


Chapter:	<b>Access and Disclosure of Information</b>	Classification:	<b>Public Document</b>
Subject:	<b>Access and Disclosure of Information - General</b>		
For:	<b>Entire Division</b>	 Authorized by Executive Director	

## 1. Policy

- 1.1 Communication, with respect to the division's operations and offenders, is confidential unless classified as a Public Document in accordance with Policy and Procedures, Subject No. 3.00.00, *Information Management- General*.


## 2. Purpose

- 2.1 The purpose of all policies and procedures respecting access and disclosure of information and confidentiality is to
- 2.1.1 ensure compliance with all applicable legislation
  - 2.1.2 ensure an individual's rights to privacy have been observed
  - 2.1.3 protect staff from allegations of a breach of confidentiality or privacy
  - 2.1.4 maintain and promote the safety and security of the individuals in custody or under community supervision and the workplace
  - 2.1.5 ensure employees avoid conflict of interest

## 3. Authorities

- 3.1 The sharing and releasing of information by all staff in response to requests for such information will occur in accordance with
- 3.1.1 *Youth Criminal Justice Act*
  - 3.1.2 *Freedom of Information and Protection of Privacy Act*
  - 3.1.3 *Correctional Services Act, and its Regulations*
  - 3.1.4 *Correctional Services Personal Regulations and Professional Code of Conduct*
  - 3.1.5 *Correctional Services Policy and Procedures*
  - 3.1.6 such other legislation or government policies as may be established from time to time

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#### **4. General Provisions for Release of Information**

- 4.1 Staff are authorized to release information to
  - 4.1.1 the court for sentencing or review of sentence
  - 4.1.2 administer the sentence
  - 4.1.3 other provincial, territorial or federal correctional jurisdiction upon transfer of the offender
  - 4.1.4 respond to a court subpoena
  - 4.1.5 comply with the provisions of the *Sharing of Health Information Regulations* in accordance with the *Correctional Services Act*
  - 4.1.6 comply with the *Identification of Criminals Act*
- 4.2 Requests for file information from an individual in custody or under community supervision or their representative will be processed in accordance with Policy and Procedures, Subject No. 4.01.00, [Access and Disclosure of Information - Freedom of Information and Protection of Privacy Act \(FOIPOP\)](#). The individual may only consent to the release of their own personal information and not third-party information that may be contained on the file.
- 4.3 Where the Information and Privacy Administrator determines a FOIPOP request is not required, the individual will sign a Request/Release of Information ([4.00.00-A](#)), before any information is released.

#### **5. Health Records**

- 5.1 Individuals in custody requesting a release of health records will be referred to health care to obtain and complete the appropriate form.
- 5.2 Requests of health records for legal purposes will be referred to the Nova Scotia Health Authority (NSHA) or the IWK Youth Clinical and Forensic Services delegate.
- 5.3 When a request is received for health information prior to 2001, the superintendent or delegate will advise the requestor to submit a Freedom

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of Information and Protection of Privacy (FOIPOP) request in order to access the records.

## 6. Employment Documents

- 6.1 Correctional Services staff are prohibited from removing documents from their workplace without prior authorization from their immediate supervisor.
- 6.2 Staff authorized to remove employment documents from their workplace will transport and store the information in a manner which ensures confidentiality.

## 7. Legal Clarification

- 7.1 Situations governed by conflicting or seemingly contradictory legislation or policies will be referred to the Legal Services Division of the Department of Justice in accordance with Policy and Procedures, Subject No. 1.10.00, [Legislation and Policy - Legal Clarification and Assistance](#).

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