

Policy Number:	PRIV-1-5
Policy Name:	Access to and Correction of Personal Information
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PREFACE

McMan South Region (referred to as “McMan”) has business, ethical and legal responsibilities to protect all forms of personal and personal employee information in its custody and/or control.

The purpose of this policy is to provide standards regarding the right of individuals, subject to limited and specific exceptions, to access records containing personal information about themselves. Further, individuals have a right to request a correction or amendment of information about themselves. This policy is intended to define a process for facilitating requests for access to information or to correct or amend personal information.

This document should be read in conjunction with McMan’s Privacy Charter and all of the related policies and procedures referenced therein.

POLICY

Individuals have a right of access to any information about themselves that is in the custody or control of McMan, subject to limited and specific exceptions.

Individuals who believe there is an error or omission in their personal information also have a right to request a correction or amendment of that information.

Depending on the information requested, McMan may be required to refer an individual to a partner agency or forward a request for access to information to the Ministry of Children’s Services, Alberta Health Services, or another funding body, for processing.

McMan **must** refuse to disclose personal information to an applicant if:

- a. It would be harmful to the interests of a third-party stakeholder; or
- b. It would be an unreasonable invasion of someone else’s personal privacy.

McMan **may** refuse to disclose personal information to the applicant if the disclosure could reasonably be expected to:

- a. Threaten individual or public safety, or an individual’s mental or physical health;
- b. Reveal confidential evaluations;
- c. Harm a law enforcement matter;
- d. Reveal advice, proposals, recommendation, analyses, or policy options developed by or for McMan;
- e. Harm McMan’s economic interests;
- f. Reveal information related to testing or auditing procedures;

- g. Reveal legally privileged information; or
- h. Reveal information that is or will be available to the public within a specified time.

Note: McMan must disclose without delay, to the public, a group of people, an individual or an applicant, information McMan has about a risk of significant harm to the environment or to the health and safety of the public, a group of people, an individual or an applicant.

Recording Expressed Wishes

An individual may specifically request NOT to have their personal information disclosed to any specific recipient.

McMan records, signs, and dates any express wishes from the individual and holds that record where it can be located and reviewed by authorized employees when required. The notation includes the date the individual made the request, the specific person(s) who are restricted from receiving the information, the specific type of information that is not to be disclosed, who at McMan received the request, and the name of the individual who made the notation.

Authentication Of Recipient

McMan employees take reasonable steps to verify the identity of the individual applicant, or their authorized representative before disclosing health information. This may involve looking at a driver's license or health card or asking for a copy of such documents as a guardianship order, power of attorney, personal directive, or letters of administration for an estate.

PROCEDURES

Requests For Access to Information

1. Requests from an individual (the "applicant") to access basic personal information about themselves (e.g., contact information, dates, and times) are handled as a routine release of information.
2. An individual may request access to another person's information only if they have signed consent of the person or if they can prove they are the person's authorized representative. Oral applications will be accepted if the applicant has a physical disability or if his or her command of English is limited. These special applications must be completed through the Privacy Officer.
3. Individuals making routine or formal requests may be required to provide sufficient information for the purpose of verifying their identity and authorizing access to the information. Any such information provided shall be used for these purposes only.
4. Formal requests for access to information that may involve review and redacting must be in writing to McMan Privacy Officer or designate. The Privacy Officer or designate determines what type of information the applicant is requesting and follows the procedure for each type of information.
5. Requests for access to personal information under the control of McMan are processed according to the guidelines contained in this procedure.

6. Requests for access to personal information not under the control of McMan, but under the control of a funding body, as a result of contractual agreements, are forwarded to the appropriate funder, such as Alberta Health Services or the Ministry of Children's Services, for processing and response.

Personal Information Under the Control of McMan

7. Within fifteen (15) calendar days of receipt by McMan, requests for information may be transferred to a public body if the records were produced by or for the public body; the public body was the first to obtain the record; or the record is in the custody or control of the public body. McMan notifies the applicant and the public body of the transfer.
8. McMan does not charge applicants for access to their own personal information. However, fees may be charged for reproduction, transcription, or transmission of information, only when the costs for photocopying records exceed \$10.00. The Privacy Officer will develop an estimate of the fees and provide it to the applicant and McMan may require the individual to pay a deposit of 50% of the estimated fees before the records are processed. The applicant may decide to either have the process completed at the estimated cost or cancel their application.
9. McMan responds to formal requests for access to information within thirty (30) calendar days of receipt of the request. This 30-day process includes receiving the response, reviewing it, determining the type of information sought, requesting the responsive records from affected departments, severing the records if any of the specific and limited exceptions in FOIP apply and providing copies of the records to the applicant. However, FOIP provides for time extensions under limited and specific circumstances. Individuals will be notified of any time delays.
10. McMan conducts consultations with third party businesses and individuals when, pursuant to an access request, McMan is considering releasing information about those third parties. The third parties are provided with a description of the information that may be released and detailed timelines and instructions under which the third party is to provide a response to McMan.
11. Having completed a review of the records, the Privacy Officer ensures that information subject to any of the exceptions to access is removed from the record prior to the record being disclosed to the applicant. The applicant is advised that information has been excepted from access, and under what exception to access, with sections of FOIP referenced for information governed by FOIP as a result of contractual agreements.
12. Requested information will be provided in a form that is generally understandable. McMan will endeavor to explain the meaning of the content, codes and abbreviations included in the applicant's record to the extent that it is reasonably practical.
13. When requested to provide an account of third parties to whom it has disclosed personal information about an individual, McMan will be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, McMan will provide a list of organizations to which it is likely to have disclosed information.
14. In some situations, records will not be copied or generated but applicants will have the opportunity instead to review records in person. To preserve the integrity of the record and ensure that

documents are not removed from McMan, an individual wishing to view an original record will do so under the supervision of designated McMan personnel.

Individual Requests to Correct or Amend Personal Information

15. Requests from individuals to correct / amend information about themselves (e.g., change of name or address) are handled as a routine correction of information.
16. Formal requests to correct or amend information subject to review must be in writing to the McMan Privacy Officer or designate. An individual may request the correction of another person's information only if they have that person's signed consent or they can prove they are the person's authorized representative.
17. All formal requests must be accompanied by appropriate documentation to support the request before McMan will amend the information as required and as appropriate. Generally, McMan will not amend professional opinions that are made by employees that have the competency to make them. If amendments are made, the original information must not be deleted but retained and marked as incorrect, for example, by crossing out. The amended information will be transmitted to parties relying on the information, as appropriate.
18. McMan responds to formal requests for correction of personal information within thirty (30) calendar days of receipt of the request.
19. McMan informs the individual in writing of the refusal or acceptance of the request, the reason(s) for the refusal, and any recourse the individual may have to challenge McMan's decision in accordance with HR-2-5 Complaint and Allegation Resolution and Appeal Process.
20. If the individual is not satisfied with the results of their request, McMan internally documents the issue in the relevant record(s) and provides a response. The applicant may also submit a letter of disagreement that is retained with the documentation. The existence of the unresolved challenge will be transmitted to parties relying on the information, as appropriate.

Extensions To Time Limits for Responding to A Request

21. The response time may be extended to 60 calendar days if:
 - a. The request does not provide enough detail to identify the records requested;
 - b. The volume of records is large and providing a response sooner would unreasonably interfere with the operations of McMan;
 - c. More time is needed to consult with a public body or third party before responding; or
 - d. McMan has obtained the permission of the Privacy Commissioner of Alberta.
22. If the response time is extended, McMan shall explain to the applicant the reasons for the extension, when a response can be expected, and that the applicant may make a complaint to the Privacy Commissioner of Alberta about the extension.

Individual Challenges to Request Responses

Individuals are encouraged to bring any concerns or issues concerning responses to requests and compliance with this policy to the Privacy Officer for discussion and mediation. Should an individual have issues or concerns with the actions of the Privacy Officer, communications should be directed to the Executive Director. For all requests, applicants will be advised of their right to request a formal review of the access process and the records by the Office of the Information and Privacy Commissioner of Alberta. Requests for review by the regulator must be made within 60 calendar days of the final response.

APPENDICES

Appendix 35 - Request Form for Access to and Correction of Personal Information

Appendix 36 - Fee Schedule