

**Section 7.1: Disclosure of child and Family Programs Information**

**7.0 General Application Policies and Protocols**

**7.1 Disclosure of Child and Family Programs Information**

**Legislative Authority**

*The Child and Family Services Act, Section 74*

*The Adoption Act, 1998, Sections 29 & 30*

**Introduction**

Child and Family Programs (CFP) gathers personal information regarding children and families under the authority of *The Child and Family Services Act and The Adoption Act, 1998*. This information is highly sensitive and personal, and each individual's right to privacy must be protected.

Disclosure of any of the very personal and sensitive information gathered and maintained by the Ministry requires application of the utmost rigor to ensure the protection of privacy. At the same time, the Ministry understands the need to share information where required to provide timely, responsive supports and services to children and their families.

Section 74 of *The Child and Family Services Act* and section 29.4(3) of *The Adoption Act, 1998* set out a general duty of confidentiality with exceptions where disclosure is permitted.

***The Child and Family Services Act, Section 74:***

The duty of confidentiality set out in Section 74 of *The Child and Family Services Act* applies to:

- all CFP officers or employees or other employees who provide services to CFP (e.g. administrative support);
- foster parents;
- community-based organizations that assist with the administration of *The Child and Family Services Act*, e.g. Mobile Crisis Services; and
- members of boards of directors of First Nations Child and Family Services Agencies and officers and employees of First Nations Child and Family Services Agencies.

Child and Family Programs information cannot be disclosed *unless*:

- required to carry out the intent of *The Child and Family Services Act*;

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- the information relates to a child and is being disclosed to the guardian, parent or foster parent of that child or to the child to whom the information relates;
- the purpose is to fulfill a request for information from someone entitled to receive it (e.g. wards or foster parents requesting their own file information);
- the Minister authorizes the release of information. In such instances, the benefit of the disclosure must clearly outweigh any invasion of privacy that could result from the release (e.g. a safety issue, such as may be identified at a Hub committee). In these instances, established procedures must be followed (see 7.1.12);
- as per provisions included in the *Child and Family Services Amendment Act 2016*, allow the Ministry to disclose information without consent to contribute to integrated case planning forums and service coordination when client health and/or safety is considered to be at risk.

***The Adoption Act, 1998, Section 29.4(3):***

The duty of confidentiality set out in section 29.4(3) of *The Adoption Act, 1998* applies to:

- the director;
- every person who provides services under the Act.

Adoption information cannot be disclosed *unless*:

- required or permitted in connection with the administration of the Act or Regulations or the provision of services pursuant to the Act or the Regulations;
- as required for adoption proceedings;
- with the written consent of the Minister.

**Privacy Breach**

A privacy breach occurs when information is wrongfully disclosed such as in the following examples:

- information is shared verbally or in writing with individuals who do not need to know the information (e.g. discussions about clients with someone who is not involved in the case);
- information is left for others to see (e.g. files left on desk, computer left open); or

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- information is sent to the wrong recipient (e.g. sending a fax to the wrong number, or inadvertently sending the wrong file information to a recipient).

All incidents of identified or alleged privacy breaches within the Ministry or by the Ministry's service delivery partners (i.e. CBOs, IT service provider or other Ministries) will be reported to Legislation and Information Management immediately.

Legislation and Information Management will:

- Determine the steps to be taken to mitigate risk as well as reduce the likelihood of a similar incident;
- Assist with the notification process to notify affected individuals of the breach and steps taken to mitigate risk and protect their information;
- Assist in the completion of investigations on all incidents following the approved Privacy Breach Guidelines.