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| SECTION: Information Management SUBSECTION: Freedom of Information | EFFECTIVE DATE: 09/12/11 (DD/MM/YY) |
| APPROVED BY: Vice President, Human Resources Regional Director of HIM, Patient Registration, Resources , Chief Privacy Officer/FOI | REVISION DATE: 03/08/12 (DD/MM/YY) |

1.0 Purpose

The Niagara Health System (NHS) 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.

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

The NHS 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)*. The NHS will also make available to the public, a Personal Information Bank (PIB) on its external website.

This policy will guide and direct the NHS in meeting its legal 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 NHS staff, all NHS hospital sites and to records under NHS's custody or control, including administrative and business records created in the conduct of NHS business. This policy does not apply to personal health information, which is subject to PHIPA (Personal Health Information Protection Act, 2004) legislation.

3.0 Definitions

Active dissemination (AD): Is the periodic proactive release of records to the public.

FIPPA = Freedom of Information and Protection of Privacy Act

FOI = Freedom of Information

FOI and Privacy Office: Staff designated by Regional Director of HIM, Patient Registration, Resources , Chief Privacy Officer/FOI

LHIN = Local Health Integration Network

NHS = Niagara Health System

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

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).

Records: Hospital business records created in the conduct of NHS business, per FIPPA legislation.

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

4.0 Policy

4.1 Proactive and Routine Disclosure

- a) NHS 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 NHS, and without LHIN hospital partners, in publishing such records.
- b) The 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)

NHS 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 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 requests in electronic format where possible.
- e) Provide records in the format requested by the applicant where appropriate and practical.

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

4.3 Responsibilities

- a) **NHS Chair of the Board:** The NHS Chair 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) **NHS Designated “Head”:** The NHS Chair of the Board being the “Head” under FIPPA has designated in writing the powers and duties of FIPPA to the Vice President of Human Resources in accordance with FIPPA section 62(1).
- c) **NHS FIPPA Coordinator:** The NHS FIPPA Coordinator is the Regional Director of HIM, Patient Registration, Resources , Chief Privacy Officer/FOI who also works in consultation with legal counsel and senior team to be responsible for managing NHS’s proactive disclosure program and for ensuring NHS’s responses to FOI requests comply with legislation.
- d) **FOI and Privacy Office:** The FOI and Privacy Office is responsible for receiving, processing and responding to FOI requests in collaboration with the FOI Coordinator.
- e) **FIPPA Leads and Managers:** FIPPA Leads and applicable Managers will support and cooperation with the FOI and Privacy Office in responding to FOI requests in an open, complete and timely manner. Complex FOI requests will be handled in collaboration with NHS departments who are identified as holding the requested records in a notification or scoping meeting to discuss appropriate best response.
- f) **NHS departments** will work with the FOI and Privacy Office to identify and publish records that are appropriate for **proactive disclosure**.
- g) **NHS staff** may be directed by FOI and Privacy Office to respond to requests for records that may be **released routinely**, by telephone, email, or face to face, releasing records in an open, complete and timely manner.

4.4 Compliance

The FOI and Privacy Office monitors compliance with this policy and the Regional Director of HIM, Patient Registration, Resources , Chief Privacy Officer/FOI will report to senior team and the NHS Board on progress made in the achievement of the objectives and standards set out in this policy.

4.5 Transparency and FOI Policy Principles

NHS should comply with its disclosure obligations under FIPPA in a way that recognizes the public’s right to access the records of a public body and reflects NHS’s commitment to openness, transparency and accountability.

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

5.0 Related Documents

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

6.0 References

Ontario Hospital Association, Hospital Freedom of Information (FOI) Toolkit: A Guide to the Freedom of Information and Protection Act, August, 2011.

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F. 31 (FIPPA)

Freedom of Information and Protection of Privacy Act, R.R.O. 1990, Regulation 460

IPC Practices #16 Maintaining the Confidentiality of Requesters and Privacy Complainants