

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p><b>POLICY</b></p>	<p><b>REGIONAL</b></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>		Level:  1
	Policy Name:  <b>Correction of Personal Information under <i>The Freedom of Information and Protection of Privacy Act</i></b>	Policy Number:  10.40.200	Page  1 of 3
	Approval Signature:  <i>Original signed by A. Wilgosh</i>	Section:  <b>GENERAL ADMINISTRATION</b>	
	Date:  April 2010	Supercedes:  New	

## 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:** 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 **FIPPA Access and Privacy Coordinator:** Is the individual at the Public Body who is responsible for receiving FIPPA Applications for Access to Information, requests for corrections to Personal Information and for the day-to-day administration of FIPPA. At the WRHA, the FIPPA Access and Privacy Coordinator is the Chief Privacy Officer.
- 2.3 **FIPPA Access and Privacy Officer:** 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 Chief Executive Officer.
- 2.4 **FIPPA Head:** The person or group of persons designated under FIPPA as the Head of a Public Body. The Head is responsible for all decisions and actions of the Public Body under FIPPA. The Head may delegate duties of power of the Head. At the WRHA, the FIPPA Head is the Board Chair.
- 2.5 **Individual:** 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.
- 2.6 **Information Manager:** A person or body (corporation, business, or association) that processes, stores or destroys Personal Information for the Public Body or provides information management or information technology services for the Public Body.

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- 2.7 Maintain: In relation to Personal Information, to have custody or control of the information.
- 2.8 Personal Information: Recorded information about an identifiable Individual including:
- (a) the Individual's name;
  - (b) the Individual's home address, or home telephone, facsimile or e-mail number;
  - (c) information about the Individual's age, sex, sexual orientation, marital or family status;
  - (d) information about the Individual's ancestry, race, colour, nationality, or national or ethnic origin;
  - (e) information about the Individual's religion or creed, or religious belief, association or activity;
  - (f) personal health information about the Individual;
  - (g) the Individual's blood type, fingerprints or other hereditary characteristics;
  - (h) information about the Individual's political beliefs, association or activity;
  - (i) information about the Individual's education, employment or occupation, or educational, employment or occupational history;
  - (j) information about the Individual's source of income or financial circumstances, activities or history;
  - (k) information about the Individual's criminal history, including regulatory offenses;
  - (l) the Individual's own personal views or opinions, except if they are about another person;
  - (m) the views or opinions expressed about the Individual by another person; and
  - (n) an identifying number, symbol or other particular assigned to the Individual.
- 2.9 Persons Associated with the Public Body: Includes all contracted persons, volunteers, students, researchers, WRHA medical staff, educators, members of the Board of Directors, Information Managers, employees, or agents of any of the above.
- 2.10 Persons Authorized to Exercise the Rights of Another Person includes:
- (a) any person with written authorization from the Individual to act on the Individual's behalf;
  - (b) 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;
  - (c) 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;
  - (d) 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
  - (e) 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.
- 2.11 Public Body: means a local Public Body such as an educational body, a health care body, and a local government body. Within the WRHA means any Community Health Services and all the Winnipeg hospitals.

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- 2.12 Record: 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.
- 2.13 Staff: All persons employed by the WRHA facilities, or WRHA funded facilities, as well as members of the medical staff, volunteers, board members, students and others associated through contracts.
- 2.14 Third Party: 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 Staff 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. If assistance is required to respond to the request, contact the FIPPA Access and Privacy Coordinator as soon as reasonably possible.
- 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.
  - 4.1.2 Review the request in conjunction with the appropriate Staff of the Public Body, estimate the time required to respond to the request and notify the Applicant that the time will be extended if the request cannot be completed in 30 days.
  - 4.1.3 Make the requested correction and notify the Applicant of the correction.
  - 4.1.4 Inform the Applicant 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 that the request for correction has been added to the Record and of their right to make a complaint about the refusal to the Provincial Ombudsman.
  - 4.1.5 Add the notice of correction to any Record of that information Maintained by the Public Body.
  - 4.1.6 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

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Record.

## 5.0 REFERENCES:

*The Freedom of Information and Protection of Privacy Act*

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