

Ministry of Community
and Social Services

Ministry of Children and
Youth Services

Ministère des Services
sociaux et communautaires

Ministère des Services à l'enfance
et à la jeunesse



Freedom of Information and Protection of Privacy Unit
Business Planning and Corporate Services Division
880 Bay Street, 2nd Floor
Toronto ON M7A 2B6
Telephone: (416) 327-6101
Fax: (416) 326-2567

January 8, 2013

Mr. Chris Carter
60 Barthe Street
Chatham, Ontario
N7L 1T6

Re: Request CYS2012/0057

Dear Mr. Carter:

I am writing regarding your access request made under the Freedom of Information and Protection of Privacy Act (the Act). You requested access to the following information:

I want the MCYS's file disclosure policy as imposed on the CASs sometime in perhaps 2012 which we learned about in a recent CFSRB decision:

<http://www.canlii.org/en/on/oncfsrb/doc/2012/2012cfrsb33/2012cfsrb33.html>

On January 7, 2013, the ministry received your full fee payment in the amount of \$56.00.

Enclosed, in their entirety, are the ministry records responsive to your request. According to the Child Welfare Secretariat, the responsive document, known as the Ministry's Case Information Disclosure Policy, is from 1985 and not 2012. It continues to guide Children's Aid Societies.

You may request that this decision be reviewed by the Information and Privacy Commissioner of Ontario. The Commissioner can be reached at:

Information and Privacy Commissioner/Ontario
1400 – 2 Bloor Street East
Toronto ON M4W 1A8
(416) 326-3333

If you decide to appeal a decision to the Commissioner, please provide the Commissioner's office with:

- 1) the request number assigned to the request;
- 2) a copy of this decision letter; and
- 3) a copy of the original request you sent to this ministry.

Appeals to the Commissioner must also be accompanied by the appropriate fee. The fee is \$25.00 if you are appealing a request for access to a general record or \$10.00 for access to personal information.

You have 30 days from the date of this letter to request a review from the Commissioner.

Please contact Jeffrey Jenkins, Policy Analyst, at (416) 327-8262, if you have any questions.

Sincerely,



Cate Parker
Manager

Enclosure

Ontario

Ministry of
Community and
Social Services

Case Information Disclosure Policy



Ministry of
Community and
Social Services

Amendment Record

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SUMMARY

The Amendment Record Sheet, Form 1620, has been designed to record all amendments, sequentially by number and date.

This sheet appears as the first page in your binder. It does not have a location number.

PURPOSE

This system allows the user to determine whether or not all revisions to a manual have been received. It also eliminates any need to store covering letters in front of the manual.

PROCEDURE

When amendments are received:

1. Locate on the Amendment Record sheet the number that corresponds to the amendment number of the Manuals Amendment Notice.
2. Enter the date (month, day, year) found on the Amendment Notice next to the appropriate number on the Record sheet.
3. Note any previous amendments which may be missing and contact the Manuals Unit.
4. Remove old pages (if any); add new pages as per listing on Amendment Notice.
5. Destroy old pages and Notice. The Manuals Unit maintains the manuals' History Files.





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How to Use Your Manual

Day Month Year

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SUMMARY

Studies have shown that 95% of manuals' use involves finding specific information as compared to reading for general information. Therefore the manual is designed for random access.

FINDING INFORMATION

To find information in this manual:

1. Turn to the subject index (0004).
2. Look up the desired subject.
3. Turn to the indicated location numbers.
4. If unable to find a subject, turn to the table of contents (0003).

NUMBERING SYSTEM

This manual uses a numbering system which combines Alpha Prefix, SECTION and SUBJECT numbers.

For example

CD - 0 4 0 2

CD - prefix for Case Information Disclosure

04 - is the Section number

02 - is the Subject number

SECTIONS

Sections are the major divisions of this manual. The section number appears at the top of each page as part of the procedure number. Each section starts with a section overview.

SUBJECTS

Each section is divided into subjects. The subject number appears at the top of each page as part of the procedure number. Each subject starts with a summary.

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WRITING STYLE

The writing style and layouts used in this manual are designed to make the information easier to find and easier to read.

UPDATING AND AMENDING

This system does away with the need to keep covering letters. When you receive amendments with a manual Amendment Notice, turn to the Amendment Record sheet (first page in binder). Instructions for completing the Amendment Record may be found at 0002.

CHANGES TO CONTENT

If you notice any information in this manual which you know to be inaccurate, notify:

Program Manuals Co-ordinator
Operational Support
2nd Floor
700 Bay Street
Toronto, Ontario
Telephone: (416) 965-1818

For distribution concerns, notify:

Manuals Unit
12th Floor
700 Bay Street
Toronto, Ontario
Telephone: (416) 965-4231

DISTRIBUTION OF MANUALS

Manuals are identified by a Manual Locator Number on the inside cover of the binder at the bottom of the spine. Manuals are shared. They should not be removed from the location in the event of employee changes.



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The Case Information Disclosure manual has been written to document the principles and policies held by the Ministry on access to, confidentiality of and disclosure of personally identifying information held by the Ministry and Ministry-funded or licensed agencies.

Responsibility for adhering to the policy described in the manual resides with every member of staff. It must be emphasized that the policies and guidelines presented in the manual are in all instances subject to the provisions of existing legislation.

All revisions, updates and deletions to this manual will be distributed and maintained by the Manuals Unit in the Finance and Administration Division. Every user of this manual is encouraged to provide ideas and suggestions to the Manuals Co-ordinator of Operational Support.

We hope the manual serves as a useful tool in meeting the management goals of both Service Providers and Ministry Staff.



A.F. Daniels
Assistant Deputy Minister



Section INTRODUCTION	Subject Overview	Page 1 of 1 Day Month Year 21 Oct. 1985		
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SUMMARY

This section outlines the purpose and background of this manual.

For details, see location numbers indicated.

PURPOSE

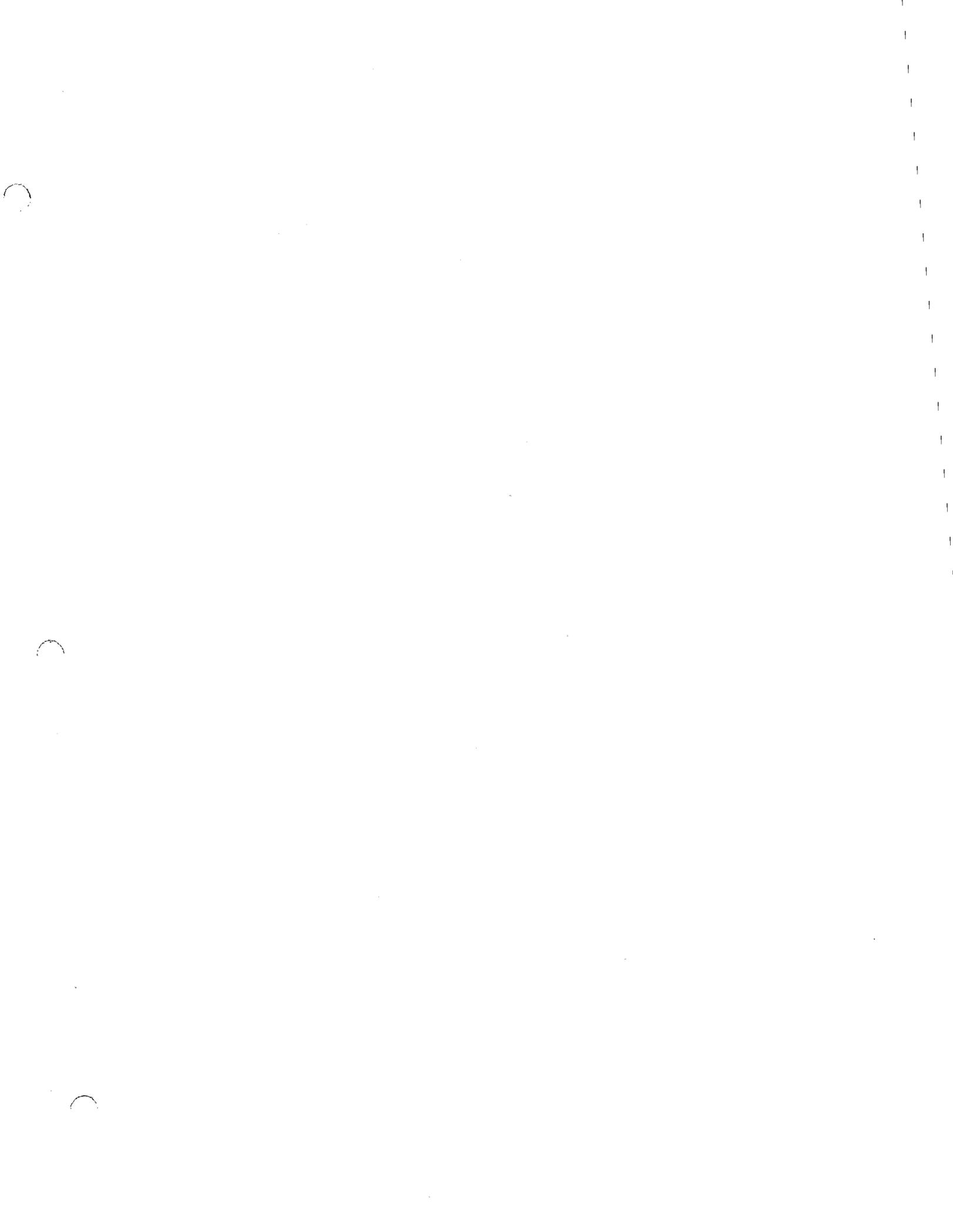
The purpose of this manual is to state the principles and policies held by the Ministry of Community and Social Services regarding personally identifying information held in Ministry and agency files. (0103)

STATEMENT OF PRINCIPLES

Subject to individual program legislation, each program or agency which collects and retains personally identifiable information about clients, must adhere to the principles listed in this subject. (0104)

GLOSSARY

Terms used in this manual are defined in this subject. (0105)





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SUMMARY

This manual is based on the report of the Ministry Task Force on Freedom of Information and Individual Privacy (August 1981) and on other source documents developed within the Ministry including the Child and Family Services Act. The manual attempts to present as comprehensive an approach as possible to access and disclosure of case information.

Details follow.

PURPOSE

The purpose of this manual is to state the principles and policy held by the Ministry of Community and Social Services on access to, and confidentiality of, personally identifying information held by the Ministry and Ministry-funded or licensed agencies.

It must be emphasized that the guidelines presented in the manual are in all instances subject to the provisions of existing legislation. Child abuse and adoption information continue to be subject to the special provisions contained in the Child and Family Services Act. Health records continue to be subject to the Health Disciplines Act, the Mental Health Act, and the Public Hospitals Act.

Retention and destruction schedules are also subject to existing legislation (e.g., as in the Young Offenders Act).

Note: The policy set out in this manual takes effect January 1, 1986.

APPLICABILITY

This manual deals with records in three program areas: children's services, adult's services and income maintenance.

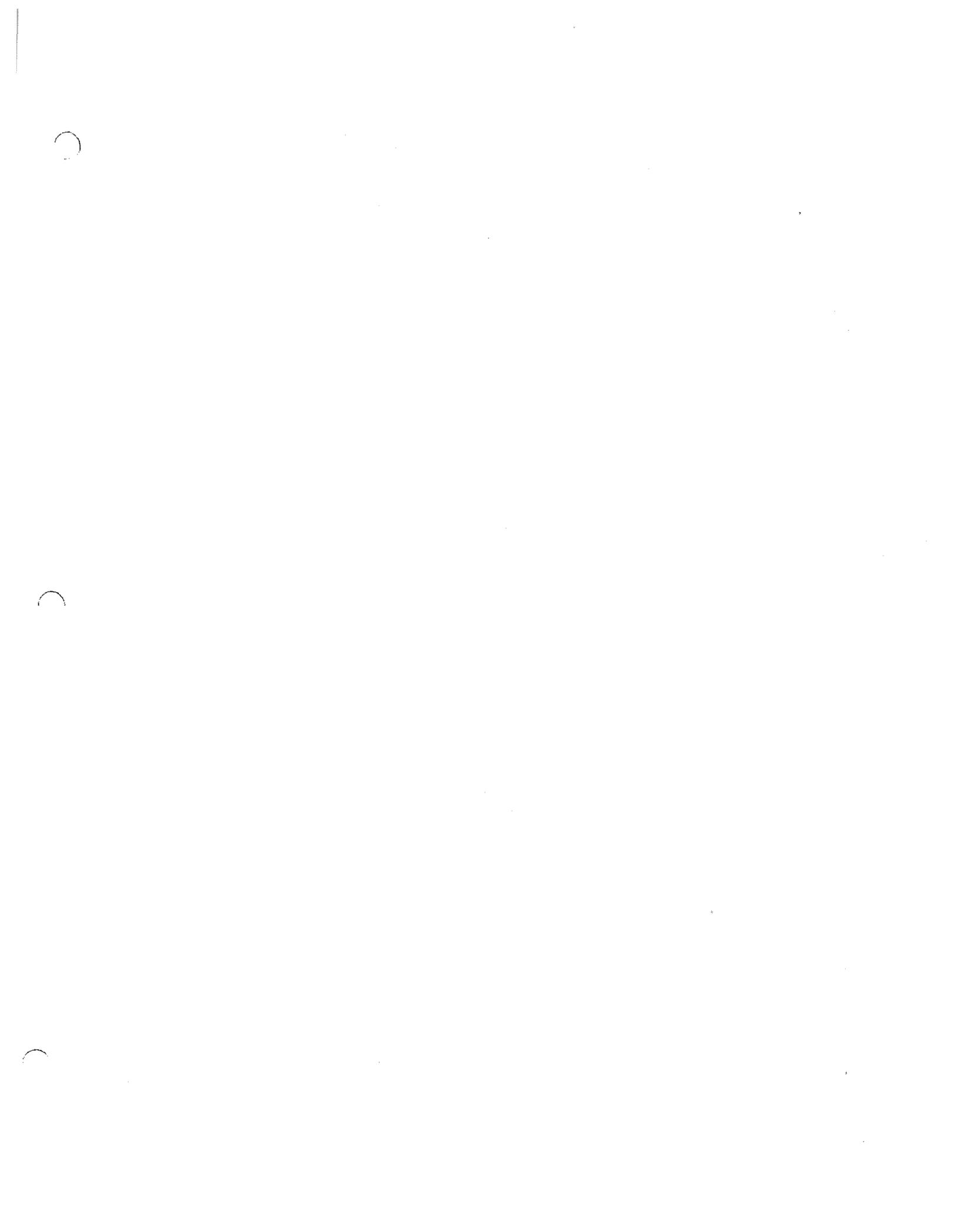
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APPLICABILITY
(cont'd)

The provisions of this manual apply only to client records and pertain to all client information collected or originated by the Ministry as well as by all agencies and services operated, funded or licensed by the Ministry. Examples of such agencies include:

- transfer payment agencies,
- children's services advisory groups,
- other comparable bodies handling Ministry client information.

This manual deals with collection, storage, disclosure and subject access to information.





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SUMMARY

Subject to individual program legislation, each program or agency which collects and retains personally identifiable information about clients, must adhere to the following principles.

PRINCIPLES

1. There must be a clearly justifiable and documented purpose for:
 - obtaining information about a subject, and
 - sharing it with a person other than the subject.

The information collected should be relevant to the service provided.

2. Individuals should have access to personally identifiable information about themselves.
3. Every person's right to privacy should be recognized and protected to the greatest extent possible, consistent with public interest.

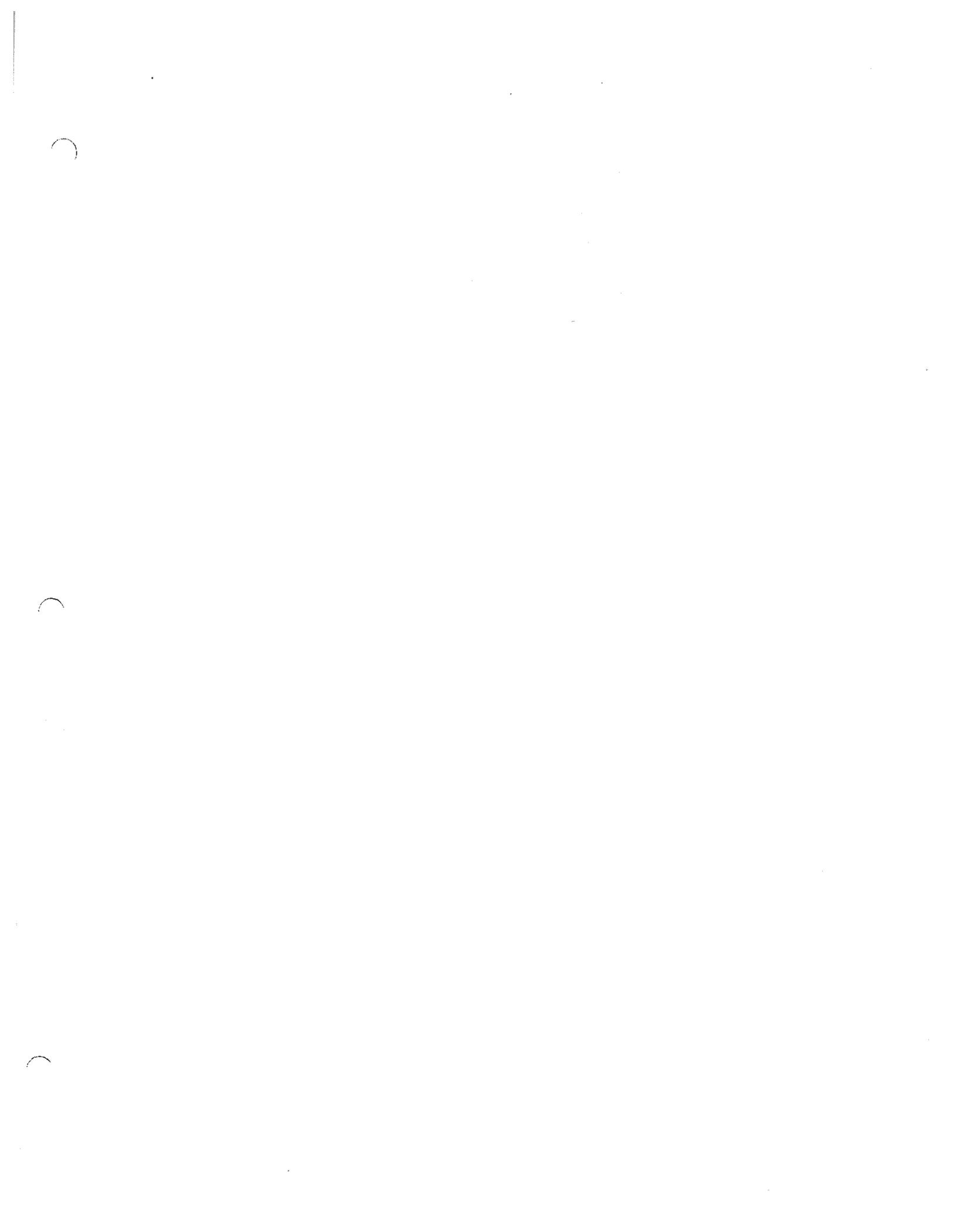
The right of privacy extends to third parties, including those who provide information, as well as to the subject of the record.

4. Before releasing personally identifiable information about a person, written consent must be obtained subject to certain exceptions. This includes the disclosure of the identity of third parties providing information.
5. There must be consistency and uniformity in the protections established to safeguard confidentiality of personal information contained in client files, including social, financial and health information.

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PRINCIPLES
(cont'd)

6. Decisions on access to and disclosure of personal information should be based on:
 - a consideration of the client's best interest,
 - protection of the client's right to privacy, and
 - protection of the public interest.
7. Personal information should be disclosed in a manner which ensures that the subject is able to comprehend the information and that the fact of disclosure is a meaningful exercise.





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SUMMARY

Various terms used in this manual are defined here.

ACCESS

The subject's viewing of all or part of the record, obtaining a summary of the record and/or obtaining copies of desired material from the record. See also 0306, 0506 and 0706.

AFFILIATED CARE OR SERVICE PROVIDER

A Person who is:

- employed by the Ministry or agency who is providing, or has provided, care or service to a subject as a part of a directly-related Ministry-run or Ministry-funded or licensed program, or
- providing, or has provided, care or service within the same program and same organization as the subject's care or Service Provider.

A foster parent with a Children's Aid Society is considered an affiliated care provider.

AGENCY

The Ministry, a Ministry-funded or licensed service or approved agency, or an inter-agency committee with representation from these bodies.

Whatever body collects or originates the information and which is, therefore, subject to the duties and constraints imposed by legislation.

CARE OR SERVICE

Service, allowance or benefit, that is being or has been provided to a subject or on behalf of a subject by the Ministry or a Ministry-funded or licensed agency, which results in the collection of social, financial and/or health information on the subject.

CARE OR SERVICE PROVIDER

Employee or volunteer of the Ministry or an agency who is or has been responsible for providing care or service to a subject as a part of a Ministry or Ministry-funded or licensed program.

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DISCLOSURE	The viewing of all or part of the record and/or obtaining copies of the desired material by a third party.
HARMFUL	Capable of causing serious harm to a person's emotional or physical health.
LEGAL GUARDIAN	Guardian appointed by legal process.
PARENT	The definition of parent, for the purposes of this manual, includes: <ul style="list-style-type: none"> - both parents, where both have custody of the child; - one parent, where that parent has lawful custody of the child or the other parent is unavailable or unable to act; or - another individual, where that individual has lawful custody of the child.
RECORD/FILE	All information, regardless of physical form or characteristics, including photographs and videos. The information which has been gathered or generated by the agency about a subject, through: <ul style="list-style-type: none"> - interviews or written forms, - the provision of service or therapy, or - the making of reports or evaluations, and is under the control of the Service Provider.
SUBJECT	Person to whom care or service, allowance or benefit is or has been provided by the Ministry or an agency and from whom or concerning whom social, financial or health information is collected.
THIRD PARTY	Any person other than the subject of the record, or the subject's parent where the subject is under 16 years of age.

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WRITTEN CONSENT FOR
ACCESS TO INFORMATION

Consent in writing by the subject, or someone acting on behalf of the subject (where appropriate), which states:

- the information to which access is granted,
- the purpose for which access is granted, and
- the effective period of consent.





Section CHILDREN - COLLECTION AND STORAGE OF INFORMATION	Subject Overview	Page 1 of 1		
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SUMMARY

This section describes the collection, storage, retention and disposal of information.

For details, see location numbers indicated.

COLLECTION OF INFORMATION

An agency collects different kinds of information about a subject depending on the services being provided to the individual. (0202)

STORAGE OF INFORMATION

The record is the property of the agency whose responsibility it is to secure the information against loss, fire, theft, defacement, tampering, copying or access by unauthorized persons. (0203)

RETENTION SCHEDULES

All case record systems should have clearly established records retention schedules which conform to legislative requirements, where applicable. (0204)

DISPOSAL OF RECORDS

A regular destruction schedule for client records should be established in accordance with the appropriate retention schedule and under appropriate authority. (0205)



Section

CHILDREN -
COLLECTION AND
STORAGE OF
INFORMATION

Subject

Collection of Information

Page

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SUMMARY

An agency collects different kinds of information about a subject depending on the services being provided to the individual.

Details follow.

REASON FOR
COLLECTION

Collection of information may be initiated by:

- a subject's request for service, or
- the agency in determining the need for provision of service (e.g., CAS protection investigation).

WRITTEN
POLICY

Each agency must have a written policy describing:

- the purpose for which personal information will be gathered, and
- the types of information to be gathered.

The extent of information collected should be determined by the information needs of the service.

Where possible and appropriate, personal information will be gathered from the subject himself/herself, or the parents if the subject is under 12 years of age.

INFORMING THE
SUBJECT

When a subject begins to receive services from an agency, it is the responsibility of the agency staff to ensure that the subject, or the subject's parents if the subject is younger than 12 years, is informed of and understands, to the best of his/her ability:

- the purpose for which information will be gathered and the types of information to be gathered;
- rights of access to the subject's records by the subject, agency staff and others;

Section CHILDREN - COLLECTION AND STORAGE OF INFORMATION	Subject Collection of Information	Page 2		
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INFORMING THE
SUBJECT (cont'd)

- the right to have errors or omissions in the subject's record corrected;
- the procedures for appeal of agency decisions to withhold or limit access to the subject's record; and
- agency policies regarding collection of information.

TYPES OF INFORMATION
GATHERED

To facilitate responses to requests for access or disclosure, it may be advisable to organize the file by identifying the types of information gathered as follows:

1. Information deemed by the Service Provider as sensitive and potentially harmful.

Decisions regarding access or disclosure must be made with consideration to whether the information is harmful at the time of the request for access or disclosure.

2. Information gathered from parents and/or third parties that is designated as inaccessible to the subject.
3. Information gathered from the subject in the provision of counselling services, where the subject between 12 and 16 years has not consented to parental access.
4. All other information held relating to the subject.

Note: See also 0303, Access By Subject and Parents.



Section

CHILDREN -
COLLECTION AND
STORAGE OF
INFORMATION

Subject

Storage of Information

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SUMMARY

The record is the property of the agency whose responsibility it is to secure the information against loss, fire, theft, defacement, tampering, copying or access by unauthorized persons.

Details follow.

SECURITY
MEASURES

All paper records, punch cards, computer printouts and data banks should be either in a room supervised at all times by authorized persons or in a locked room, locked shelves or locked cabinets as appropriate.

Machine-readable cards, tapes or discs which contain personal information should be subject to the same security precautions as records in paper form. These restrictions apply to all media including video and audio tapes.

COPIES

The photocopying of client records should be the responsibility of authorized staff to minimize the possibility of copies being circulated to unauthorized persons. Only that information originating with the agency may be copied, for the purpose of providing disclosure.

EXTERNAL
RESOURCES

Only the services of appropriately bonded commercially-operated companies should be retained to keypunch or enter data pertaining to clients or staff. Services of such companies to transcribe dictation pertaining to clients or staff by tapes, telephone or any other means should be used only where confidentiality of the information has been ensured through contractual arrangement.

Section CHILDREN - COLLECTION AND STORAGE OF INFORMATION	Subject Storage of Information	Page 2		
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STORAGE MEDIUM

Information is usually stored in hard-copy form and/or by automated systems. Various programs may use other mediums for storing information such as audio-visual tapes, when applicable.

Information should be stored so that it may be used effectively by the appropriate program staff while at the same time remaining secure from unauthorized access.



Section CHILDREN - COLLECTION AND STORAGE OF INFORMATION	Subject Retention Schedules	Page 1 of 1 Day Month Year 21 Oct. 1985
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SUMMARY

All case record systems should have clearly established records retention schedules. These schedules must conform to legislative requirements, where applicable. The primary consideration should be the purpose served by retaining records.

Details follow.

PURPOSES OF
RETENTION

Information is retained for the following reasons:

- to comply with the legal requirements of various Acts and Regulations which dictate that records be retained for prescribed periods of time;
- to facilitate provision of service at a future date;
- to provide historical data for future identification or verification of facts;
- to provide material for research.

Case records should be retained according to the attached schedule located in the Appendix. (9901)

Ministry-operated programs should refer to the Approved Records Schedule prepared by Records Management Section.

Note: For records subject to the provisions of the Young Offenders Act, see Sections 43 and 45 of the Act.

COPIES OF
INFORMATION

All copies of information transferred outside of the agency or program must be endorsed with:

- the date the material was sent and,
- a second date specifying when the material must be destroyed (where the retention period is established by legislation).



CHILDREN - COLLECTION AND STORAGE OF INFORMATION	Subject Disposal of Records	Page		
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SUMMARY

A regular destruction schedule for client records should be established in accordance with the appropriate retention schedule and under appropriate authority.

Details follows.

POLICIES AND
PROCEDURES

Written policies and procedures on destruction of records should be developed and adopted by all agencies which maintain case records. These policies and procedures should incorporate the following principles:

1. Provision should be made for an annual review to identify the records to be destroyed in accordance with the retention schedules applicable to the agency's records.
2. Procedures established for packaging and handling records prior to destruction must ensure adequate protection against access by unauthorized persons.
3. Records should be destroyed by a pulping, shredding or burning process.
4. Records should be destroyed in the presence of authorized agency staff.
5. Unless contraindicated by relevant legislation, a register should be established and maintained which identifies all records which have been destroyed.

Note: In the case of Ministry-run programs, refer to the Ministry Administration manual.



Section CHILDREN - ACCESS AND DISCLOSURE	Subject Overview	Page 1 of 1 Day. Month Year 21 Oct. 1985		
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SUMMARY

This section describes who is entitled to have access to or disclosure of records and under what conditions.

For details, see location numbers indicated.

DISCLOSURE TO THIRD PARTIES WITH CONSENT

The requirements for obtaining subject/parent consent to release case information are detailed. (0302)

ACCESS BY SUBJECTS AND PARENTS

The conditions under which access/disclosure may be granted to the subject of the information and to the subject's parents are detailed. (0303)

DISCLOSURE TO THIRD PARTIES WITHOUT CONSENT

Instances where records may be disclosed to third parties without the subject's consent are described. (0304)

EXTERNAL RESEARCHERS

The criteria to be met before disclosure is granted to external researchers and the procedures to be followed if disclosure is granted are detailed. (0305)

METHOD OF RELEASE

The method of releasing the information once consent to disclose information has been granted is outlined. (0306)

CORRECTIONS

The policy regarding the correction of factual errors is detailed. (0307)

REVIEW OF DECISIONS

A person may request that the Children's Services Review Board review agency decisions regarding access, corrections and disclosure without authority. (0308)



Section CHILDREN - ACCESS AND DISCLOSURE	Subject Disclosure to Third Parties with Consent	Page		
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SUMMARY

The requirements for obtaining subject/parent consent to release case information follow.

WRITTEN CONSENT

Subject consent must specify, in writing:

- what information is to be disclosed,
- the purpose of disclosure,
- to whom the record is to be disclosed,
- the effective period of consent, and
- whether the consent authorizes further disclosure by the person receiving the information, and if so, to whom and for what purpose.

Note: The effective period of the consent is normally determined by the purpose for which disclosure is being granted. When the purpose is satisfied, the consent lapses. However, where consent to disclosure is granted for purposes such as research studies, which could span a number of years, such consent should stipulate that it is effective for a specific time period (e.g., for two years).

VALIDITY

A consent is legally valid if, at the time of giving consent the subject:

1. Has the capacity to understand and appreciate the nature and consequences of giving or withholding the consent;

(Thus the Service Provider has to satisfy himself/herself, through questioning or discussion, that the subject fulfills this requirement).

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VALIDITY
(cont'd)

2. Is reasonably informed as to the nature and consequences of disclosure, and any alternatives to the action;

(Informing the subject in a manner suitable to his/her understanding is essential).

3. Gives the consent voluntarily, without coercion or undue influence;

(The above implies without threat of harm or hope of favour).

4. Has been advised that he/she may obtain independent advice and has been given a reasonable opportunity to do so.

(If someone else has provided advice, the Service Provider is not seen as the only influence on the consentor. Obtaining independent advice, however, is not mandatory).

CONSENT
REQUIREMENTS

With certain exceptions, no disclosure of a subject's record may be given to anyone by an agency without the written consent of:

- the subject, where the subject is 16 years of age or older;
- the child's parents, where both have custody of the child and the child is under 16 years of age;
- one parent of the child, where that parent has lawful custody or the other parent is unavailable or unable to consent and the child is under 16 years of age; or
- another person having lawful custody where the subject is not yet 16 years old.

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CAPACITY TO CONSENT

Where a subject 16 to 18 years of age has been found in an assessment, to be incapable of consenting to disclosure, the agency shall provide access to, or seek consent for disclosure from the subject's parents or in their absence, the nearest relative of the child.

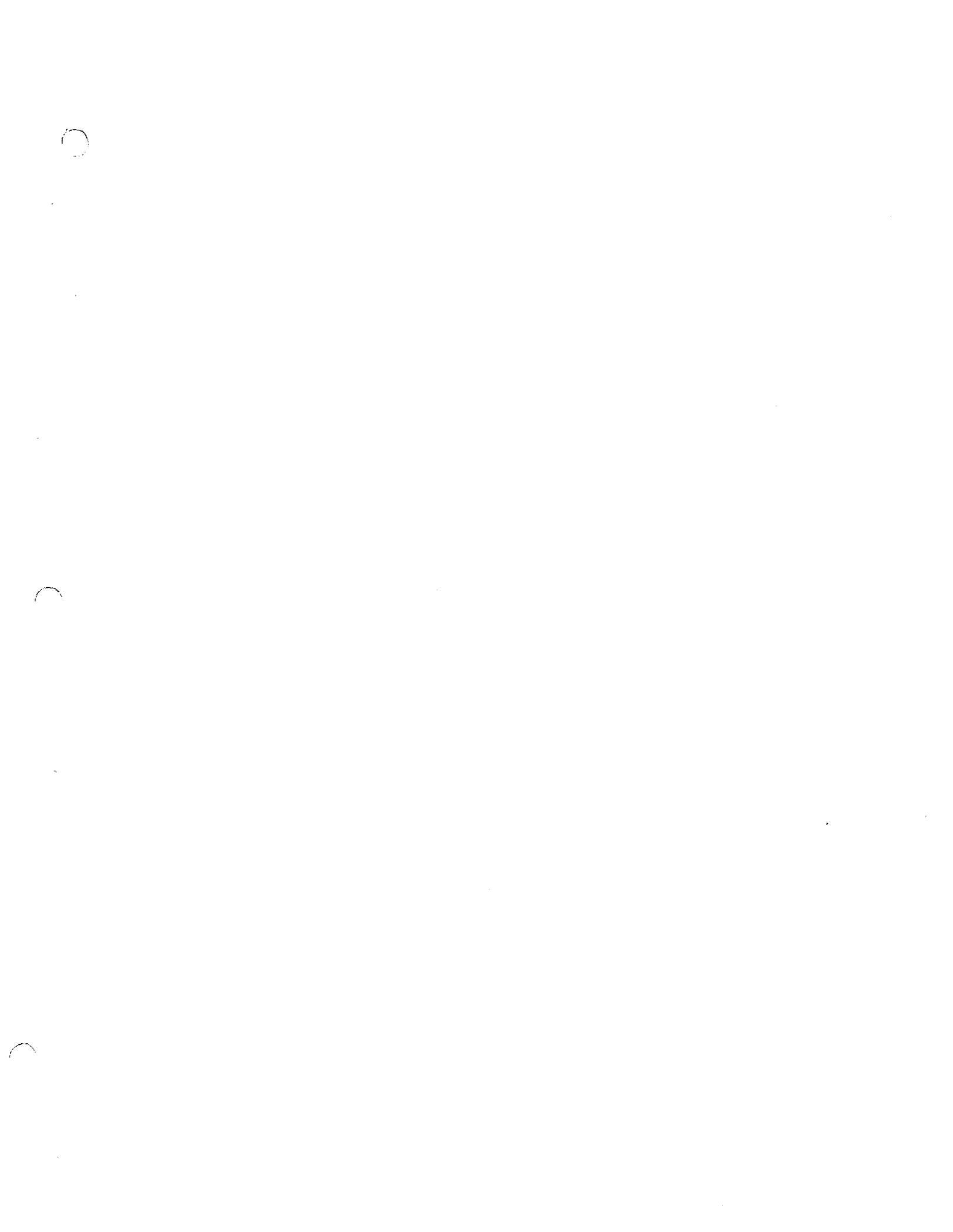
The assessment must be less than one year old and in written form.

EXCEPTIONS

Under certain circumstances, disclosure may be granted without the above-mentioned consent. (See 0305)

REVIEWING CONSENT

Each agency and program should develop a process for reviewing the validity of consents. If the original purpose for requesting the information has changed, or the specified time frame has elapsed, a new consent is required.





Section CHILDREN - ACCESS AND DISCLOSURE	Subject Access By Subject and Parents	Page 1 of 2		
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SUMMARY

The conditions under which access should be granted to the subject of the information and to the subject's parents are detailed below.

SUBJECT

A subject aged 12 or older has a right of access to information in his/her record. Exceptions to this right of access follow:

1. The subject's parents may designate the information gathered from them as unavailable to the child, and the subject is under 16 years of age;
2. The Care Provider may withhold parts of the record from the subject where the subject is under age 16, or provide a summary on the basis of the Care Provider's judgement full access would be likely to cause physical or emotional harm to the subject; or
3. The Care Provider may withhold parts of the record from the subject on the basis of the care provider's judgement full access would be likely to cause physical or emotional harm to a third party, or violate the privacy of a third party.

PARENT

The parents of a subject under 16 have a right of access to the subject's record. It is the Care Provider, based on his/her judgement and knowledge of the subject, who determines whether a potentially harmful situation exists.

Exceptions to this right of access follow:

1. A subject age 12 or older may refuse to give written consent for disclosure of information gathered in the course of the provision of counselling services;

Section

CHILDREN -
ACCESS AND DISCLOSURE

Subject

Access By Subject
and Parents

Page

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PARENT (cont'd)

2. The Care Provider may withhold parts of the record from the parent, where the parent is under age 16 or provide a summary on the basis of the Case Provider's judgement, full access would be likely to cause physical or emotional harm to the subject or another person, or would violate the privacy of another person.

Note: In all instances it is the risk of the consequences which determines the Care Provider's decision, and not the conferring of a positive benefit.

THIRD PARTY PRIVACY

The agency may withhold the names of third parties and/or information about them from the subject and parent where the Service Provider is of the opinion that disclosure is likely to result in physical or emotional harm to another person.

REFERENCE TO AUTHOR
OF ASSESSMENT

The Service Provider may withhold the contents of a medical, emotional, developmental, psychological, educational, or social assessment performed by a person who is not employed by the Service Provider, but may not withhold that person's name.



Section CHILDREN - ACCESS AND DISCLOSURE	Subject Disclosure to Third Parties Without Consent	Page 1 of 5		
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SUMMARY

The circumstances under which third parties may have access to the subject's record without his/her consent are outlined below.

AGENCY EMPLOYEES

An agency may provide access to the subject's record without the subject's consent, to the following:

1. Its own employees who are the subject's Care or Service Providers while the agency is treating or serving the subject, where such information is necessary in the performance of their duties.
2. A record-keeper of the agency.
3. An employee of the agency who is responsible for performing a study or review for internal agency use involving the subject's information.
4. An employee of the agency, when the subject is no longer in treatment or receiving service, to the extent needed to:
 - carry out internal reviews,
 - handle the record in accordance with retention schedules, or
 - engage in follow-up activity concerning the subject.
5. Students and volunteers, where the information is deemed by agency supervisory staff to be necessary in the performance of their duties.

AFFILIATED CARE OR
SERVICE PROVIDER

6. An affiliated Care or Service Provider, including:
 - a Service Provider who works within the same or a related program as the subject's Service Provider;

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AFFILIATED CARE OR
SERVICE PROVIDER
(cont'd)

- a worker in another program who is concerned with the care of the subject as part of a review team engaged in service planning for the subject (e.g., a teacher), with the permission of the subject's Care or Service Provider; or
- professional advisors of the Care or Service Provider who require access to the person's record for the performance of their duties.

EMERGENCY

7. To a Peace Officer, or a person providing medical treatment, where failure to disclose is likely to cause the subject or other person serious physical or emotional harm or where the need for disclosure is urgent.

POLICE

8. The police, in the course of an investigation of alleged child abuse committed by or against the subject. Also in the case of any investigation initiated by the Service Provider.

EXTERNAL RESEARCHER

9. In rare instances, an external researcher, as provided for in 0305.

MANDATORY DISCLOSURE

Legislation requirements provide for disclosure to the following persons without the necessity of obtaining subject consent.

1. A Ministry employee who is responsible for:
 - A. conducting a financial or program audit, review or study involving a subject's record;
 - B. monitoring a program provided by an agency (e.g., Program Supervisor).

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MANDATORY DISCLOSURE
(cont'd)

Because of the sensitivity of the information, it is Ministry policy that staff:

- be chosen for their experience or qualifications in reviewing programs,
 - review the subject's information in the presence of staff of the program/unit being reviewed, and
 - use their right of direct access with discretion.
2. A Placement Review Committee.
 3. Anyone authorized under legislation, (e.g., the Ombudsman or Coroner).
 4. Anyone authorized by a court order or search warrant. If files are subpoenaed, they must be taken by agency staff to Court.
 5. Legal counsel for the Ministry.
 6. Children's Aid Societies in situations where a child is or may be in need of protection, or is, may be or may have suffered abuse.

BOARDS OF DIRECTORS

Boards of directors of agencies have the ultimate responsibility for administration of the care or service provided by the agency.

The carrying out of this responsibility may on occasion require disclosure of the identity of persons receiving care or service, or certain information contained in a subject's record to the board, or a designated committee of the board. Such disclosure should occur only in those circumstances where it would otherwise be impossible for the board to carry out its function and where the disclosure has been requested by the board or designated committee as a whole.

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BOARDS OF DIRECTORS
(cont'd)

Disclosure should not be made to an individual board member unless:

- that director is involved in the provision of care or service in another capacity, and
- has a right to such disclosure in that capacity.

CONFIDENTIALITY

All staff, including contract and temporary personnel, students and volunteers, who are exposed to confidential material should sign a statement that:

- they understand and will respect confidentiality provisions and,
- unless required by law, they will not disclose personal information on a subject.

(See illustration on page 5)

Agency policy and procedures should identify which staff, students and volunteers may have access to client records or information contained in them.

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MANDATORY DISCLOSURE
(cont'd)

Because of the sensitivity of the information, it is Ministry policy that staff:

- be chosen for their experience or qualifications in reviewing programs,
 - review the subject's information in the presence of staff of the program/unit being reviewed, and
 - use their right of direct access with discretion.
2. Anyone authorized under legislation, (e.g., the Ombudsman or Coroner).
 3. Anyone authorized by a court order or search warrant. If files are subpoenaed, they must be taken by agency staff to Court.
 4. Legal counsel for the Ministry.
 5. Children's Aid Societies in situations where a child is or may be in need of protection, or is, may be or may have suffered abuse.

REV

BOARDS OF DIRECTORS

Boards of directors of agencies have the ultimate responsibility for administration of the care or service provided by the agency.

The carrying out of this responsibility may on occasion require disclosure of the identity of persons receiving care or service, or certain information contained in a subject's record to the board, or a designated committee of the board. Such disclosure should occur only in those circumstances where it would otherwise be impossible for the board to carry out its function and where the disclosure has been requested by the board or designated committee as a whole.

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BOARDS OF DIRECTORS
(cont'd)

Disclosure should not be made to an individual board member unless:

- that director is involved in the provision of care or service in another capacity, and
- has a right to such disclosure in that capacity.

CONFIDENTIALITY

All staff, including contract and temporary personnel, students and volunteers, who are exposed to confidential material should sign a statement that:

- they understand and will respect confidentiality provisions and,
- unless required by law, they will not disclose personal information on a subject.

(See illustration on page 5)

Agency policy and procedures should identify which staff, students and volunteers may have access to client records or information contained in them.



CHILDREN - ACCESS AND DISCLOSURE	Subject External Researchers	Page		
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SUMMARY

The criteria for reviewing research proposals to determine if agency participation should be granted are outlined. Researcher access to personally identifiable information or directly to the individual requires subject consent or Director's approval.

Details follow.

PROPOSAL FOR
RESEARCH

Any researcher not employed or retained by the agency requesting disclosure of personally identifying information on clients, or access directly to a client, should submit to the agency a fully developed and properly documented research proposal, which contains:

1. A discussion of the general problem under investigation, including a review of previous research where relevant;
2. The specific objectives of the proposed study;
3. The overall research design and specific research methods to be used, including projected use of agency personnel;
4. In the case of projects that would require data collection directly from clients, a description of procedures to be used in dealing with clients and copies of all specific data collection instruments to be employed with clients;
5. A draft consent form for release of personally identifiable client information and/or client participation in the project;
6. An outline of the proposed analysis;

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PROPOSAL FOR
RESEARCH
(cont'd)

7. A plan for reporting findings which specifies the number and types of reports to be produced and the proposed distribution of each;
8. A discussion of any potential risks to clients inherent in agency participation in the project;
9. A discussion of the specific benefits that would accrue to the agency, agency clients, or the public, from agency participation in the study;
10. Curriculum vitae for:
 - the principal investigator (and, in the case of a post-graduate student working on a thesis, supporting documentation from the supervising professor); and
 - any other project staff who would be involved in reviewing personally identifiable client information and/or collecting data directly from clients; and
11. Where applicable, the recommendation or report of the sponsoring organization's ethics committee.

INFORMATION
REQUIREMENTS

The independent researcher should specify in detail the information being sought from the agency, including, where relevant:

1. The program in which the information was collected;
2. The type of information (e.g., names and addresses of clients, individual case files, test scores of clients, computer tapes) being requested;
3. The size of the desired sample; and
4. Any criteria that would have to be used in selecting the sample (e.g., age of the client, type of service provided, period of service delivery).

Section CHILDREN - ACCESS AND DISCLOSURE	Subject External Researchers	Page 3		
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PROPOSAL REVIEW

The first step in the review of a proposal is:

- to assess whether there is any basis for agency interest, and
- to determine if it is feasible to satisfy the independent researcher's needs without releasing personally identifiable information (e.g., by providing copies of records from which all personally identifiable information has been removed).

If there is a basis for agency interest and it is not possible to proceed without releasing personally identifiable information, the request should be reviewed to determine whether the proposed project:

1. Has objectives with direct utility to the agency, its clients or the general public;
2. Does not require client information that the agency considers to be too personally sensitive, or to entail other significant risks for clients;
3. Has been planned and would be carried out in accordance with appropriate technical standards;
4. Is, from the agency's perspective, feasible; and
5. Is, therefore, likely to produce results with clear public benefit without any significant risk to clients.

Note: Where the agency agrees to participation in a project, a formal agreement should be signed outlining the purpose of the research and the terms and conditions of access.

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DISCLOSURE TO
RESEARCHER

Disclosure of personally identifiable subject information and/or identification of the subject for direct personal contact should not be provided to independent researchers without the written consent of the subject and/or parent (see 0302), or the Director, in accordance with the regulations of the Child and Family Services Act.

Where an independent researcher wishes to collect data directly from clients and the agency decides to assist the researcher, the agency should:

1. Mail questionnaires to clients, asking if they wish to participate in the study and specifying that a decision not to participate would in no way affect their receipt of service,
2. Contact clients to obtain their consent for the researcher to contact them directly, or
3. Contact clients, inviting them to contact the researcher if they wish to participate in the study.

EXCEPTIONS

Exceptions to the requirement for consent may occasionally be made with the written approval of the Area Manager or Regional Director for independent researchers whose research:

- does not require an inappropriate expenditure of agency time and/or money, and
- is likely to result in clear public benefit, without significant risk to the client.

Exceptions should not be made unless the principal investigators are trained at the post-graduate level in a field appropriate to the purpose of the study.

Section CHILDREN - ACCESS AND DISCLOSURE	Subject External Researchers	Page 5		
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REMOVAL OF ORIGINALS
AND COPIES

Researchers not employed or retained by the agency may not take away original files or photocopies, of personally identifiable information.

PROCEDURES

Agencies should develop procedures for reviewing requests from independent researchers for agency participation in research projects.

In all cases, agencies should obtain the right to review the final report before its release, to ensure it contains no personally identifying information.



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SUMMARY

Once authorization for access to or disclosure of information has been granted, certain procedures must be followed in releasing the information.

Details follow.

RESPONSE TIME

The agency must respond in writing to any request for access to a record as soon as as possible, and no later than 30 days.

TYPES OF RELEASE

Access refers to the subject viewing all or part of the record, obtaining a summary of the record and/or obtaining copies of desired material from the record.

Disclosure refers to the viewing of all or part of the record and/or obtaining copies of the desired material by a third party. The procedure for releasing information is the same for both categories.

METHOD OF RELEASE

Following a decision to grant access:

Agency Staff

1. Arrange for an appointment with the person seeking access or disclosure.
2. Review the file with the person seeking access or disclosure, giving appropriate interpretation to ensure that the information is understood to the greatest extent possible.

- Note:
1. The staff member should be present at all times while the record is being examined.
 2. The person seeking access or disclosure should be given a reasonable amount of time to peruse the material and make notes, if desired.

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Person seeking access or disclosureMETHOD OF RELEASE
(cont'd)

3. Acknowledge in writing that a specific record or portion of a record has been seen.

Note: All instances of access or disclosure of a record must be recorded clearly on the record except when it is used by authorized staff.

CHARGES

Charges may be levied for the direct cost of searching for and copying of requested information. The decision to charge is at the discretion of the agency granting access or disclosure, giving consideration to the following:

- the time and costs involved in locating, retrieving, preparing and copying the record;
- whether payment of costs will cause financial hardship to the person requesting the record;
- whether access or disclosure will benefit public health or safety.

Note: Disclosure of information by a Service Provider to another Service Provider is not subject to charge.



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SUMMARY

The policy regarding the correction of factual errors is detailed below.

CORRECTIONS

The subject and his/her parents may request that factual errors in the record be corrected. When such a request is received, the agency must, within 30 days, make the correction or note the dispute in the record.

All third parties with whom the record has been shared within the preceding year must be notified of the discrepancy.

Where the correction is of a critical nature, and may lead to actions, decisions, or judgements harmful to the subject (e.g., an intelligence assessment of a child based on an accidentally inflated age), third parties with whom the record has been shared prior to this period should also be informed.

Note: Where a request for correction has been refused, the subject and his/her parents shall be informed of their right to request a review of the decision. (See 0308)



Section CHILDREN - ACCESS AND DISCLOSURE	Subject Review of Decisions	Page 1 of 2 Day Month Year 21 Oct. 1985
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SUMMARY

A person may request that the Children's Services Review Board (CSRB) review agency decisions regarding access, corrections, and disclosure without authority.

Details follow.

REVIEW REQUESTS

A person may request a review by the CSRB where:

- a request for access to or correction of a record is refused in whole or in part,
- a subject believes that a Service Provider may have disclosed his or her record without authority.

PROCEDURE FOR REVIEW

A decision to deny or limit access must be given in writing to the party seeking access, within 30 days. This notification should:

- include the reasons for the decision, and
- advise the party that the decision may be referred to the CSRB for review.

Failure to respond within the 30-day period may enable the individual requesting access to pursue the review process automatically.

An extension of the 30-day period may be permitted in order to:

- obtain information located in another office,
- search for or appropriately examine material included within the information requested, or
- consult with any other office holding the information.

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PROCEDURE FOR REVIEW
(cont'd)

Requests for review must be submitted within 20 days of receiving notice of refusal of access, or in the case of unauthorized disclosure, within 20 days of becoming aware of the disclosure.

The CSRB shall notify the head of the agency or program when a review of the decision has been requested.

DECISIONS

In conducting a review, the CSRB may examine the record in question. Upon completion of the review, the CSRB may:

- order the Service Provider to grant access to all or part of the record;
- order the Service Provider to make a correction;
- confirm the refusal, if satisfied that the refusal being appealed is justified;
- declare that disclosure was unauthorized, if satisfied that disclosure or unauthorized disclosure took place;
- order the Service Provider to:
 - change procedures for the maintenance and disclosure of the subject's records, or
 - desist from a particular disclosure practice;
- recommend to the Minister that the Service Provider's approval be revoked under Part I of the Child and Family Services Act.

The Board provides a copy of the decision to:

- the person requesting the review,
- the Service Provider, and
- the Minister.



Section ADULTS - COLLECTION AND STORAGE OF INFORMATION	Subject Overview.	Page 1 of 1 Day Month Year 21 Oct. 1985
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SUMMARY

This section describes the collection, storage, retention and disposal of information.

For details, see location numbers indicated.

COLLECTION OF INFORMATION

An agency collects different kinds of information about a subject depending on the services being provided to the individual. (0402)

STORAGE OF INFORMATION

The record is the property of the agency whose responsibility it is to secure the information against loss, fire, theft, defacement, tampering, copying or access by unauthorized persons. (0403)

RETENTION SCHEDULES

All case record systems should have clearly established records retention schedules which conform to legislative requirements, where applicable. (0404)

DISPOSAL OF RECORDS

A regular destruction schedule for client records should be established in accordance with the appropriate retention schedule and under appropriate authority. (0405)



Section ADULTS - COLLECTION AND STORAGE OF INFORMATION	Subject Collection of Information	Page 1 of 2		
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SUMMARY

An agency collects different kinds of information about a subject depending on the services being provided to the individual.

Details follow.

WRITTEN
POLICY

Each agency must have a policy describing:

- the purpose for which information will be gathered, and
- the types of information to be gathered.

The extent of information collected should be determined by the information needs of the service.

Where possible and appropriate, personal information will be gathered from the subject himself/herself.

INFORMING THE
SUBJECT

When a subject begins to receive services from an agency, it is the responsibility of the agency staff to ensure that the subject is informed of, and understands to the best of his/her ability, the following:

- the purpose for which information will be gathered and the types of information to be gathered;
- rights of access to the subject's record, by the subject, agency staff or others;
- the right to have errors or omissions in the subject's record corrected;
- the procedures for appeal of agency decisions to withhold or limit access to the subject's record;
- agency policy regarding collection of information.

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TYPES OF INFORMATION
GATHERED

To facilitate responses to requests for access or disclosure, it may be advisable to organize the file by identifying the types of information gathered as follows:

1. Information deemed by the Service Provider as sensitive and potentially harmful to a third party.
2. Information gathered from third parties that is designated as inaccessible to the subject.
3. All other information held relating to the subject.

Note: See also 0503, Access By Subject.



Section

ADULTS -
COLLECTION AND
STORAGE OF INFORMATION

Subject

Storage of Information

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SUMMARY

The record is the property of the agency whose responsibility it is to secure the information against loss, fire, theft, defacement, tampering, access or copying by unauthorized persons.

Details follow.

SECURITY MEASURES

All paper records, punch cards, computer printouts and data banks should be either in a room supervised at all times by authorized persons or in a locked room, locked shelves or locked cabinets as appropriate.

Machine-readable cards, tapes and discs which contain personal information should be subject to the same security precautions as records in paper form. These restrictions apply to all media including video and audio tapes.

COPIES

The photocopying of client records should be the responsibility of authorized staff to minimize the possibility of copies being circulated to unauthorized persons. Only that information originating with the agency may be copied.

EXTERNAL RESOURCES

Only the services of appropriately bonded commercially-operated companies should be retained to keypunch or enter data pertaining to clients or staff. Services of such companies to transcribe dictation pertaining to clients or staff by tapes, telephone or any other means should be used only where confidentiality of the information has been ensured through contractual arrangement.

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STORAGE MEDIUM

Information is usually stored in hard-copy form and/or automated systems. Various programs may use other mediums for storing information such as audio-visual tapes, when applicable.

Information should be stored so that it may be used effectively by the appropriate program staff, while at the same time remaining secure from unauthorized access.



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SUMMARY

All case record systems should have clearly established records retention schedules. These schedules must conform to legislative requirements, where applicable. The primary consideration should be the purpose served by retaining records.

Details follow.

PURPOSES FOR
RETENTION

Information is retained for the following reasons:

- to comply with the legal requirements of various Acts and Regulations which dictate that records be retained for prescribed periods of time;
- to facilitate provision of service at any future time;
- to provide historical data for future identification or verification of facts;
- to provide material for research.

Case records should be retained according to the schedule located in the Appendix (9901)

Ministry-operated programs should refer to the Approved Records Schedules prepared by Records Management Section.

COPIES OF
INFORMATION

All copies of information transferred outside of the agency or program must be endorsed with the date the material was sent.



ADULTS - COLLECTION AND STORAGE OF INFORMATION	Subject Disposal of Records	Page		
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SUMMARY

A regular destruction schedule for client records should be established in accordance with the appropriate retention schedule and under appropriate authority.

Details follow.

POLICIES AND
PROCEDURES

Written policies and procedures on destruction of records should be developed and adopted by all agencies which maintain case records and should incorporate the following principles:

1. Provision should be made for annual review to identify the records to be destroyed in accordance with the retention schedules applicable to the agency's records.
2. Procedures established for packaging and handling records prior to destruction must ensure adequate protection against access by unauthorized persons.
3. Records are to be destroyed by a pulping, shredding or burning process.
4. Records should be destroyed in the presence of the appropriate agency staff.
5. Unless contraindicated by relevant legislation a register should be established and maintained which identifies all records which have been destroyed.

Note: In the case of Ministry-run programs, refer to the Ministry Administration manual.



Section ADULTS - ACCESS AND DISCLOSURE	Subject Overview	Page 1 of 1 Day Month Year .21 Oct. 1985
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SUMMARY

This section describes who is entitled to have access to disclosure of records and under what conditions.

For details, see location numbers indicated.

DISCLOSURE TO
THIRD PARTIES
WITH CONSENT

The requirements for obtaining subject consent to disclose case information are detailed. (0502)

ACCESS BY SUBJECT

The conditions under which information may be made available to the subject concerned are outlined. (0503)

DISCLOSURE TO
THIRD PARTIES
WITHOUT CONSENT

The conditions under which the agency may disclose information to third parties without the subject's consent are described. (0504)

EXTERNAL
RESEARCHERS

The criteria to be met before disclosure is granted to external researchers and the procedures to be followed if disclosure is granted are detailed. (0505)

METHOD OF
RELEASE

The method of releasing information once consent to disclose information has been granted is outlined. (0506)

CORRECTIONS

The policies governing the correction of factual errors is described. (0507)

REVIEW OF
DECISIONS

The provisions for reviewing a decision by an agency or program to withhold or limit access to records are outlined. (0508)



ADULTS - ACCESS AND DISCLOSURE	Subject Disclosure to Third Parties With Consent	Page		
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SUMMARY

The requirements for obtaining the subject's consent to release case information are detailed below.

WRITTEN CONSENT

Subject consent must identify, in writing:

- what information is to be disclosed,
- the purpose of disclosure,
- to whom the record is to be disclosed,
- the effective period of consent, and
- whether the consent authorizes further disclosure by the person receiving the information, and if so, to whom and for what purpose.

Note: The effective period of the consent is normally determined by the purpose for which disclosure is being granted. When the purpose is satisfied, the consent lapses. However, where consent to disclosure is granted for purposes such as research studies, which could span a number of years, such consent should stipulate that it is effective for a specific time period (e.g., for two years).

VALIDITY

A consent is legally valid if, at the time of giving consent, the subject:

1. Has the capacity to understand and appreciate the nature and consequences of giving or withholding the consent;

(Thus the Service Provider has to satisfy himself/herself, through questioning or discussion, that the subject fulfills this requirement.)

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VALIDITY
(cont'd)

2. Is reasonably informed as to the nature and consequences of disclosure and any alternatives to the action;

(Informing the subject in a manner suitable to his/her understanding is essential.)

3. Gives the consent or enters into the agreement voluntarily, without coercion or undue influence;

(The above implies without threat of harm, or hope of favour)

4. Has been advised that he/she may obtain independent advice and has been given a reasonable opportunity to do so.

(If someone else has provided advice, the Service Provider is not seen as the only influence on the consentor. Obtaining independent advice, however, is not mandatory.)

CONSENT
REQUIREMENT

With certain exceptions, access to a subject's record may not be given to anyone by an agency without the written consent of the subject. (See also 0504)

CAPACITY TO CONSENT

Where a subject 18 years of age or over has been declared incompetent under the Mental Incompetency Act, access must be granted to the committee appointed under that Act.

Note: A committee is a guardian appointed under the Mental Incompetency Act.

If a subject is declared incompetent, consent to third party disclosure must be given by the committee, subject to the restrictions detailed in 0504.

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SUBSTITUTE CONSENT

In the case of a subject who is incapable of giving consent, and where there is no committee, third party disclosure may be granted by the nearest relative acting in the best interest of the subject.

REVIEWING CONSENT

Each agency should develop a process for reviewing the validity of consents. If the original purpose for requesting the information has changed, or the specified time frame has elapsed, a new consent is required.



Section ADULTS - ACCESS AND DISCLOSURE	Subject Access By Subject	Page 1 of 2		
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SUMMARY

The conditions under which access should be granted to the subject of the information are outlined below.

SUBJECT

A subject should normally have access to information in his/her record under the following conditions:

1. The form of the information to be made available to the subject should be comprehensible to him/her.
2. The subject should have access to factual information about himself/herself for the purpose of checking accuracy.
3. In all cases, appropriate protection against violation of the privacy of third parties must be ensured. This may require limiting access to personally identifiable information related to parties other than the subject.
4. The agency may withhold information or provide a summary on the basis of the Care Provider's judgement that full access would be harmful to the emotional or physical health of a third party.

Section ADULTS - ACCESS AND DISCLOSURE	Subject Access By Subject	Page 2		
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EXECUTOR

The executor or administrator of a subject's estate, as personal representative of a deceased subject, has a right to have access to the subject's record.

Where there is no executor, the next-of-kin has access.

DECEASED SUBJECT

If a subject, now deceased, imposed disclosure restrictions, they should continue to be honored.



Section ADULTS - ACCESS AND DISCLOSURE	Subject Disclosure to Third Parties Without Consent	Page 1 of 5		
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SUMMARY

The circumstances under which third parties may have access to information about the subject without his/her consent are outlined below.

AGENCY EMPLOYEES

An agency may provide access to the subject's record without the subject's consent, to the following:

1. Its own employees who are the subject's Care or Service Providers while the agency is treating or serving the subject, where such information is necessary in the performance of their duties.
2. A record-keeper of the agency.
3. An employee of the agency who is responsible for performing a study or review for internal agency use involving the subject's information.
4. An employee of the agency, when the subject is no longer in treatment or receiving service, to the extent needed to:
 - carry out internal reviews,
 - handle the record in accordance with retention schedules, or
 - engage in follow-up activity concerning the subject.
5. Students and volunteers, where the information is deemed by agency supervisory staff to be necessary in the performance of their duties.

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AFFILIATED CARE OR
SERVICE PROVIDER

6. An affiliated Care or Service
Provider. This includes:

- a Service Provider who works within the same or a related program as the subject's Service Provider;
- a worker in another program who is concerned with the care of the subject as part of a team engaged in service planning for the subject (e.g., a teacher), with the permission of the subject's Care or Service Provider; or
- professional advisors of the Care or Service Provider who require access to the person's record in the performance of their duties.

EMERGENCY

7. To a Peace Officer or a person providing medical treatment, where failure to disclose is likely to cause the subject or other person serious physical or emotional harm or where the need for disclosure is urgent.

POLICE

8. The police, in the course of an investigation of alleged child abuse committed by or against the subject. Also in the case of any investigation initiated by the Service Provider.

EXTERNAL RESEARCHER

9. In rare instances, an external researcher, as provided for in 0505.

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MANDATORY DISCLOSURE

Legislation requirements provide for disclosure to the following persons without the necessity of obtaining subject consent.

1. A Ministry employee who is responsible for:
 - A. conducting a financial or program audit, review or study involving a subject's record; and
 - B. monitoring a program provided by an agency (e.g., Program Supervisor).

Because of the sensitivity of the information, it is Ministry policy that:

- staff be chosen for their experience or qualifications in reviewing programs;
 - staff review the subject's information in the presence of staff of the program/unit being reviewed;
 - staff use their right of direct access with discretion.
2. Anyone authorized under legislation (e.g., the Ombudsman or Coroner).
 3. Anyone authorized by a court order or search warrant. If files are subpoenaed, they must be taken by agency staff to Court.
 4. Legal counsel for the Ministry.
 5. Children's Aid Societies in situations where a child is or may be in need of protection, or is, may be, or may have suffered abuse.

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BOARDS OF DIRECTORS

Boards of directors of agencies have the ultimate responsibility for administration of the care or service provided by the agency.

The carrying out of this responsibility may on occasion require disclosure of the identity of persons receiving care or service, or certain information contained in a subject's record to the board, or a designated committee of the board. Such disclosure should occur only in those circumstances where it would otherwise be impossible for the board to carry out its function and where the disclosure has been requested by the board or designated committee as a whole.

Disclosure should not be made to an individual board member unless:

- that director is involved in the provision of care or service in another capacity, and
- has a right to such disclosure in that capacity.

CONFIDENTIALITY

All staff, including contract and temporary personnel, students and volunteers who are exposed to confidential material should sign a statement that:

- they understand and will respect confidentiality provisions and,
- unless required by law, they will not disclose personal information on a subject.

(See illustration on page 5).

Agency policy and procedures should identify which staff, students and volunteers may have access to client records or information contained in them.

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ILLUSTRATION:

STATEMENT RESPECTING CONFIDENTIALITY

I hereby acknowledge that I understand that in the course of carrying out my duties I will be dealing with information contained in files and records that is confidential or that reveals or tends to reveal the identity of the person who is the subject of the record or the identity of a person who has provided information about the subject of the record.

I agree to hold such information confidential and, except as I may be legally required, I will not disclose or release it to any person at any time.

Dated at _____ this _____ day of _____, 19 .

Witness

Signature

○

○

.....



Section ADULTS - ACCESS AND DISCLOSURE	Subject External Researchers	Page 1 of 5		
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SUMMARY

Researcher access to personally identifiable information or directly to the individual requires subject consent, with some rare exceptions. The criteria for reviewing research proposals to determine if agency participation is advised is outlined.

Details follow.

PROPOSAL FOR RESEARCH

Any researcher not employed or retained by the agency requesting disclosure of personally identifying information on clients, or access directly to a client, should submit to the agency a fully developed and properly documented research proposal, which contains:

1. A discussion of the general problem under investigation, including a review of previous research where relevant;
2. The specific objectives of the proposed study;
3. The overall research design and specific research methods to be used, including projected use of agency personnel;
4. In the case of projects that would require data collection directly from clients, a description of procedures to be used in dealing with clients and copies of all specific data collection instruments to be employed with clients;
5. A draft consent form for release of personally identifiable client information and/or client participation in the project;
6. An outline of the proposed analysis;

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PROPOSAL FOR
RESEARCH
(cont'd)

7. A plan for reporting findings which specifies the number and types of reports to be produced and the proposed distribution of each;
8. A discussion of any potential risks to clients inherent in agency participation in the project;
9. A discussion of the specific benefits that would accrue to the agency, agency clients, or the public, from agency participation in the study;
10. Curriculum vitae for:
 - the principal investigator (and, in the case of a post-graduate student working on a thesis, supporting documentation from the supervising professor); and
 - any other project staff who would be involved in reviewing personally identifiable client information and/or collecting data directly from clients; and
11. Where applicable, the recommendation or report of the sponsoring organization's ethics committee.

INFORMATION
REQUIREMENTS

The independent researcher should specify in detail the information being sought from the agency, including where relevant:

1. The program which collected the information;
2. The type of information (e.g., names and addresses of clients, individual case files, test scores of clients, computer tapes) being requested;
3. The size of the desired sample; and
4. Any criteria that would have to be used in selecting the sample (e.g., age of the client, type of service provided, period of service delivery).

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PROPOSAL REVIEW

The first step in the review of a proposal is:

- to assess whether there is any basis for agency interest, and
- to determine if it is feasible to satisfy the independent researcher's needs without releasing personally identifiable information (e.g., by providing copies of records from which all personally identifiable information has been removed).

If there is a basis for agency interest and it is not possible to proceed without releasing personally identifiable information, the request should be reviewed to determine whether the proposed project:

1. Has objectives with direct utility to the agency, its clients or the general public;
2. Does not require client information that the agency considers to be too personally sensitive, or to entail other significant risks for clients;
3. Has been planned and would be carried out in accordance with appropriate technical standards;
4. Is, from the agency's perspective, feasible; and
5. Is, therefore, likely to produce results with clear public benefit without any significant risk to clients.

Note: Where the agency agrees to participation in a project, a formal agreement should be signed outlining the purpose of the research and the terms and conditions of access.

DISCLOSURE TO RESEARCHER

Disclosure of personally identifiable client information and/or identification of the subject for direct personal contact should not be provided to independent researchers without the written consent of the subject. (See 0502)

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DISCLOSURE TO
RESEARCHER
(cont'd)

Where an independent researcher wishes to collect data directly from clients and the agency decides to assist the researcher, the agency should:

1. Mail questionnaires to clients, asking if they wish to participate in the study and specifying that a decision not to participate would in no way affect their receipt of service,
2. Contact clients to obtain their consent for the researcher to contact them directly, or
3. Contact clients, inviting them to contact the researcher if they wish to participate in the study.

EXCEPTIONS

Exceptions to the requirement for consent may occasionally be made with the written approval of the Area Manager or Regional Director for independent researchers whose research:

- does not require an inappropriate expenditure of agency time and/or money, and
- is likely to result in clear public benefit, without significant risk to the client.

Exceptions should not be made unless the principal investigators are trained at the post-graduate level in a field appropriate to the purpose of the study.

REMOVAL OF ORIGINALS
AND COPIES

Researchers not employed or retained by the agency may not take away original files or photocopies, of personally identifiable information.

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PROCEDURES

Agencies should develop procedures for reviewing requests from independent researchers for agency participation in research projects.

In all cases, agencies should obtain the right to review the final report before its release to ensure it contains no personally identifying information.



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SUMMARY

Once authorization for access to or disclosure of information has been granted, certain procedures must be followed in releasing the information.

Details follow.

RESPONSE TIME

The agency shall respond in writing to any request for access to a record as soon as possible, and no later than 30 days. (See also 0508)

TYPES OF RELEASE

Access refers to the subject viewing all or part of the record, obtaining a summary of the record and/or obtaining copies of the desired material from the record.

Disclosure refers to the viewing of all or part of the record and/or obtaining copies of the desired material by a third party. The procedure for releasing information is the same for both categories.

PROCEDURES

Following a decision to grant access:

Agency Staff

1. Arrange for an appointment with the person seeking access or disclosure.
2. Review the file with the person seeking access or disclosure, giving appropriate interpretation to ensure that the information is understood to the greatest extent possible.

Note: 1. The staff member should be present at all times while the record is being examined.

2. The person seeking access or disclosure should be given a reasonable amount of time to peruse the material and make notes, if desired.

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Person seeking access or disclosurePROCEDURES
(cont'd)

3. Acknowledge in writing that a specific record or portion of a record has been seen.

Note: All instances of access or disclosure of a record must be recorded clearly on the record, except when used by authorized staff.

CHARGES

Charges may be levied for the direct cost of searching for and copying of requested information. The decision to charge is at the discretion of the agency granting access or disclosure, giving consideration to the following:

- the time and costs involved in locating, retrieving, preparing and copying the records;
- whether payment of costs will cause financial hardship to the person requesting the record;
- whether access or disclosure will benefit public health or safety.

Note: Disclosure of information by a Service Provider to another Service Provider is not subject to charge.



Section ADULTS - ACCESS AND DISCLOSURE	Subject Corrections	Page 1 of 1 Day Month Year 21 Oct. 1985
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SUMMARY

The policy regarding the correction of factual errors is detailed below.

CORRECTIONS

The subject may request that factual errors in the record be corrected. When such a request is received, the agency must, within 30 days, make the correction or note the disputed information in the record.

All third parties with whom the record has been shared within the preceding year must be notified of the discrepancy.

Where the correction is of a critical nature, and may lead to actions, decisions, or judgements harmful to the subject (e.g., an intelligence assessment of a child based on an accidentally inflated age), third parties with whom the record has been shared prior to this period should also be informed.

Note: Where a request for correction has been refused, the subject shall be informed of his/her right to request a review of the decision.
(See 0508)



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SUMMARY

A person may request that the Area Manager review agency decisions regarding access, corrections, and disclosure without authority.

Details follow.

REVIEW REQUESTS

A person may request a review by the Area Manager where:

- a request for access to or correction of a record is refused in whole or in part,
- a subject believes that a Service Provider may have disclosed his or her record without authority.

PROCEDURE FOR REVIEW

A decision to deny or limit access must be given in writing, to the party seeking access, within 30 days. This notification should:

- include the reasons for the decision, and
- advise the party that the decision may be referred to the Area Manager for review.

Failure to respond within the 30-day period would enable the individual requesting access to pursue the review process automatically.

An extension of the 30-day period may be permitted in order to:

- obtain information located in another office,
- search for or appropriately examine material included within the information requested, or
- consult with any other office holding the information.

Requests for review must be submitted within 20 days of receiving notice of refusal of access, or in the case of unauthorized disclosure, within 20 days of becoming aware of the disclosure.

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PROCEDURE FOR REVIEW
(cont'd)

The Area Manager shall notify the head of the agency or program when a review of the decision has been requested.

When the appropriate parties have been notified of the review, it is the responsibility of the Area Manager to investigate both the request for access and the decision, and to attempt to resolve the dispute. Anything said, or any information/document used in the course of such a review is strictly confidential.

Note: For directly-operated Ministry facilities normally reporting to the Regional Director, the request for review of a decision is referred to the Regional Director.



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SUMMARY

This section deals with policy relating to the collection, storage, retention and disposal of Income Maintenance Services client files.

COLLECTION OF INFORMATION

The purpose for collecting information and informing the subject of the purpose is addressed. (0602)

STORAGE OF INFORMATION

Security considerations and storage mediums are discussed. (0603)

RETENTION SCHEDULES

The purposes for retention of records are detailed. (0604)

DISPOSAL OF RECORDS

Disposal of records must be done in accordance with existing policy guidelines. (0605)



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SUMMARY

This subject describes the purpose for collection of information and informing the subject of the purpose and his or her right of access.

PURPOSE OF
COLLECTION

Information is collected for the purpose of meeting the following requirements:

- Legislation - Family Benefits Act
- General Welfare Assistance Act
- Ministry of Community & Social Services Act
- Ministry policy
- Municipal or Band policy

Each Municipality or Band must have a policy describing:

- the purpose for which information will be gathered, and
- the types of information to be gathered.

The extent of information collected should be determined by the information needs of the program.

INFORMING THE
SUBJECT

When a subject begins to receive benefits, it is the responsibility of the GWA/FBA staff to ensure that the subject is informed of, and understands to the best of his/her ability, the following:

- the purpose for which information will be gathered and the types of information to be gathered;
- rights of access to the subject's record by the subject, agency staff and others;
- the right to have errors or omissions in the subject's record corrected;

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INFORMING THE
SUBJECT
(cont'd)

- the procedures for appeal of agency decisions to withhold or limit their access to the subject's record;
- agency policies regarding collection of information.

TYPES OF
INFORMATION

The agency collects different types of information about a subject which are dependent upon the benefits being provided to the individual.

To facilitate responses to requests for access or disclosure, it may be advisable to identify information gathered as follows:

1. Information deemed by the Service Provider as sensitive and potentially harmful to third parties.
2. Information gathered from third parties that is designated as inaccessible to the subject.
3. All other information held which relates to the subject.

Note: See also 0703, Access By Subject



Section

INCOME MAINTENANCE -
COLLECTION AND
STORAGE OF INFORMATION

Subject

Storage of Information

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SUMMARY

It is the responsibility of the agency in possession of the records to ensure their security.

Details follow.

RECORD STORAGE

Information is usually stored in filing systems and/or automated data storage and retrieval systems.

Note: The same principles of confidentiality apply regardless of where information is located.

RECORD
CONTENTS

Subject records may contain:

- the original documents signed by the subject or provided by the subject, or by third parties, and
- records of decisions, recommendations and calculations.

TYPES OF
RECORDS

1. The main record may be referred to as the master or corporate file. It contains all the official documents used in making decisions, recommendations and calculations. It remains in the agency.

Additional information may be collected and stored as part of the main record or as a separate record, depending upon the policy of the agency.

Such information could include:

- medical information,
- information related to the pursuit of spousal or child support,
- information related to investigation of eligibility,
- any reference material or information held separately by the worker.

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TYPES OF
RECORDS
(cont'd)

Records are also maintained centrally for administration of payments on behalf of subjects in facilities under The Home for Special Care Act and The Developmental Services Act.

FAMILY BENEFITS
AUTOMATED
SYSTEMS

2. The Client Recording System (CRS) contains basic data collected at the time of application. All applicants, whether determined eligible or ineligible, and persons whose applications are being processed appear in this system.

The Ontario Assistance Program (ONTAP) contains data on persons who are receiving benefits under the Family Benefits Act or the Ministry Act.

The Overpayment Recovery and Follow-up System (ORFUS) contains data on all clients in overpayment when benefits are terminated. Once overpayment is recovered, all information on the client is removed from the system.

The Comprehensive Income Maintenance System (CIMS) encompasses the above three systems (CRS, ONTAP, ORFUS) as well as the Municipal Assistance Information Network (MAIN). CIMS supports the administration of the Income Maintenance Legislation and contains data on Income Maintenance applicants and clients.

GENERAL WELFARE
AUTOMATED
SYSTEMS

3. Municipalities may have computerized systems which contain information on persons who are receiving assistance under the General Welfare Assistance Act. (e.g., the MAIN system).

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ACCESSIBILITY

Records must be conveniently located and readily accessible to authorized staff who need to know and maintain the content of the record in support of the benefits being provided.

At the same time, records must be kept in secured areas and not left unattended in areas accessible to unauthorized persons.

SECURITY MEASURES

Machine-readable cards, tapes or discs which contain personal information should be subject to the same security precautions as records in paper form. These restrictions apply to all media including video and audio tapes.

Original documents and statutory forms in the subject's record must not be taken out of the agency. Other documents which may be necessary for home visits must be handled in such a way as to minimize the possibility of loss, theft, or a breach of confidentiality.

COPIES

Information held by the agency may be copied, provided that:

- photocopies of original documents and statutory forms are not generated without a clear, valid reason (e.g., an eligibility review or fraud investigation, CAP approval).
- photocopies are made by authorized staff in order to minimize the possibility of copies being circulated to unauthorized persons.

EXTERNAL RESOURCES

Only the services of appropriately bonded commercially-operated companies should be retained to keypunch or enter data pertaining to the subject or staff. Services of such companies to transcribe dictation pertaining to the subject or staff by tapes, telephone or any other means should be used only where confidentiality of the information has been ensured through contractual arrangement.



Section INCOME MAINTENANCE - COLLECTION AND STORAGE OF INFORMATION	Subject Retention Schedules	Page 1 of 1 Day Month Year 21 Oct. 1985
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SUMMARY

Detailed below are the reasons for retaining inactive records and the length of time they should be retained. Legislated retention schedules must be adhered to.

Details follow.

**PURPOSES OF
RETENTION**

Information is retained for the following reasons:

- to comply with the legal requirements of various Acts and Regulations which dictate that records be retained for prescribed periods of time;
- to facilitate provision of service at any future time;
- to provide historical data for future identification or verification of facts;
- to provide material for research;
- to provide a record of overpayments to clients.

GWA RECORDS

All records relating to the provision of benefits must be retained for not less than five years, as required by the Canada Assistance Plan Agreement and the Ontario Municipal Act.

The five-year period of retention applies to a subject's records in total, or to documentation contained in the record.

Note: If there is any doubt about the destruction of records/ documents or if municipal policy differs from that stated, staff should forward a request for approval of disposal to the Area Manager.

FBA RECORDS

Records are retained for 10 years. Procedures are contained in the Records Management manual.



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SUMMARY

Disposal of records must be done in accordance with existing policy guidelines.

Details follow.

GWA RECORDS

Policy regarding the disposal of GWA records after five years retention is fully documented in the GWA Policy Guidelines manual.

Note: When there are outstanding overpayments, a record may not be disposed of without the written approval of the Area Manager.

FBA RECORDS

FBA records may be disposed of after 10 years retention, subject to:

- approval by federal authorities and
- archival selection.

For disposal procedures, see the Records Management manual.





Section INCOME MAINTENANCE - ACCESS AND DISCLOSURE	Subject Overview	Page 1 of 1		
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SUMMARY

The policies, procedures and requirements for access to and disclosure of case information are described in this section.

DISCLOSURE TO
THIRD PARTIES
WITH CONSENT

The requirements and conditions for consent to disclose case information are detailed. (0702)

ACCESS BY
SUBJECT

The conditions under which a subject may obtain information contained in his/her record are outlined. (0703)

DISCLOSURE TO
THIRD PARTIES
WITHOUT CONSENT

The conditions under which the agency may disclose case information to third parties without the subject's consent are outlined. (0704)

EXTERNAL
RESEARCHERS

This subject outlines the criteria to be met before disclosure is granted to external researchers and the procedures to be followed if disclosure is granted. (0705)

METHOD OF
RELEASE

This subject outlines the method of release of information once authorization for disclosure is granted. (0706)

TRANSFERS AND
CORRECTIONS

The correction of factual errors in records and the transfer of records are described in this subject. (0707)

REVIEW OF
DECISIONS

The provisions for reviewing decisions by an agency regarding access, corrections, and disclosure without authority are outlined. (0708)



Section

INCOME MAINTENANCE -
ACCESS AND DISCLOSURE

Subject

Disclosure to Third
Parties With Consent

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SUMMARY

The requirements and procedures for obtaining the subject's consent for disclosure of a record to third parties are detailed below.

WRITTEN CONSENT

Subject consent must identify, in writing:

- what information is to be disclosed,
- the purpose of disclosure,
- to whom the record is to be disclosed,
- the effective period of consent, and
- whether the consent authorizes further disclosure by the person receiving the information, and if so, to whom and for what purpose.

Note: The effective period of the consent is normally determined by the purpose for which disclosure is being granted. When the purpose is satisfied, the consent lapses. However, where consent to disclosure is granted for purposes such as research studies, which could span a number of years, such consent should stipulate that it is effective for a specific time period (e.g., for two years).

VALIDITY

A consent is legally valid if, at the time of giving consent the subject:

1. Has the capacity to understand and appreciate the nature and consequences of giving or withholding the consent;

(Thus the Service Provider has to satisfy himself/herself, through questioning or discussion, that the subject fulfills this requirement.)

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VALIDITY
(cont'd)

2. Is reasonably informed as to the nature and consequences of disclosure, and any alternatives to the action;

(Informing the subject in a manner suitable to his/her understanding is essential.)

3. Gives the consent or enters into the agreement voluntarily, without coercion or undue influence;

(The above implies without threat of harm or hope of favour.)

4. Has been advised that he/she may obtain independent advice and has been given a reasonable opportunity to do so.

(If someone else has provided advice, the Service Provider is not seen as the only influence on the consentor. Obtaining independent advice, however, is not mandatory.)

CONSENT
REQUIREMENT

With certain exceptions no access to a subject's record may be given to anyone by an agency without the written consent of the subject. (Also see 0704)

REVIEWING CONSENT:

Each agency should develop a process for reviewing the validity of consents to access information. If the original purpose for requesting information has changed, or the specified time frame has elapsed, a new consent is required.

CAPACITY TO CONSENT

Where a subject 18 years of age or over has been declared incompetent under the Mental Incompetency Act, access must be granted to the committee appointed under that Act.

If a subject is declared incompetent, consent to third party disclosure must be given by the committee, subject to the restrictions detailed in 0704.

Note: A committee is a guardian appointed under the Mental Incompetency Act.

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SUBSTITUTE CONSENT

In the case of a subject who is incapable of giving consent and where there is no committee, third party disclosure may be granted by the nearest relative acting in the best interest of the subject.



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SUMMARY

The conditions under which access should be granted to the subject of the record are outlined below.

SUBJECT

With certain exceptions, a subject should normally have access to information in his/her record under the following conditions:

1. The form of the information to be made available to the subject should be comprehensible to him/her.
2. The subject should have access to factual information about himself/herself for the purpose of checking accuracy.
3. The subject should have access to information provided by other parties which could affect the eligibility status of the subject to receive benefits.

In all cases appropriate protection against the disclosure of identity and violation of the privacy of third parties must be ensured.

EXCEPTIONS

1. Access to the main file or case history sheet may be restricted because of investigations.
2. Information may be withheld or a summary provided on the basis of the Service Provider's judgement that full access could be harmful to the emotional or physical health of a third party.
3. Legal opinions in the file where solicitor-client privilege may apply are restricted.
4. In the case of medical documentation, subject access to the information submitted by his or her physician(s) is given only with the written consent of the contributing physician(s).

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EXCEPTIONS
(cont'd)

5. Complaints or allegations of fraud received by an agency regarding possible abuse of public funds must be investigated.

While the allegation remains unsubstantiated, and is under investigation, the investigative information may be recorded in a separate record. This information is not subject to access by the client or his/her representative.

After the investigation has been completed, a final report, indicating whether or not the allegation was substantiated, becomes part of the master file. This report then becomes accessible to the subject, conditional upon any restriction imposed by the complainant or the provider of the information.

- Note: 1. The names of informants should never be revealed without their expressed consent.
2. If a decision is made to withhold information, the reasons for the decision must be documented in the record and must be given in writing to the subject. The subject should also be made aware of the right to have decisions reviewed. (See also 0708).

EXECUTOR

The executor or administrator of a subject's estate, as personal representative of a deceased subject, has a right of access to the subject's record.

Where there is no executor, the next-of-kin has access.

DECEASED

If a subject, now deceased, imposed disclosure restrictions, they should continue to be honored.



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SUMMARY

The circumstances under which third parties may have access to a subject's record without his/her consent are outlined below.

INCOME MAINTENANCE STAFF

Income Maintenance staff, to whom access is essential in the performance of their duties, may have access to a subject's record without his or her consent.

OTHER AGENCY STAFF

Access to a subject's record without the subject's consent must be given to an agency employee responsible for performing an eligibility review, study, or general audit.

Access is also given to provincial/federal auditors in order to perform their duties.

GOVERNMENT ACCESS TO MUNICIPAL FILES

Designated employees of the provincial or federal government have a right to access municipal files by virtue of Section 8(3) of the General Welfare Assistance Regulation which authorizes the Director to request such evidence as he/she may require to determine whether or not any applicant or recipient is eligible for assistance.

EXTERNAL AUDIT FIRMS

External audit firms involved with Municipal audit reviews may require access to a record.

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SHARED ACCESS

The Family Benefits (F.B.A.) and General Welfare Assistance (G.W.A.) programs are closely related and often serve the same clients. In order to ensure the responsible and efficient administration of public funds, it is necessary to allow the exchange of essential information between the two programs, as well as access to common banks of information.

Disclosure will be limited to information necessary to establish or verify eligibility and avoid fraud or duplication of payments. At the time of the initial application for either type of benefit, the subject must be informed, that essential information can be exchanged between the two systems.

COUNCIL OR BOARD

Information contained in G.W.A. records is accessible to elected representatives responsible for the governance of the Municipality or Indian Band. The Municipal or Band Council, or District Welfare Board, has the ultimate responsibility for administration and so has the right to all information available. Therefore, a Welfare Administrator may submit lists of names, or other personally identifying information, to the Municipal or Band Council, or Board but only when the Council or Board as a whole officially requests such information.

Those representatives not entitled to access to this personally identifying information include:

- individual members of a Municipal or Band Council or District Welfare Board, and

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COUNCIL OR BOARD
(cont'd)

- any Municipal or Band Council not directly responsible for the G.W.A. administration.

Note: Information which would identify G.W.A. clients may not be:

- read in a public meeting, published;
- in any way made public, or
- made available to any other municipality.

Personally identifying information provided to a Council or Board must be treated as confidential by all members.

POLICE

The police may have access to a subject's record where they are investigating an allegation of fraud on the part of the subject of the record, or any other investigation initiated by the Ministry, Municipality, or Band Council.

Note: In a fraud case the main record goes to the police after being photocopied by and for the local office for administration of funds, if the case is ongoing. A closed record need not be photocopied.

COURT ORDER

A Court may summon any person or documents. Information must be provided in response to a Court order. Original files and other documents must be submitted if demanded by Court order or subpoena.

EMERGENCY

A Peace Officer or a person providing medical treatment, may have access where failure to disclose is likely to cause the subject or other person serious physical or emotional harm or where the need for disclosure is urgent.

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EXTERNAL RESEARCHER

In rare instances, an external researcher may have access to a subject's record.
(See .0705)

OTHER

Disclosure authorized under any other legislation must be granted (e.g., the Ombudsman).

Legal counsel for the Ministry may have access to a subject's record.

Information may be disclosed without consent to Children's Aid Societies, in situations where a child is or may be in need of protection, or is, may be, or may have suffered abuse.



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INCOME MAINTENANCE -
ACCESS AND DISCLOSURE

External Researchers

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SUMMARY

The criteria for reviewing research proposals to determine if agency participation is advised is outlined. Researcher access to personally identifiable information or directly to the individual requires subject consent, with some rare exceptions.

Details follow.

PROPOSAL FOR RESEARCH

Any researcher not employed or retained by the agency requesting disclosure of personally identifying information on clients or access directly to a client, should submit to the agency a fully developed and properly documented research proposal, which contains:

1. A discussion of the general problem under investigation, including a review of previous research where relevant;
2. The specific objectives of the proposed study;
3. The overall research design and specific research methods to be used, including projected use of agency personnel;
4. In the case of projects that would require data collection directly from clients, a description of procedures to be used in dealing with clients and copies of all specific data collection instruments to be employed with clients;
5. A draft consent form for release of personally identifiable client information and/or client participation in the project;
6. An outline of the proposed analysis;

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PROPOSAL FOR
RESEARCH
(cont'd)

7. A plan for reporting findings which specifies the number and types of reports to be produced and the proposed distribution of each;
8. A discussion of any potential risks to clients inherent in agency participation in the project;
9. A discussion of the specific benefits that would accrue to the agency, agency clients or the public from participation in the study;
10. Curriculum vitae for:
 - the principal investigator (and in the case of a post-graduate student working on a thesis, supporting documentation from the supervising professor); and
 - any other project staff who would be involved in reviewing personally identifiable client information and/or collecting data directly from clients; and
11. Where applicable, the recommendation or report of the sponsoring organization's ethics committee.

INFORMATION
REQUIREMENTS

The independent researcher should specify in detail the information being sought, from the agency, including where relevant:

1. The program which collected the information;
2. The type of information (e.g., names and addresses of clients, individual case files, test scores of clients, computer tapes) being requested;
3. The size of the desired sample; and
4. Any criteria that would have to be used in selecting the sample (e.g., age of the client, type of service provided, period of service delivery).

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PROPOSAL REVIEW

The first step in the review of a proposal is:

- to assess whether there is any basis for agency interest, and
- to determine if it is feasible to satisfy the independent researcher's needs without releasing personally identifiable information (e.g., by providing copies of records from which all personally identifiable information has been removed).

If there is a basis for agency interest and it is not possible to proceed without releasing personally identifiable information, the request should be reviewed to determine whether the proposed project:

1. Has objectives with direct utility to the agency, its clients or the general public;
2. Does not require client information that the agency considers to be too personally sensitive, or to entail other significant risks for clients;
3. Has been planned and would be carried out in accordance with appropriate technical standards;
4. Is, from the agency's perspective, feasible; and
5. Is, therefore, likely to produce results with clear public benefit without any significant risk to clients.

Note: Where the agency agrees to participation in a project, a formal agreement should be signed outlining the purpose of the research and the terms and conditions of access.

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DISCLOSURE TO
RESEARCHER

Disclosure of personally identifiable client information and/or identification of the subject for direct personal contact should not be provided to independent researchers without the written consent of the subject. (See 0702)

Where an independent researcher wishes to collect data directly from clients and the agency decides to assist the researcher, the agency should:

1. Mail questionnaires to clients, asking if they wish to participate in the study and specifying that a decision not to participate would in no way affect their receipt of service;
2. Contact clients to obtain their consent for the researcher to contact them directly; or
3. Contact clients, inviting them to contact the researcher if they wish to participate in the study;

EXCEPTIONS

Exceptions to the requirement for consent may occasionally be made with the written approval of the Area Manager for independent researchers whose research:

- does not require an inappropriate expenditure of agency time and/or money, and
- is likely to result in clear public benefit without significant risk to the client.

Exceptions should not be made unless the principal investigators are trained at the post-graduate level in a field appropriate to the purpose of the study.

REMOVAL OF ORIGINALS
AND COPIES

Researchers not employed or retained by the agency may not take away original files or photocopies, of personally identifiable information.

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PROCEDURES

Agencies should develop procedures for reviewing proposal requests from independent researchers for agency participation in research projects.

In all cases, agencies should obtain the right to review the final report before its release to ensure it contains no personally identifying information.



<p>Section</p> <p>INCOME MAINTENANCE - ACCESS AND DISCLOSURE</p>	<p>Subject</p> <p>Method of Release</p>	<p>Page</p> <p>1 of 2</p> <table border="1"> <tr> <td>Day</td> <td>Month</td> <td>Year</td> </tr> <tr> <td>21</td> <td>Oct.</td> <td>1985</td> </tr> </table>	Day	Month	Year	21	Oct.	1985
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SUMMARY

Once authorization for access to or disclosure of information has been granted, certain procedures must be followed in releasing the information.

Details follow.

RESPONSE TIME

A written request for access to a record must be responded to in writing by designated staff as soon as possible, and no later than 30 days. (See also 0708)

TYPES OF RELEASE

Access refers to the subject viewing all or part of the record, obtaining a summary of the record, and/or obtaining copies of the desired material from the record.

Disclosure refers to the viewing of all or part of the record and/or obtaining copies of the desired material by a third party.

The procedure for releasing information is the same for each category.

PROCEDURES

Following a decision to grant access:

Agency Staff

1. Arrange for an appointment with the person seeking access or disclosure.
2. Review the record with the person seeking access or disclosure, giving appropriate interpretation to ensure that the information is understood to the greatest extent possible.

- Note:
1. The staff member should be present at all times while the record is being examined.
 2. The person seeking access or disclosure should be given a reasonable amount of time to peruse the material and make notes, if desired.

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Person Seeking Access or Disclosure

PROCEDURES
(cont'd)

3. Acknowledge in writing that a specific record or portion of a record has been seen.

Note: All instances of access or disclosure of a record must be recorded clearly on the record except when used by authorized staff.

CHARGES

Charges may be levied for the direct cost of searching for and copying of requested information. The decision to charge is at the discretion of the agency granting access or disclosure, giving consideration to the following:

- the time and cost involved in locating, retrieving, preparing and copying the record;
- whether payment of costs will cause financial hardship to the person requesting the record;
- whether access or disclosure will benefit public health or safety.

Note: Disclosure of information by a Service Provider to another Service Provider is not subject to charge.



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SUMMARY

Policies for transferring files and correcting information in the file are outlined below.

TRANSFERS
GWA

It is general policy for General Welfare Assistance (G.W.A.) staff to inform new clients that information is transferable from the G.W.A. program to the Family Benefits Assistance (F.B.A.) program.

The municipal office may:

- obtain a signed consent form from the client, or
- advise the client that he/she will be referred to F.B.A. and the information will be transferred automatically.

Transfers do not occur between one G.W.A. office to another. Each office creates its own record.

TRANSFERS
FBA

F.B.A. records are transferred by courier from one local office to another when the subject moves from one locality to another. Records from an F.B.A. office are not usually transferred to a G.W.A. office.

Note: Procedures are described in F.B.A. Records Management manual.

CORRECTIONS

The subject may request that factual errors in the record be corrected. When such a request is received, the disputed information and/or correction must, within 30 days, be noted in the record, dated and signed by the worker.

Note: The subject can be encouraged to put the request for the change in writing but this is not a requirement.

Where a request for correction has been refused, the subject shall be informed of his/her right to request a review of the decision. (See 0708)



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SUMMARY

A person may request a review of agency decisions regarding access, corrections and disclosure without authority.

Details follow.

REVIEW REQUESTS

A person may request a review by the Area Manager where:

- a request for access to or correction of a record is refused in whole or in part, or
- a subject believes that a Service Provider may have disclosed his or her record without authority.

PROCEDURE FOR REVIEW

A decision to deny or limit access must be given in writing within 30 days, to the party seeking access. This notification should:

- include the reasons for the decision, and
- advise the party that the information that the decision may be referred to the Area Manager for review.

Failure to respond within the 30-day period would enable the individual requesting access to pursue the review process automatically.

An extension of the 30-day period may be permitted in order to:

- obtain information located in another office,
- search for or appropriately examine material included within the information requested, or
- consult with any other office holding the information.

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PROCEDURE FOR REVIEW
(cont'd)

Requests for review must be submitted within 20 days of receiving notice of refusal of access, or in the case of unauthorized disclosure, within 20 days of becoming aware of the disclosure.

The Area Manager shall notify the G.W.A. Administrator when a review of their decision has been requested.

When the appropriate parties have been notified of the review, it is the responsibility of the Area Manager to investigate both the request for access and the decision, and to attempt to resolve the dispute. Anything said, or any information/document used in the course of such a review, is confidential.



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		Day	Month	Year
		21	Oct.	1985

ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Charitable Institutions Act</u> RSO 1980, c.64 Section: RRO 95 (1980) 6(9)	Written record of inspection and tests of fire equipment, fire drills, fire detection and alarm system, heating system, chimneys and smoke detectors.	At least two years from the date of each inspection or test.	Charitable Institutions
Subsection: 15(7)	Written report by physician of each medical examination of a resident and any recommendations pertaining thereto.	At least 20 years after the last entry in the records of the resident, or for at least five years after the death of the resident.	Charitable Institutions
Subsection: 17(6)	Subsection (3) a record of the medical examination on admitting together with any recommendations. Subsection (4) skin test for tuberculosis.	At least 20 years after the last entry in the records of the resident, or for at least five years after the death of the resident.	Charitable Institutions
Section: 23	Inventory of all furnishings and equipment acquired by each charitable institution.	Until next inventory is taken.	Board of Approved Charitable Institutions Corporation
Section: 28(1)	Written record and file for each resident. (detailed).	At least 20 years after the last entry in the records of the resident, or for at least five years after the death of the resident.	Charitable Institutions

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ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Charitable Institutions Act (cont'd)</u> Subsection: 29(4)	Books of account for each charitable institution operated by it (e.g., revenue and expenditure, money received from other sources). Also a subsidiary ledger for charges made and payment received for care and maintenance of residents.	At least six years from the date of the last entry in a book of account or ledger for a particular year.	Charitable Institutions Corporation
Subsection: 32(4)	Book of account showing all deposits to and withdrawals from the trust account.	At least six years from the date the trust account is closed or becomes inactive.	Charitable Institutions
<u>Child Welfare Act</u> RSO 1980, c.66 Section: 34	Every adoption agency and every licensed person shall maintain files for: a) a parent who is relinquishing a child, b) a prospective adoptive parent, c) each child who is placed for adoption, d) each foster family, and review and update above files every six months until closed.	Transfer to Ministry of Community and Social Services when no longer required by Agency.	Adoption Agencies
<u>Children's Institutions Act</u> RSO 1980, c.67 Section: 5(h)	Written record of inspections and tests of fire equipment, fire drills, fire alarm system, heating system and chimneys.	At least two years from the date of each inspection or test.	Board of Children's Institutions Corporation
Subsection: 14(7)	Physician's detailed written report of results of each medical examination of a resident.	At least 20 years after the last entry in the records of resident, or for at least five years after the death of the resident.	Children's Institutions

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		Day 21	Month Oct.	Year 1985

ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Children's Institutions Act (cont'd)</u> Subsection: 22(3)	A record of the medical examination on admittance together with any recommendations.	At least 20 years after the last entry in the records of child, or for at least five years after the death of the child.	Children's Institutions
Subsection: 23(1)	Detailed written record, file for each resident.	At least 20 years after the last entry in the record for the resident, or for at least five years after the death of the resident.	Children's Institutions
Subsection: 24(1)	Separate books of account for each approved children's institution operated by the corporation: - revenue and expenditures - other monies received	At least six years after the date of the last entry in a book for a particular year.	Children's Institutions
<u>Children's Mental Health Services Act</u> RSO 1980, c.69 RRO 100 (1980) Section: 17	Inventory of all furnishings and equipment.	Until next inventory is taken.	Children's Mental Health Service Corporations
Section: 19	Separate books of account for the approved centres maintained by it.	Six years after last entry for a particular year.	Children's Mental Health Service Corporations
<u>Children's Residential Services Act</u> RSO 1980, c.71 RRO 101 (1980) Subsection: 13(2)	Separate books of account for the residences operated or maintained by the operator.	At least six years from the date of the last entry in a book for a particular year.	Children's Residential Service Operator

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		Day 21	Month Oct.	Year 1985

ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Children's Residential Services Act</u> (cont'd) Section: 14	Written detailed record and file for each child.	At least 20 years after the last entry in the record for the child, or for at least five years after the death of the child.	Children's Residential Service Operator
Section: 15(n)	Written record of fire drills and inspections and tests of fire extinguishers, heating system and chimneys.	At least two years from the date of the inspection or test.	Children's Residential Service Operator
Subsection: 18(5)	Record of medical examination of each child with any recommendations for further treatment and need of child.	At least 20 years after the last entry in the record for the resident, or for at least five years after the death of the resident.	Children's Residential Service Operator
Section: 48	Written case record for each resident.	At least 20 years after the last entry in the record for the resident, or for at least five years after the death of the resident.	Children's Residential Service Operator
Section: 60(a)	Section 60(g) - test of smoke detectors, 60(h): battery operated smoke alarms - new batteries annually and record of installation kept.	At least two years from the date of each test or installation.	Children's Residential Service Operator
Section: 61(a)	Inspection, servicing, test and training sessions under section 61.	At least two years after the last inspection, service, test or training session.	Children's Residential Service Operator
<u>Day Nurseries Act</u> RFO 235(1980) Subsection: 8(3)	Detailed record in respect of every child enrolled in a day nursery.	At least two years after the discharge of the child.	Day Nursery Operator

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ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Day Nurseries Act</u> (cont'd) Subsection: 12(3)	A daily record signed by those who have custody of keys re: prescription drugs and locations showing amounts dispensed and on hand.	At least two years from the date of the last entry in a book for a particular year.	Day Nursery Operator
Subsection: 15(1)	Financial records showing assets, liabilities, income, expenses and accumulated surplus and deficit of a day nursery.	At least six years from the time of their making.	Day Nursery Operator
Section: 25	Municipality, bank or approved corporation to keep an inventory of all furnishings and equipment acquired.	At least six years from the date of the last entry in a book for a particular book.	Day Nursery Operator
Subsection: 30(1)	Corporation to keep separate books of account for the day nurseries maintained and operated by them (e.g., revenue and expenditures and monies received from other sources).	At least six years from the date of the last entry in a book for a particular year.	Day Nursery Operator
<u>Elderly Persons Centres Act</u> RSO 1980, c.131 RRO 278 (1981) Section: 9	Inventory of all furnishings and equipment acquired by the centre.	Until next inventory is taken.	Elderly Persons Centre Corporations/Municipalities
Section: 14(d)	Separate books of account (e.g., revenues and expenditures and other monies received by each centre).	At least six years from the date of the last entry in a book for a particular year.	Elderly Persons Centre Corporations/Municipalities

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ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Homes for the Aged and Rest Homes Act</u> RSO 1980, c.203 RFO 502 (1980) Section: 5(a)	The resident records required to be kept under 5(c), (e), (f), (g) and (n).	At least 20 years after the last entry in the record of the resident, or for at least five years.	Homes for the Aged/ Rest Homes
Section: 17(g)	A written record of inspections and tests of fire equipment, fire drills, fire alarm system, the heating system and chimneys.	For at least two years from the date of the inspection or test.	Homes for the Aged/ Rest Homes
Section: 22(2)	A complete inventory of furnishings and equipment.	Until next inventory is taken.	Homes for the Aged/ Rest Homes
Section: 22(3)	Books of accounts and ledgers.	At least six years from the date of the last entry in a book for a particular year.	Homes for the Aged/ Rest Homes
Subsection: 24(1)	Resident's record.	For at least 20 years after the last entry in the record of the resident, or for at least five years after the death of the resident.	Homes for the Aged/ Rest Homes
Subsection: 25(a)	Resident records required to be kept under subsections 25(5) and (8).	For at least 20 years from the date of the last entry in the record for the resident or, for at least five years after the death of the resident.	Homes for the Aged/ Rest Homes

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ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Homes for the Aged and Rest Homes Act</u> (cont'd) Subsection: 51(4)	Trust account.	Six years from the date the Trust Account is closed or becomes inactive.	Homes for the Aged/ Rest Homes
<u>Homes for Retarded Persons Act</u> RSO 1980, c.201 RRO 500 (1980) Section: 4(g)	A written record of inspections and tests of fire equipment, fire drills, fire detection and alarm systems, heating system, chimneys and smoke detectors.	At least two years from the date of the inspection or test.	Homes for the Retarded
Section: 6	The board shall keep an inventory of all furnishings and equipment required by an approved home.	Until next inventory is taken.	Homes for the Retarded
Subsection: 13(7)	The physician shall make a detailed written report of the results of each medical examination of a resident and any recommendations to be kept with other records of the resident.	At least 20 years after the last entry in the record for the resident, or for at least five years after the death of the resident.	Homes for the Retarded
Subsection: 20(1)	The superintendent or board of an approved home or auxiliary residence shall keep a written record and file for each resident (detailed) which includes medical findings and recommendations.	At least 20 years after the last entry in the record for the resident, or for at least five years after the death of the resident.	Homes for the Retarded

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ACT	TYPE OF RECORD	RETENTION PERIOD	RETAINED BY
<u>Homes for Retarded Persons Act</u> (cont'd) Subsection: 21(1)	Separate books of account for each approved home showing revenue and expenditures and monies received from other sources.	At least six years after the date of the last entry in a book for a particular year.	Homes for the Retarded Corporation
<u>Vocational Rehabilitation Services Act</u> RSO 1980, c.525 RFO 943 (1980) Section: 21(a) Section: 23(g)	Those required to be kept under the clause 21(c) (i) and (ii) (persons receiving services, books of account).	Under 21(c) (i) at least six years from the date of the last entry in a book for a particular year. Under 21(c) (ii) at least during the period the person is enrolled in the workshop.	Vocational Rehabilitation (approved organizations)
	Written record of inspection and tests of fire equipment, fire drills, fire detectors and alarm systems, heating systems, chimney and smoke detectors.	At least two years from the date of the inspection or test.	Vocational Rehabilitation (approved organizations)
Section: 25	Inventory of all furnishings and equipment required by it.	Until next inventory is taken.	Vocational Rehabilitation (Board of Directors) (approved organizations)