Reasonable steps must be taken to ensure the accuracy and completeness of the Personal Information if it will be used to make a decision that directly affects the individual the information is about.

3.6 The Public Body shall ensure that appropriate security measures are in place to prevent unauthorized access, Use, Disclosure or destruction of Personal Information.

3.7 Every Use of Personal Information must be in accordance with FIPPA and access to the information must be limited to those who require the information to perform their duties.

3.8 Disclosure of Personal Information must be authorized under FIPPA, and limited to the amount necessary to accomplish the purpose for which it is disclosed.

3.9 The Public Body shall enter into a written agreement with Information Managers to ensure that Personal Information is protected against unauthorized access, Use, Disclosure or destruction

3.10 Retention and destruction of Personal Information will be in accordance with the Public Bodies existing procedures.

4.0 **PROCEDURE:**

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4.1 The FIPPA Access and Privacy Coordinator may be consulted to determine whether requests to collect, Use or Disclose Personal Information are in compliance with the Legislation, on a case-by-case basis.

5.0 **REFERENCES:**

The Freedom of Information and Protection of Privacy Act

Policy Contact: *Landis Esposito, WRHA Chief Privacy Officer and FIPPA Access and Privacy Coordinator.*