

**Operational
Policy**

Section

Access to Claim File Information

Subject

**Disclosure of Claim File Information to Health Care
Providers, Work Transition Providers, and Research Entities**

Policy

All claim file information is considered personal information under the *Freedom of Information and Protection of Privacy Act* (FIPPA) and may be disclosed in limited circumstances in accordance with various exceptions listed in FIPPA. These exceptions permit disclosure of personal information to health care providers, work transition (WT) service providers, and research entities, (for the purposes of this policy collectively known as “WSIB service providers,”) where

- the consent of the person to whom the information relates has been obtained
- such disclosure is consistent with the purpose for which the information was collected, or
- disclosure is to a research entity following a formal written Freedom of Information request.

If disclosure of personal information is allowed, the responsible WSIB employee takes steps to limit the disclosure to the information that is necessary to meet the requirements of FIPPA and the *Workplace Safety and Insurance Act, 1997* (WSIA).

Purpose

The purpose of this policy is to set out what claim file information the WSIB may disclose to WSIB service providers.

Guidelines

This document should be read in conjunction with 21-02-01, Disclosure of Claim File Information - General.

Definitions

Health care providers for the purpose of this policy include, but are not limited to

- treating health care practitioner
- regional evaluation centre (REC)
- community clinic
- specialty clinic
- physiotherapist
- occupational therapist
- psychiatrist/psychologist, and
- non-economic loss (NEL) assessment physician.

WT service provider means a person, group of persons or firm that provides a range of WT services including, but not limited to

- vocational/functional assessments
- employment placement and retention services
- education and training services.

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For further information regarding WT services, see 19-03-03, Determining Suitable Occupation, and 19-03-05, Work Transition Plans.

Research entity means a person, group of persons, or firm that does research in the fields of occupational health and safety/workplace insurance, as well as conducts satisfaction surveys and focus groups. Generally, such research entities are incorporated as not-for-profit organizations and are overseen by a Research Ethics Board. An example would be the Institute for Work and Health.

Disclosure of claim file information—regular WSIB business

The relevant FIPPA exceptions allowing the WSIB to disclose personal information contained in claim files, to WSIB service providers during the conduct of its day-to-day business, can be summarized as follows:

Consent

Disclosure to WSIB service providers is allowed if the individual about whom the information relates consents to the disclosure. Where consent is received, the responsible WSIB employee ensures that such consent is

- valid, i.e., actually provided by or on behalf of the individual, and
- provided verbally or in writing.

No consent required**Purpose of collection and consistent purpose**

A specific FIPPA exception allows for the disclosure of personal information that has been obtained indirectly, (i.e., from someone other than the worker), where such disclosure is for

- the purpose for which the information was collected, or
- a purpose consistent with (reasonably compatible with) this purpose.

Where personal information has been obtained **directly** from the worker, disclosure is generally allowed if it is

- for the purpose for which the information was collected, or
- for a consistent purpose, **and**
- the worker might reasonably have expected such disclosure.

For more information on collection purposes, consistent purposes, and workers' reasonable expectations, see 21-02-01, Disclosure of Claim File Information - General.

Disclosure to WT service providers

Examples of appropriate disclosure to a WT service provider for a collection purpose or a consistent purpose are where personal information is disclosed to the WT service provider for the purpose of allowing the WT service provider to perform a vocational or functional

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assessment and/or complete a WT plan. The personal information disclosed in such circumstances would normally include the worker's

- name, address, telephone number and date of birth
- functional abilities information
- pre-injury job description, and
- pre-injury wage information.

Disclosure to health care providers

Examples of appropriate disclosure to health care providers for a collection purpose or a consistent purpose are where personal information is disclosed to

- a NEL assessment physician for the purpose of allowing the physician to perform a NEL assessment, or
- a REC for the purpose of allowing the REC to perform a clinical evaluation and to provide the WSIB with recommendations to assist it in planning appropriate health care interventions and supporting a worker's work reintegration.

NOTE

How much information should be disclosed in any given case will depend largely on who is receiving the disclosure, and the purpose for which it is being disclosed. For example, disclosure to a treating health care provider may include entire health care reports, while disclosure to a NEL assessment physician would only include relevant portions of the health care information.

Disclosure by WT service providers

All of the contractual agreements that the WSIB has entered into with its WT service providers contain terms that require all WT service providers to

- honour the confidentiality of all information they receive related to a worker's claim, and
- disclose a worker's personal information only to those persons who require access to it to perform the WT provider's obligations and who have agreed to comply with the privacy requirements in the WSIB's agreement with the WT service provider.

The WSIB, the worker and the employer (when participating) receive copies of WT assessment documentation.

If a WT service provider receives a request for information concerning a worker from any other person, such request must be directed to the WSIB. The WSIB then discloses or withholds the information based on who is making the request, and the purpose for which the information is being requested.

Disclosure by health care providers

Health care providers that provide reports to the WSIB are required to follow the disclosure rules that apply to them. If a worker requests a copy of his or her report(s) directly from a

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health care provider, in most cases such disclosure rules do allow the person or entity to disclose his, her or its report(s) to the worker, upon the worker's request.

Disclosure to research entities—formal Freedom of Information requests

Entities requesting personal information for research purposes must make a formal Freedom of Information request to the WSIB under the authority of FIPPA. All such requests should be in writing and directed to the WSIB Privacy Office.

Before disclosing any personal information to a research entity, the WSIB Privacy Office ensures that

- the research project has been submitted for ethics review
- the researcher will not use the personal information for any purpose other than the designated research purpose
- the researcher keeps the information in a physically secure location to which access is given only to authorized persons
- the researcher will destroy all personal information by a specified date
- the researcher will not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the WSIB
- the researcher will ensure that, in the absence of written authority from the WSIB, no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified, and
- the researcher will provide the WSIB Privacy Office with a copy of the research prior to publication.

Application date

This policy applies to all decisions relating to the disclosure of claim file information made on or after February 15, 2013, for all accidents.

Document History

This document replaces 21-02-06 dated October 14, 2009.

This document was previously published as:

21-02-06 dated February 20, 2006

21-02-06 dated January 3, 2006

21-02-05 dated October 12, 2004.

References**Legislative Authority**

Workplace Safety and Insurance Act, 1997, as amended

Sections 181(1), 181(2)

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Workers' Compensation Act, R.S.O. 1990, as amended
Section 114

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