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SECTION: Information Management SUBSECTION: Privacy and HIM - Freedom of Information	EFFECTIVE DATE: 09/12/11 (DD/MM/YY)
APPROVED BY: Executive Vice President, Finance and Operations Director, HIM, Patient Registration and Privacy	REVISION DATE: 03/08/12; 31/03/17 (DD/MM/YY)

1.0 Purpose

Niagara Health (NH) is accountable to the public and is committed to openness and transparency in all aspects of its activities, including in the management of its finances, in the operation of its programs and in patient safety and outcomes.

NH will provide public with access to its records as set out in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

NH will provide voluntary access to identified records by active dissemination to the public on its external website, in accordance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*. NH will also make available to the public, a Personal Information Bank (PIB) on its external website.

This policy will guide and direct NH in meeting its legislated obligations and in maintaining an open, transparent and accountable culture, while protecting the privacy of patients, clients and staff.

2.0 Scope

Applies to all NH staff, across all NH hospital sites and to records under NH's custody or control, including hospital administrative and business records created in the conduct of NH business. This policy does not apply to personal health information, subject to PHIPA (Personal Health Information Protection Act, 2004) legislation.

3.0 Definitions

3.1 **Active dissemination (AD):** periodic proactive release of records to the public, as requested.

3.2 **FIPPA =** Freedom of Information and Protection of Privacy Act

3.3 **FOI =** Freedom of Information

3.4 **FOI and Privacy Office:** Staff designated by Director of HIM, Patient Registration, and Privacy

3.5 **LHIN =** Local Health Integration Network

3.6 **NH =** Niagara Health

3.7 **Personal Information (PI):** Recorded information relating to an identifiable individual; (FIPPA s. 2(1)).

3.8 **Personal Health Information (PHI):** Recorded information about an identifiable individual related to the individual's health or the provision of treatment services to the individual, subject to PHIPA s. 4(1).

3.9 **Records:** Hospital business records created in conducting NH business, per FIPPA legislation.

3.10 **Routine Release:** Types of records appropriate for release upon request, without requiring a fee or formal written FOI request application and submission.

4.0 Policy

4.1 Proactive and Routine Disclosure

- a) NH will develop and implement effective proactive disclosure protocols. The protocols will identify types of records appropriate for proactive disclosure; create a system for publishing

such records, to ensure consistency across the NH, and with LHIN hospital partners, in publishing such records.

- b) Proactive disclosure protocols will identify types of records appropriate for release upon request, without requiring a formal written Freedom of Information (FOI) request submission.

4.2 Freedom of Information (FOI)

NH will strive to meet the spirit of openness and accountability as set out in FIPPA as well as comply with its specific legislative provisions to:

- a) Treat all FOI request for record access applicants fairly and equitably.
- b) Make every reasonable effort to respond to FOI requests openly, accurately and completely and in accordance with timelines set out in FIPPA.
- c) Disclose the identity of applicants only as set out in FIPPA sections 41, 42.
- d) Receive, process and respond to FOI access requests in electronic format when possible.
- e) Provide records in the format requested by the applicant where appropriate and practical.

NH will protect confidential corporate and personal information by withholding or redacting information as permitted by FIPPA exemption or exclusion, in compliance with the legislation.

4.3 Responsibilities

- a) **NH Chairman of the Board:** NH Chairman of the Board is the “Head” under FIPPA. The “Head” will have final decision-making authority in determining what information is released from NHS records, in compliance with legislation.
- b) **NH Designated “Head”:** NH Chairman of the Board being the “Head” under FIPPA will designate in writing the powers and duties of the designatee in accordance with FIPPA section 62(1).
- c) **NH FIPPA Role:** NH Privacy and Freedom of Information Specialist collaborates with NH Director, HIM, Patient Registration and Privacy, and consults with legal counsel as required and advises Senior Team to manage NH’s proactive disclosure program and ensure responses to FOI information access requests comply with legislation.
- d) **Privacy/FOI Specialist:** The Privacy/FOI Office is responsible for receiving, processing and responding to FOI requests in collaboration with the Director, HIM, Patient Registration and Privacy Officer.
- e) **FIPPA Leads and Managers:** FIPPA Leads and applicable Managers will support and cooperate with the Privacy/FOI Office in responding to their support requests in an open, complete and timely manner. Complex FOI access requests will be handled in collaboration with NH departments who are identified as holding the requested records in a notification, or participating in a scoping meeting to discuss best response.
- f) **NHS departments** will work with the Privacy/FOI Office to identify and publish records that are appropriate for **proactive disclosure**.
- g) **NH staff** may be directed by Privacy/FOI Office to respond to routine access requests for records **made** by telephone, email, or face to face, releasing records in an open, complete and timely manner.

4.4 Compliance

The Privacy/FOI Office monitors compliance with this policy and the Director, HIM, Patient Registration, and Privacy will report to Senior Team and the NH Board on progress made in the achievement of the FIPPA objectives and standards set out in this policy.

4.5 Transparency and FOI Policy Principles

NH will comply with its disclosure obligations under FIPPA, recognizing the public’s right to access the records of a public body and reflecting NH’s commitment to openness, transparency and accountability.

Protocols for responding to FOI access requests and making records available to the public should be efficient, responsive, practical and sustainable.

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5.0 Related Documents

- Appendix – FIPPA Fee Schedule – 332-010-002B
- Appendix – FIPPA FOI Access Request Flowchart – 332-010-002A
- Form – Access/Correction Request Form - 900794
- Form – Access Request Tracking Form - 900795
- Procedure – NH Transparency and Freedom of Information – 332-010-002

6.0 References

- 6.1 Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F. 31 (FIPPA)
- 6.2 Freedom of Information and Protection of Privacy Act, R.R.O. 1990, O.Regulation 460
IPC Practices #16 Maintaining the Confidentiality of Requesters and Privacy Complainants
- 6.3 Ontario Hospital Association, Hospital Freedom of Information (FOI) Toolkit: A Guide to the
Freedom of Information and Protection Act, August, 2011.