

 Yukon Workers' Compensation Health and Safety Board	Part:	General & Corporate		
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[INFORMATION ACCESS AND PRIVACY](#)

GENERAL INFORMATION

The Yukon Workers' Compensation Health and Safety Board (YWCHSB) collects personal information in the administration of its governing legislation: the *Workers' Compensation Act* (the *Act*) and the *Occupational Health and Safety Act* (OHSA). YWCHSB is committed to and responsible for the protection of that personal information and is subject to the *Access to Information and Protection of Privacy Act* (ATIPP).

ATIPP gives individuals the right to protection of their personal information and the right to request access to it. ATIPP also gives the public the right to access general records on activities of YWCHSB.

PURPOSE

This policy provides YWCHSB's guiding principles for controls and procedures on the collection, use and disclosure of personal information.

DEFINITIONS

1. Personal information: defined in section 3 of ATIPP includes:

“recorded information about an identifiable individual, including:

- a) the individual's name, address, or telephone number;
- b) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;
- c) the individual's age, sex, sexual orientation, marital status, or family status;
- d) an identifying number, symbol, or other particular assigned to the individual;
- e) the individual's fingerprints, blood type, or inheritable characteristics;
- f) information about the individual's health care history, including a physical or mental disability;
- g) information about the individual's educational, financial, criminal, or employment history;
- h) anyone else's opinions about the individual; and
- i) the individual's personal views or opinions, except if they are about someone else.”

2. **Authorized representative:** an individual, with written authority from an injured worker, dependent or employer, to act on their behalf and to access information about them held by YWCHSB. The designation of an authorized representative permits YWCHSB to share all information from a file that the consent allows. Written authorizations are valid until YWCHSB is informed otherwise in writing.
3. **Claim file:** the file for recording information used in the adjudication and management of an injured worker's claim.
4. **Employer file:** the file for recording employer information used in the assessment and management of an employer's business with the YWCHSB.

PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. YWCHSB collects, uses and discloses personal information for processes ultimately aimed at preventing disability.

POLICY STATEMENT

1. General

YWCHSB is governed by the *Access to Information and Protection of Privacy Act (ATIPP)*, the *Workers' Compensation Act (the Act)* and the *Occupational Health and Safety Act (OHSA)* in the protection and management of information it collects, uses or discloses for the purposes of administering the *Act* and *OHSA*.

2. Privacy Principles for the Protection of Personal Information

This policy is based on *ATIPP* and the Canadian Standards Association's Model Code for the Protection of Personal Information.

a) Accountability

The Board of Directors, President/CEO and staff of YWCHSB are accountable to protect the privacy of those individuals whose personal information is collected, used or disclosed.

Persons who enter into contracts to perform services for YWCHSB are bound by the provisions of *ATIPP*.

b) Identifying Purpose of Collection

YWCHSB collects only that personal information necessary to administer and interpret its governing legislation. YWCHSB states the reason at the time of collection.

YWCHSB collects personal information, in a responsible and accountable manner, to:

- promote and enforce health and safety in the workplace;
- prevent and reduce workplace injuries;
- help injured workers return to work;
- assist with accommodation and recovery of injured workers; and
- provide compensation and other benefits to injured workers and dependents of deceased workers.

c) Consent

YWCHSB obtains consent, when required to do so by legislation, to collect, use or disclose personal information.

d) Limiting Collection

YWCHSB limits the collection of personal information to that necessary to administer and interpret its governing legislation.

e) Limiting Use and Disclosure

YWCHSB uses or discloses personal information only for the purpose for which it was collected, or for a consistent purpose, as defined by section 37 of *ATIPP*.

For example, when YWCHSB collects information about a worker's functional abilities, it discloses to the employer only that information required to support the worker's return to work.

As another example, when YWCHSB discloses personal information about a worker to an employer, it discloses only that personal information relevant to the claim.

Section 117 of the *Act* authorizes YWCHSB to disclose information to other governments and workers' compensation boards but YWCHSB will advise the affected workers or employers when it does so.

f) Accuracy

YWCHSB is responsible for making reasonable efforts to ensure the accuracy of personal information collected, used or disclosed.

g) Safeguards

YWCHSB is responsible for making reasonable security arrangements to protect against loss, theft, unauthorized access, disclosure, use or modification of personal information.

YWCHSB determines when it is appropriate to verify personal information through identification measures. YWCHSB is responsible for retaining, transferring and disposing of personal information in a secure manner.

YWCHSB is responsible for making reasonable efforts to ensure YWCHSB staff, injured workers, employers, and other stakeholders are aware of the legislation, this policy and procedures that provide the foundation for protecting personal information.

h) Openness

YWCHSB provides public access to information about its policies and practices on the management of personal information. YWCHSB maintains statements on privacy and on the terms of use for electronic communications. These statements are accessible to the public through YWCHSB's website.

i) Individual Access

As provided by *ATIPP* and the *Act*, individuals may request access to their personal information at any time to review the contents and accuracy. Individuals may request amendments to their personal information as appropriate. Under *ATIPP*, an individual has the right to request access to government records and to their own personal information.

j) Challenging Compliance

YWCHSB responds to all questions and concerns regarding the collection, use or disclosure of personal information.

3. Disclosure of Claim File Information

Outlined below are situations where YWCHSB can disclose claim file information. Except where permitted by law, consented to in the *Workers' Report of Injury/Illness*, or provided for in this policy, YWCHSB does not disclose information concerning an injured worker without the written authorization of the worker or dependent of a deceased worker.

a) Worker and Authorized Representative Access

An injured worker or dependent of a deceased worker, or their authorized representative, will be provided with a copy of their claim file upon written request. A *Request for Disclosure* form must be submitted to YWCHSB to request a copy of the claim file. The *Request for Disclosure* form must be accompanied by a signed *Authorization for Representation* form if the claim file is to be released to anyone other than the worker. If a copy of the file has been previously disclosed, only updates added to the file from the date of the last request will be provided.

One copy of the claim file is provided free of charge to an injured worker or their authorized representative. Subsequent copies are subject to a fee.

b) Employer and Authorized Representative Access

YWCHSB discloses to employers copies of all return-to-work plans and functional abilities forms. Modified decision letters are sent to employers and they receive appeal letters associated with their workers' claim files.

Employers may also receive information on employer claim costs, as requested by the employer, and any other relevant information necessary to fulfill the YWCHSB's obligations under the *Act*.

Any additional information requested by an employer not addressed in this policy can only be released with the written consent of the worker or if the disclosure is authorized under *ATIPP* or by law.

In all cases when information is released to an employer, the employer must provide in writing, the name of an individual to whom YWCHSB may release the information. Employers are expected to hold this information in the strictest confidence and to limit access to those individuals who need the information for a purpose under the *Act*.

When a worker, dependent of a deceased worker or employer requests an internal review by a hearing officer or applies to the Workers' Compensation Appeal Tribunal (WCAT) to appeal a decision on a claim, the employer or authorized representative will be granted, upon written request, access to all relevant information on the claim file. An *Employer Request for Disclosure* form must be submitted. YWCHSB will determine relevance in terms of information which relates to, or which is necessary to address, the disputed issues. The procedures and appeal processes related to disclosures to employers for the purposes of a hearing officer review or WCAT appeal are found in Policy AP-04, "Release of Claims Information to Employers".

c) Disclosure to Health Care Providers

YWCHSB discloses health care information regarding the injury, treatments, examinations, diagnoses, or investigation to health care providers, hospitals, and vocational assessment services. The amount and type of information disclosed is limited to that information YWCHSB deems necessary for the adjudication and management of a claim. Generally the worker is not notified each time this type of information is released as the worker consents to the disclosure of this information when they sign a *Worker's Report of Injury/Illness* form.

d) Disclosure to Third Parties

Written authorization from the worker or dependent of a deceased worker must be received by YWCHSB before information will be disclosed to a third party,

such as a private insurance company, lawyer or other government agency, except where YWCHSB is authorized by law or is in the course of pursuing an action in the name of the worker or YWCHSB.

Fees will be charged for disclosure to third parties, except if the disclosure is made to an authorized representative and is related to a review or appeal under the *Act*.

4. Disclosure of Employer File Information

Outlined below are situations where YWCHSB can disclose employer file information. Except where permitted by law or provided for in this policy, YWCHSB does not disclose information concerning an employer without the written authorization of the employer or the employer's authorized representative.

a) Employer and Authorized Representative

The Employer or employer's authorized representative will be provided with a copy of the employer file upon written request. If the employer has previously received a copy, only updates that have been added to the file from the date of the last request will be provided.

One copy of the employer file is provided free of charge. Subsequent copies will be subject to a fee.

b) Employer Account Status - Clearance Certificates

Other employers or their legal counsel may request information regarding an employer's account status. YWCHSB may release account status information, including disclosure of unpaid assessment amounts an employer may be liable to pay on behalf of its contractors and subcontractors under section 74 of the *Act*.

5. Disclosure of Information Under Legislation, Written Agreement and Court Orders

YWCHSB may also be bound by or under the authority of other provincial, territorial and federal legislation or agreements with other governments or departments to disclose information as required. This applies to, but is not limited to, disclosing information to the Occupational Health and Safety Branch, Canada Revenue Agency, WCAT and other Canadian commissions or boards in accordance with the Interjurisdictional Agreement on Workers' Compensation.

YWCHSB may enter into written information sharing agreements which are advisable for carrying out the *Act*, under the authority of section 124 of the *Act*.

Information will be disclosed to law enforcement agencies as required by law.

6. Disclosure of Records under the Access to Information and Protection of Privacy Act

Under the *Access to Information and Protection of Privacy Act* individuals have the right to request access to records of a public body and their own personal information or request correction of incorrect information. The processes and fees under *ATIPP* apply.

It is advisable to contact YWCHSB to determine what records are publically available. This may be a more efficient and a formal *ATIPP* request may not be required. Fees may be charged for providing these records.

7. Unauthorized Access or Disclosure

In the event of an unauthorized access or disclosure of confidential or personal information, YWCHSB will investigate and take steps to contain the unauthorized access or disclosure and to recover the information. The individuals affected will be notified as appropriate. YWCHSB will take all reasonable steps to prevent similar occurrences in the future.

YWCHSB will follow its internal “Privacy Breach and Complaint Protocol” Directive in the event of an unauthorized access or disclosure.

8. Challenging Compliance and Requesting Correction

YWCHSB will investigate all challenges regarding the collection, use or disclosure of personal information. Concerns over the accuracy of records or other concerns regarding compliance should be directed to the YWCHSB Privacy Officer.

Concerns may also be addressed to the Office of the Privacy Commissioner of Yukon.

ROLES AND RESPONSIBILITIES

The President/CEO will ensure risk assessments are done and implement procedures and controls deemed necessary to protect the personal and confidential information held by YWCHSB. The President/CEO shall appoint a Privacy Officer. The President/CEO will ensure YWCHSB staff are aware of this policy and related procedures and that all staff are appropriately trained.

APPLICATION

This policy applies to the Board of Directors, President/CEO and staff of YWCHSB, and to all workers and employers covered by the *Act*.

ACT REFERENCES

Workers’ Compensation Act, S.Y. 2008, sections 74 and 117

Occupational Health and Safety Act, R.S.Y. 2002

Access to Information and Protection of Privacy Act, R.S.Y 2002

Chair

ADDITIONAL REFERENCES

Canadian Standards Association – Model Code for the Protection of Personal Information, March 1996

HISTORY

GN-01, “Information Access and Privacy”, effective July 1, 2013, revoked July 1, 2016

GN-01, “Release of Information,” effective July 1, 2008, revoked January 19, 2010
(replaced by *ATIPP*)

GC-13, “Release of Information,” effective April 26, 2005, revoked July 1, 2008

GC-13, “Access to Information,” effective February 17, 2004, amended April 26, 2005