



Team Name: Health Information Services	Reference Number: ORG.1411.PL.411
Team Lead: Regional Officer - Privacy & Access	Program Area: Health Information Services
Approved by: VP – Corporate Services	Policy Section: Privacy & Access
Issue Date: February 5, 2019	Subject: Information and Sharing under <i>The Protecting Children (Information Sharing) Act</i> (PCISA)
Review Date:	
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POLICY SUBJECT:

Information and Sharing under *The Protecting Children (Information Sharing) Act* (PCISA).

PURPOSE:

The purposes of this policy are to:

- Provide guidance to staff members regarding the sharing of Personal Health Information under *The Protecting Children (Information Sharing) Act*, ensuring compliance with the legislation.
- More broadly, to enable Service Providers to easily share appropriate information with each other with the goal of improving outcomes for children and adolescent clients.

BOARD POLICY REFERENCE:

Executive Limitation (EL-02) Treatment of Clients

POLICY:

Southern Health-Santé Sud is committed to engaging in collaborative care for clients within the parameters of our client-centered confidential services.

Southern Health-Santé Sud is committed to practices compliant with *The Protecting Children (Information Sharing) Act*.

This policy, in compliance with *The Child and Family Services Act (Manitoba)* and *the Youth Criminal Justice Act (Canada)*, applies to all Southern Health-Santé Sud programs and services, including program and/or clinical supervisors, counsellors, and staff otherwise authorized to share client information with third parties.

DEFINITIONS:

“Client-Centered Care” means:

- an approach that fosters respectful, compassionate, culturally appropriate, and competent care that is responsive to the needs, values, beliefs, and preferences of clients and their family members. Client-centered care supports mutually beneficial partnerships between clients, families, and health care Service Providers.
- client- and family-centered care shifts providers from doing something *to* or *for* the client, where the health care provider’s perspective is dominant, to doing something *with* the client, so the health care provider and the client have a true partnership.

Guardian means a person, other than a parent of a child, who has been appointed Guardian of the child by a court of competent jurisdiction or to whom guardianship has been surrendered under section 16 of *The Child and Family Services Act*.

Service Provider means

- a provincial government department (e.g. Manitoba Justice including Probation Services);
- a child and family services agency;
- an authority under *The Child and Family Services Act*;
- a school division or school district established under *The Public Schools Act* or a private school as defined in *The Education Administration Act*;
- a police service as defined in *The Police Services Act* or the Royal Canadian Mounted Police, or;
- any other person or organization that receives funding from the provincial government or a provincial government agency to provide services or benefits for supported children (e.g. Regional Health Authorities, schools, foster parents, community organizations such as Macdonald Youth Services, etc.), except as provided in *The Protecting Children (Information Sharing) Regulation*.

Supported Child means a child under the age of 18

- who is in the care of a child and family services agency;
- who is receiving or whose family is receiving programs or services from a child and family services agency;
- who has or is eligible to have an individual education plan under *The Public Schools Act*;
- who is receiving or is entitled to receive mental health services or addiction services provided by or on behalf of a public body as defined in *The Freedom of Information and Protection of Privacy Act* or a health care facility as defined in *The Personal Health Information Act*;
- who is receiving or is entitled to receive disability services provided by or on behalf of the government;
- who is receiving or whose family is receiving victim support services provided by or on behalf of the government;
- who is receiving services under *The Correctional Services Act* for children in custody or under supervision, or;
- who is provided for in *The Protecting Children (Information Sharing) Regulation*.

Trustee means a health professional, health care facility, public body, or health services agency that collects or maintains Personal Health Information as defined in PHIA. A Trustee may also be a Service Provider under the PCISA.

PROCEDURE:

Confidentiality and Informed Consent

- A cornerstone of clinical practice is confidentiality.
- Southern Health-Santé Sud programs working with adult, children and adolescent clients, and the parents/Guardians of children and adolescent clients should:
 - explain the limits of confidentiality as early as possible; and
 - in an on-going way, discuss, explain, request, and obtain informed consent before exchanging client information with third parties, with limited exceptions.

Collaborative Client-Centered Care

- Collaborative care can improve outcomes for clients.
- Southern Health-Santé Sud programs engage in collaborative care within the context of providing client-centered services.

Legislated Authorization to Collect & Use Information Under *The Protecting Children (Information Sharing) Act*

- *The Protecting Children (Information Sharing) Act* allows the collection and use of information for the purpose of providing or planning for the provision of services or benefits to a Supported Child, as follows:
 - a Service Provider may collect Personal Information or Personal Health Information about the Supported Child or the child's parent or Guardian from another Service Provider; and
 - a Service Provider may collect Personal Health Information about the Supported Child from a Trustee; and
 - a Service Provider may use the information for the purpose of providing or planning for the provision of services or benefits to the child.

Legislated Authorization to Share Information under *The Protecting Children (Information Sharing) Act*:

- *The Protecting Children (Information Sharing) Act* allows (but does *not* mandate) Southern Health-Santé Sud to share information for the purpose of providing or planning services or benefits to a Supported Child as follows:
 - A Service Provider may share person information and Personal Health Information about a Supported Child with another Service Provider.
 - A Service Provider may share Personal Information and Personal Health Information about a parent or Guardian of a Supported Child to another Service Provider.
 - A Trustee may share Personal Health Information about a Supported Child to another Trustee or Service Provider.

- A Trustee, that is not a Service Provider, is not authorized to share information about a parent or Guardian, except where consent is provided by the parent or Guardian
- The authority to share information under *The Protecting Children (Information Sharing) Act* is in addition to that already found in *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA).
- The authority to share information under *The Protecting Children (Information Sharing) Act* does not extend to information for which the disclosure is explicitly prohibited by another law, including *The Child and Family Services Act* (Manitoba) the *Youth Criminal Justice Act* (Canada).

***The Protecting Children (Information Sharing) Act* Requirements for Service Providers that Share & Collect information:**

- When either submitting or receiving a request for Personal Information or Personal Health Information under *The Protecting Children (Information Sharing) Act*, Service Providers and Trustees must ensure that the sharing of information is:
 - in the Supported Child’s best interests;
 - necessary to plan or provide services or benefits to a Supported Child;
 - limited to the minimum amount of information needed for the purpose; and
 - not prohibited by another act, such as *The Child and Family Services Act* (Manitoba) and the *Youth Criminal Justice Act* (Canada).
- When sharing or collecting information under *The Protecting Children (Information Sharing) Act*, Service Providers and Trustees must:
 - include relevant information about the strengths of the Supported Child and his or her parents or Guardians, where available; and
 - take reasonable steps to ensure that the information is accurate and not misleading (e.g. confirm that the information is relevant and up-to-date); and
 - consult with their supervisor prior to sharing information without consent under *The Protecting Children (Information Sharing) Act*. The consultation will be guided by the parameters set out in Southern Health-Santé Sud’s *The Protecting Children (Information Sharing) Decision Making Tool* (ORG.1411.PL.411.SD.01).

Determining Whether Information Sharing is in the Supported Child’s Best Interests

- When determining whether sharing information is in the Supported Child’s best interests, consider the following clinical and ethical perspectives:
 - whether the potential for sharing information, without consent, was included in the ‘Limits to Confidentiality’ discussed with the client;
 - what the potential implications (positive and negative) are of sharing or not sharing, without consent;
 - whether the sharing of information will, or is likely to:
 - help the Supported Child access appropriate resources;
 - improve the quality of services and outcomes for the Supported Child;
 - enhance informed decision making about services or benefits that are being or will be provided to the Supported Child or his/her family;

- prevent the Supported Child from ‘falling through the cracks’ between systems or services.

Sharing Information about the Disclosure with Supported Child or their Parent/Guardian

- To engage the Supported Child and his/her family, information about the disclosure may be shared with the Supported Child or his/her parent/Guardian, if:
 - the Service Provider or Trustee is of the opinion that providing the information is in the child’s best interests;
 - the Service Provider or Trustee is not explicitly prohibited by another law, including the Youth Criminal Justice Act (Canada), from disclosing the information; and
 - in the case of providing information to a child,
 - the child is 12 years of age or older, and
 - the information is provided in a manner that is appropriate to the child’s age and understanding.

Documentation

- Whenever there is collection or a disclosure of Personal Information or Personal Health Information, without consent, under *The Protecting Children (Information Sharing) Act*, a record of the disclosure must be made in the client’s health record. When completed, Southern Health-Santé Sud’s The Protecting Children (Information Sharing) Act Information Request Form (ORG.1411.PL.411.FORM.01) is the record of disclosure.
- Documentation must include the date, who disclosed, to whom, the information shared or collected, consultation if applicable, the purpose of the disclosure, and that the disclosure was authorized under *The Protecting Children (Information Sharing) Act*. See Southern Health-Santé Sud’s The Protecting Children (Information Sharing) Decision-Making Tool (ORG.1411.PL.411.SD.01) and Southern Health-Santé Sud’s *The Protecting Children (Information Sharing) Act* Information Request Form (ORG.1411.PL.411.FORM.01).

Response Time to a Request

- There is no legislated time frame for sharing information under *The Protecting Children (Information Sharing) Act*. The child’s best interest should be paramount when making the decision to share Personal Information or Personal Health Information and considerations given to the child’s well-being and safety when assessing whether sharing can occur with or without delay.

SUPPORTING DOCUMENTS:

[ORG.1411.PL.411.FORM.01](#) - *The Protecting Children (Information Sharing) Act* Information Request Form

[ORG.1411.PL.411.SD.01](#) - *The Protecting Children (Information Sharing) Act* Decision Making Tool

[ORG.1411.PL.411.SD.02](#) - Question & Answer Guide for *The Protection of Children (Information Sharing) Act*

REFERENCES:

[ORG.1411.PL.001.SD.01](#) - FIPPA Definitions

[ORG.1411.PL.502.SD.01](#) - PHIA Definitions

Accreditation Canada

Government PCISA Website: <http://www.gov.mb.ca/informationsharingact/service-providers.html>

The Freedom of Information and Protection of Privacy Act C.C.S.M. c. F175

The Personal Health Information Act C.C.S.M. c. P33.5

The Protecting Children (Information Sharing) Act S.M. 2016, c. 17

The Protecting Children (Information Sharing) Regulation 121/2017