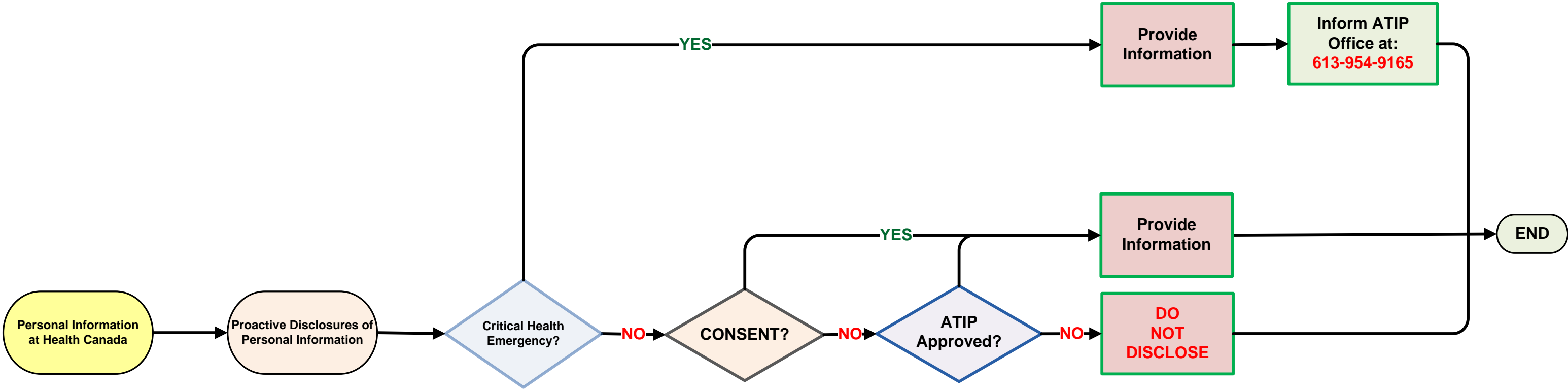


Privacy Standard Operating Procedures –  
Proactive Disclosures of Personal Information



- Personal information protected by the Privacy Act is information, recorded in any form, about an identifiable individual or for which there is a serious possibility of re-identification.
- Personal information protected by the Charter is information over which a person has a reasonable expectation of privacy.
- HC employees must comply with the Department's obligations under the Charter and Privacy Act when disclosing personal information.

- Proactive disclosures take place when information is disclosed by HC absent a request from a third party
- **Does not include disclosures within the 'circle of care'**
- Proactive Disclosures are generally not solicited through direct requests by other parties, but are normally provided as a matter of course by health service providers.
- Employees of the Federal government are required to defer to the Privacy Act and/or the Charter of Rights and Freedoms in cases where provincial legislation or professional regulations conflict with Federal requirements.

- Emergency is defined as an *immediate*, urgent and critical health situation of a temporary nature, regardless of its cause, which may seriously endanger or threaten the life, health or safety of the individual
- Would a reasonable person agree that an *immediate* release of this personal information was necessary?
- Does the disclosure avert or minimize an imminent danger to the health or safety of any person?
- Is the disclosure to occur within a timeframe that makes it impossible to receive concurrence from the ATIP coordinator?

- Personal information of an individual may be disclosed with the individual's consent
- Record any disclosure based on consent in the appropriate client file (example; the file from which information was taken)

- As a result of the Privacy Act and a 2007 Delegation Order of the Minister of Health, the discretion to disclose personal information without the consent of the individual to whom the information relates must be exercised by the Minister of Health or the ATIP Coordinator.
- Contact the ATIP office to receive concurrence and/or guidance:

**613-954-9165**

The ATIP office will:

1. Assist officials to ensure all applicable legal and policy requirements are followed
2. Consult with Legal Services Unit to ensure disclosures will not violate individuals' Charter rights to privacy

- In all cases of disclosure, ensure that the information to be released is accurate, disclose the least amount of information possible.

- Following an emergency disclosure of personal information, staff are obligated to immediately inform Health Canada's ATIP office at:

**613-954-9165**

