



Policy Name  <b>PROCESS FOR SEVERING OF THIRD PARTY INFORMATION FROM THE HEALTH RECORD</b>	Policy Number: <b>0937</b>
Approved By: Resource Management Committee	Effective Date: November 3, 1999
Classification: Governance and Administration	Date Revised: May 29, 2012  Page No: Page 1 of 4

## **POLICY**

All Residents (both current and former) of The Salvation Army Agapé Hospice (Agapé) have the right of access to records within the hospice's custody and control which contain personal information about themselves. However, the right of access does not extend to information that is presumed to be an unreasonable invasion of a third party's personal information. (A Third Party is defined as a person, a group of persons, or an organization other than an applicant or a public body.) In this circumstance, it is paramount that the personal information of the third party be protected and severed from the record prior to the release of the record to the applicant.

## **DEFINITION**

Personal information includes:

- a. A third party's medical, psychiatric or psychological history, diagnosis, conditions, treatment or evaluation;
- b. An investigation of a third party's possible violation of the law (excepting disclosure that is necessary to assist in law enforcement prosecution of the violation or investigation leading to a legal proceeding);
- c. Social service or income assistance benefits, employment or educational history, or tax information related to a third party;
- d. Personal recommendations or evaluations, character references, personnel evaluation of a third party;
- e. A third party's name when it appears with other personal information about the third party or when the disclosure of the name itself would reveal personal information about the third party; and racial or ethnic origin, religious or political beliefs or associations of a third party;
- f. Address and phone numbers of a third party

Disclosure of a third party's personal information is not unreasonable invasion of their privacy if:

- a. The third party has consented in writing to the disclosure;
- b. There are compelling circumstances affecting the public health or safety of individuals that authorize or require disclosure;
  - The Alcohol and Drug Abuse Act, section 8,



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- The Child Welfare Act, sections 66(6) and (8), 91(4)
  - The Securities Act, section 31, 34, 118(2), (3) and (4), 192 (4),(5), (6) & (7),
  - The Statistics Bureau Act, section 8
  - The Wills Act, section 52
- c. The disclosure is for research purposes and is in accordance with The Salvation Army Agapé Hospice's "Access to Resident Personal Health Information" policy (see 0935)
- d. The personal information is about a third party who has been deceased for 25 years or more.

## **PROCEDURE**

The Salvation Army Agapé Hospice will refuse to disclose personal information of a third party that, considering all the relevant circumstances, constitutes an **unreasonable** invasion of that third party's personal privacy.

When determining whether disclosure of Third Party information is **unreasonable**, all relevant circumstances will be considered, including whether:

1. The disclosure reveals details of a discretionary benefit of a financial nature granted to the Third Party by a public body;
2. The Third Party personal information has been supplied, explicitly or implicitly, in confidence;
3. The disclosure reveals details of a license, permit or other similar discretionary benefit granted to the Third Party by a public body;
4. The disclosure is likely to promote public health and safety or the protection of the environment;
5. The information is about the Third Party's classification, salary range, discretionary benefits or employment responsibilities as an officer, employee or member of The Salvation Army;
6. There is a reasonable balance achieved between information rights of the applicant and the Third Party's right to protection of privacy;
7. The disclosure will subject The Salvation Army to public scrutiny



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Severing of third party information is **necessary** when providing personal information to the Resident or an agent of the Resident, excluding healthcare providers. Severing of information is outlined below:

1. Make two copies of the original record.
2. One set of the copied documents becomes the working copy.
3. Review the working copy for Third Party information.
4. Consult with the Executive Director or the Director of Resident Care to determine if disclosure is an unreasonable invasion of the Third Party's privacy.
5. If the decision is made **NOT** to sever the Third Party information, the following will occur:
  - a. written notice must be provided by the Executive Director to the Third Party;
  - b. the written notice must state that a request has been made for access to a record that may contain information that would affect the interests or invade the personal privacy of the Third Party;
  - c. a copy of the record or the part containing the Third Party information or a description of the information must be included in the notice;
  - d. the notice will indicate that the Third Party may consent to the disclosure of the information in writing or make representations to the Executive Director explaining why the information should not be disclosed;
  - e. the Third Party has twenty (20) days after the notice is given to respond;
  - f. when giving notice to the Third Party, written notice must also be provided to the applicant;
  - g. the notice to the applicant must state:
    - i. the record requested may contain information that would affect the interests or invade the personal privacy of a Third Party; and
    - ii. the Third Party has been given the opportunity to make representation concerning disclosure; and
    - iii. a decision will be made within thirty (30) days after the notice has been given to the Third Party whether the information will be disclosed or severed.
6. When access to third party information is granted, The Salvation Army Agapé Hospice will observe the notification and time frame requirements pertaining to third party information as outlined in Agapé policy # 0935. All severing activities will occur under the direction of the Director of Resident Care or the Executive Director. Severing will follow the procedure outlined in Agapé policy #0936.



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7. When requests for personal health information, the request will be treated as a formal FOIPP request.
8. If the decision is made to sever the Third Party information, using the working copy sever the information by obliterating it.
9. Document references to FOIPP and Agapé policies #0935 and #0936 to justify the reasoning for severing information within the margins of the document. References are to be legibly handwritten in pen, quoting section and subsection numbers to indicate reasons for non-disclosure.
10. Make an additional copy of the severed record for the requester.
11. Retain the working copy in case another copy is required by the Information and Privacy Commissioner for an appeal.
12. File the working copy in a separate file in the Executive Director's office.
13. The approved, severed copy will be made available to the applicant under the Executive Director's signature.

### **CROSS REFERENCE**

[The Salvation Army Agape Hospice Policy # 0935 – Access To Resident Personal Health Information](#)

[The Salvation Army Agape Hospice Policy #0936 – Severing of Third Party Information from the Health Record](#)

### **REFERENCE**

[Freedom of Information & Protection of Privacy Act](#)

[Substance Abuse](#)

[Child, Youth & Family Enhancement Act](#)

[The Securities Act,](#)

[Statistics Act](#)

[The Wills Act, section 52](#)