
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. One of these exceptions permits disclosure of personal information to government agencies where it is required by a federal or provincial statute, such as the *Workplace Safety and Insurance Act* (WSIA). Another exception permits disclosure where the consent of the person to whom the information relates has been obtained.

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 WSIA.

Guidelines

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

Where government agency is also the employer

This policy does not apply to information requests from a government agency that is the employer of the person about whom the information is requested. For these types of requests see 21-02-02, Disclosure of Claim File Information (Issue in Dispute), or 21-02-03, Disclosure of Claim File Information to Employers (No Issue in Dispute).

Disclosure under FIPPA

The general provisions in FIPPA most relevant to the disclosure of claim file information to government agencies can be summarized as follows:

Consent

Disclosure to government agencies 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.

Examples of disclosure to government agencies with consent are where the WSIB receives a request from

- a social service agency regarding the assignment of WSIB benefits, or
- the federal government regarding the allowance of Canada Pension Plan disability benefits.

In both these cases, the request for information is generally accompanied by the worker's signed written consent.

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For more information about the assignment of WSIB benefits, see 18-01-06, Redirected Benefit Payments.

No consent required

The WSIB does not require the worker's consent to disclose claim file information to government agencies where the government agency can establish that it has a right to such information. Generally, such a right will arise because of

- a federal or provincial law
- the involvement of the requesting agency in a law enforcement investigation or activity and/or the receipt by the WSIB of legal documents pertaining to a law enforcement investigation or activity, or
- an agreement between the requesting agency and the WSIB.

When such a right exists, the WSIB can disclose claim file information without the worker's consent.

In all such cases, the request for information from the government agency must be in writing. Copies of the request, and the WSIB's response, are normally placed in the "no access" section of the worker's claim file. For more information on "no access," see 21-02-02, Disclosure of Claim File Information (Issue in Dispute).

Federal and provincial laws

Some federal and provincial laws include provisions that give government agencies the right to receive confidential claim file information from the WSIB. The laws most frequently referred to, with accompanying section numbers, are included in the table below.

In cases where a government agency makes an information request based on a law not listed in the table below, the responsible WSIB employee must refer the request to the WSIB's Privacy Office for further handling.

NOTE

The table below only provides guidelines for written information requests from government agencies **where consent from the worker is not required.**

Table 1 - Federal and provincial laws

| Act | Information to be released |
|--|---|
| <i>Employment Insurance Act</i> [s.126 (14)] | Information relevant to the administration, enforcement, or collection of monies under the <i>Employment Insurance Act</i> , such as: <ul style="list-style-type: none"> • identification information (e.g., worker's name, address, telephone or claim number(s)) • which WSIB office is administering the claim • name/location of employer(s) |

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| | <ul style="list-style-type: none"> benefit payment information (e.g., amount of benefits and time frame paid) banking details, including copies of issued cheques. <p>Requests for additional information should be referred to the WSIB's Privacy Office.</p> |
| <i>Income Tax Act [s.231.2 (1)]</i> | <p>Information relevant to the administration, enforcement or collection of monies under <i>the Income Tax Act</i>, such as:</p> <ul style="list-style-type: none"> identification information (e.g., worker's name, address, telephone or claim number(s)) which WSIB office is administering the claim name/location of employer(s) benefit payment information (e.g., amount of benefits and time frame paid) banking details, including copies of issued cheques. <p>Requests for additional information should be referred to the WSIB's Privacy Office.</p> |
| <i>Family Responsibility and Support Arrears Enforcement Act (s.54)</i> | <p>Information relevant to the enforcement of a custody or support order, such as:</p> <ul style="list-style-type: none"> identification information (e.g., worker's name, address, telephone or claim number(s)) name of employer place of employment worker's pre-accident wages or salary other sources of income information relating to a worker's assets or liabilities benefit payment information (e.g., amount of benefits and time frame paid) banking details, including copies of issued cheques which WSIB office is administering the claim. <p>Requests for additional information should be referred to the WSIB's Privacy Office. For more information on support orders see 18-01-07, Automatic Deduction for Family Support.</p> |
| <i>Ontario Human Rights Code (s.33)</i> | <p>Information relevant to an investigation carried out by the Ontario Human Rights Commission.</p> <p>All of these requests should be referred to the WSIB's Privacy Office.</p> |
| <i>Ombudsman Act (s.19)</i> | <p>Information relevant to an investigation carried out by the Office of the Ombudsman.</p> |

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| | All of these requests should be referred to the WSIB's Privacy Office. |
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Law enforcement proceedings and legal documents

Examples under this heading include but are not limited to requests for information from

- police forces or law enforcement agencies, or
- municipal, provincial or federal agencies

when such forces or agencies are conducting law enforcement investigations leading, or likely to lead, to a law enforcement proceeding.

In all such cases, the responsible WSIB employee may refer the information request to Regulatory Services for further handling.

Legal documents, i.e., summons, subpoena, court order, or search warrant, requesting disclosure of personal information are referred to the WSIB's Legal Services Branch if they arise out of civil or administrative proceedings, or to the Regulatory Services Division if they arise out of criminal proceedings.

Agreements with other government agencies

An example of an agreement between a government agency and the WSIB is the Interjurisdictional Agreement (IJA), see 15-01-11, Interjurisdictional Agreement. Specific provisions of this agreement allow for the exchange of health care and other information between the WSIB and other provincial workers' compensation boards when one jurisdiction is administering a claim for another.

When this is the case, the board adjudicating the claim may provide the administering board with copies of any documents necessary to administer the claim. The administering board may provide any health care information or other reports required by the adjudicating board to facilitate the overall management of the claim.

When a worker has two separate claims in two different jurisdictions, and each jurisdiction is adjudicating its own claim, any person making a request for claim file information must obtain the worker's consent, in writing, before the WSIB will release such information.

If the responsible WSIB employee is unsure if the IJA allows for the release of claim file information in any given case, the WSIB's Privacy Office should be contacted.

Workers' compensation boards in other countries that have international agreements with the WSIB act as intermediaries between the WSIB and the injured worker. Such boards are only entitled to receive the information necessary to perform that function.

For more information on agreements entered into by the WSIB and its counterparts in other countries see 17-03-05, Other Countries.

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If agreements other than the IJA are involved, the responsible WSIB employee must contact Legal Services prior to disclosing any claim file information.

WSIB disclosing information on its own initiative

In cases where the WSIB

- needs information or assistance from a government agency, or
 - has information which should be provided to a law enforcement agency
- but must disclose claim file information (such as a worker's name or Social Insurance Number) to carry out its duty, FIPPA allows the disclosure, without consent, if such disclosure is for the purpose for which the information was collected, or for a consistent purpose.

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

In all cases where disclosure could have a negative impact on the worker (for example where a worker's entitlement to benefits or services from another government agency may be affected), and the disclosure is not for the purpose of investigating or inquiring into a claims-related offence (see 22-01-07, Offences and Penalties - Worker), the responsible WSIB employee must consult with Legal Services and/or Regulatory Services prior to disclosing any claim file information.

Application date

This policy applies to all decisions relating to the disclosure of claim file information made on or after January 3, 2006, for all accidents.

Document History

This document replaces 21-02-05 dated January 3, 2006.

This document was previously published as:
21-02-02 dated October 12, 2004.

References**Legislative Authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 159(9), 181(1), 181(2)

Workers' Compensation Act, R.S.O. 1990, as amended
Sections 65(3), 114

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended
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