

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p>POLICY</p>	<p align="center">REGIONAL</p> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		<p>Level:</p> <p align="center">1</p>
	<p>Policy Name:</p> <p align="center">Correction of Personal Information under <i>The Freedom of Information and Protection of Privacy Act</i></p>	<p>Policy Number:</p> <p align="center">10.40.200</p>	<p>Page</p> <p align="center">1 of 3</p>
	<p>Approval Signature:</p> <p align="center"><i>Original Signed by M. Nader.</i></p>	<p>Section:</p> <p align="center">GENERAL ADMINISTRATION</p>	
	<p>Date:</p> <p align="center">January 1, 2022</p>	<p>Supersedes:</p> <p align="center">May 2019</p>	

Language used within this Policy, particularly discretionary language, is reflective of the terms used in *The Freedom of Information and Protection of Privacy Act* (Manitoba).

1.0 **PURPOSE:**

- 1.1 To establish procedures to enable Individuals to request a correction to their Personal Information as set out under *The Freedom of Information and Protection of Privacy Act* ("FIPPA").
- 1.2 To establish procedures to process requests to correct Personal Information and to accept or refuse those requests.

2.0 **DEFINITIONS:**

- 2.1 Applicant: means a person who makes a request for access to a Record. For the purpose of access to and correction of Personal Information, Applicant includes Persons Authorized to Exercise the Rights of Another Person.
- 2.2 Employees and Persons Associated with the Public Body: means all contracted persons, volunteers, students, researchers, medical staff, educators, members of the Board of Directors, Information Managers, employees, or agents of any of the above or other health agencies.
- 2.3 FIPPA Access and Privacy Coordinator: means any employee of a Public Body to whom the head has delegated a duty or power under Section 81 of *FIPPA*. The delegate is responsible for receiving applications for access to records and for the day-to-day administration of the Act. At the WRHA, the FIPPA Access and Privacy Coordinator is the Chief Privacy Officer.
- 2.4 FIPPA Access and Privacy Officer: means the Individual at the Public Body who is responsible for overall direction of access to information and protection of privacy functions. At the WRHA, the FIPPA Access and Privacy Officer is the President and Chief Executive Officer.
- 2.5 Individual: means the natural person (human being) the information is about. For the purpose of collection, Use and Disclosure of Personal Information, includes Persons Authorized to Exercise the Rights of Another Person.

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- 2.6 Information Manager: means a person or body that:
- processes, stores or destroys Personal Information for a Public Body; or
 - provides information management or information technology services to a Public Body.
- 2.7 Maintain: means in relation to Personal Information, to have custody or control of the information.
- 2.8 Persons Authorized to Exercise the Rights of Another Person: means
- any person with written authorization from the Individual to act on the Individual's behalf;
 - a committee appointed for the Individual under *The Mental Health Act* or a substitute decision maker appointed for the Individual under *The Vulnerable Persons Living with a Mental Disability Act*, if the exercise of the right or power relates to the powers and duties of the committee or substitute decision maker;
 - by an attorney acting under a power of attorney granted by the Individual, if the exercise of the right or power relates to the powers and duties conferred by the power of attorney;
 - the parent or guardian of a minor when, in the opinion of the head of the Public Body concerned, the exercise of the right or power by the parent or guardian would not constitute an unreasonable invasion of the minor's privacy; or
 - if the Individual is deceased, his or her Personal Representative if the exercise of the right or power relates to the administration of the Individual's estate.
- 2.9 Personal Information: means recorded information about an identifiable Individual, including:
- the Individual's name;
 - the Individual's address, telephone or facsimile number or e-mail address;
 - information about the Individual's age, sex, sexual orientation, marital or family status;
 - information about the Individual's ancestry, race, colour, nationality, or national or ethnic origin;
 - information about the Individual's religion or creed, or religious belief, association or activity;
 - personal health information about the Individual;
 - the Individual's blood type, fingerprints or other hereditary characteristics;
 - information about the Individual's political belief, association or activity;
 - information about the Individual's education, employment or occupation, or educational, employment or occupational history;
 - information about the Individual's source of income or financial circumstances, activities or history;
 - information about the Individual's criminal history, including regulatory offences;
 - the Individual's own personal views or opinions, except if they are about another person;

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- the views or opinions expressed about the Individual by another person; and
- an identifying number, symbol or other particular assigned to the Individual.

2.10 **Public Body:** means

- (a) a department;
- (b) a government agency;
- (c) the Executive Council Office;
- (d) the office of a minister; or
- (e) a local Public Body, consisting of:
 - an educational body (a school division or school district established under *The Public Schools Act*, The University of Manitoba, The University of Winnipeg, Brandon University, University College of the North, Université de Saint-Boniface, St. Paul's College, St. John's College, a college as defined in section 1 of *The Advanced Education Administration Act*, and any other body designated as an educational body in the FIPPA Regulations;
 - a health care body; and
 - a local government body.

Within the WRHA, this means any community health services and all Winnipeg hospitals.

2.11 **Record:** means a Record of information in any form, and includes information that is written, photographed, Recorded or stored in any manner, on any storage medium or by any means including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.

2.12 **Third Party:** means a person, group of persons, business or organization other than the Applicant or the Public Body.

3.0 **POLICY:**

3.1 The Public Body shall Maintain and adhere to standards to ensure the right of Individuals to request a correction to their Personal Information previously accessed by the Individual.

3.2 Employees or Persons Associated with the Public Body who receive a verbal or written request from a person for the correction of Personal Information shall make the requested correction.

3.3 This policy is not relevant for corrections of a clinical Record under *The Mental Health Act* or personal health information under *The Personal Health Information Act*.

3.4 All responses shall be in the language of the originating request.

4.0 **PROCEDURE:**

4.1 The Access and Privacy Coordinator shall:

4.1.1 Obtain the request in writing if the request has been made verbally.

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- 4.1.2 Review the request in conjunction with the appropriate Employee or Persons Associated with the Public Body, estimate the time required to respond to the request and notify the Individual that the time will be extended if the request cannot be completed in 30 days.
- 4.1.3 If assistance is required to respond to the request, Employees or Persons Associated with the Public Body shall contact the FIPPA Access and Privacy Coordinator as soon as reasonably possible.
- 4.1.4 Make the requested correction and notify the Individual in writing of the correction.
- 4.1.5 Inform the Individual in writing if and when the request is refused, that the request is refused in whole or in part, the reason for the refusal, advise the Individual of their right to add a statement of disagreement, and of their right to make a complaint about the refusal to the Provincial Ombudsman.
- 4.1.6 Add the notice of correction to any Record of that information Maintained by the Public Body.
- 4.1.7 Notify, where practicable, any other Public Body or Third Party to whom the Personal Information has been disclosed within the past year that the correction was made or the request for correction has been added to the Record.

5.0 REFERENCES:

The Freedom of Information and Protection of Privacy Act

Policy Contact: Christina Von Schindler, Chief Privacy Officer and FIPPA Access and Privacy Coordinator.