Transparency and Freedom of Information

1. Introduction

Description

VCH is accountable to the people of British Columbia and is committed to openness and transparency in all its activities, including in managing its finances, in operating its programs and in patient safety and outcomes.

VCH will provide the public with access to its records as set out in the Freedom of Information and Protection of Privacy Act (FIPPA).

This policy will guide VCH in meeting its legal obligations and in maintaining an open, transparent and accountable culture while protecting the privacy of patients, clients and Staff.

Scope

This policy applies all VCH Staff and to all records in VCH’s custody or control, including all administrative and business records created in the conduct of VCH business. This policy does not apply to personal health information.

2. Policy

2.1. Proactive and Routine Disclosure

VCH will develop and implement an effective proactive disclosure program. The program will identify types of records appropriate for proactive disclosure, create a system for publishing such records, and ensure consistency across the organization in publishing such records.

The proactive disclosure program will also identify types of records appropriate for release upon request, without processing through freedom of information.

2.2. Freedom of Information (FOI)

VCH will strive to meet the spirit of openness and accountability as set out in FIPPA as well as comply with its specific provisions.

VCH will:

- Treat all FOI applicants fairly and equitably
- Make every reasonable effort to respond to FOI requests openly, accurately and completely and without delay, in accordance with timelines set out in FIPPA
- Disclose the identity of applicants only as set out in section 2.3.4.
• Receive, process and respond to FOI requests in electronic format where possible
• provide records in the format requested by the applicant where appropriate and practical

VCH will protect confidential corporate and personal information by withholding or redacting information as permitted or required by law.

2.3. Procedures

2.3.1. Receiving written requests for records

Promptly upon receiving a written request for records, in any format, VCH department/Staff will decide whether the requested records may be provided routinely or whether the request should be processed as an FOI request, and may consult with the FOI office for assistance.

If a request in writing is to be processed as an FOI request, Staff will promptly forward the request to the FOI office for processing.

VCH does not require applicants to submit formal FOI requests. A written request in any form may be accepted as an FOI request, and need not mention “freedom of information”.

Upon receipt of an FOI request, the FOI office will send to the appropriate VCH department/Staff either:

(a) a request for records; or
(b) a request for a time estimate to search for the requested records.

2.3.2. Notifying VCH Communications & Public Affairs

The FOI office will notify VCH Communications & Public Affairs about FOI requests which are likely to result in VCH Staff receiving questions from the public, media, government, elected officials or union representatives.

Notification is provided to the Communications & Public Affairs so that they may assist Staff in responding to such questions. Communications & Public Affairs will not influence or be involved with the review or severing of records in response to such requests, except as applicable under section 2.3.4.

2.3.3. Searching for and providing records

Staff will respond in a timely manner to requests from the FOI office. Upon receiving a request for records from the FOI office, Staff will make every reasonable effort conduct a thorough and complete search for such records.

Where possible, Staff will provide records to the FOI office in electronic format.
2.3.4. **Processing FOI requests**

In processing FOI requests, the FOI office will, as necessary or upon request, consult with and provide assistance to Staff/departments whose records have been requested.

The FOI office will protect the confidentiality of applicants and will disclose their identity only where Staff need to know to perform their duties. The FOI office may reveal the identity of FOI applicants following the completion of an FOI request, subject to compliance with privacy laws.

### 2.4. Responsibilities

2.4.1. **Chief Executive Officer**

The Chief Executive Officer is Head of VCH under FIPPA. By delegation, any member of the Senior Executive Team or the Chief Privacy Officer is authorized to exercise any power of the Head as set out in FIPPA, subject to such limitations and restrictions as the Chief Executive Officer may impose from time to time.

The Head will have final decision-making authority in determining what information is released from VCH records, in compliance with legislation.

2.4.2. **General Legal Counsel & Chief Privacy Officer**

VCH’s General Legal Counsel & Chief Privacy Officer is responsible for managing VCH’s proactive disclosure program and for ensuring VCH’s responses to FOI requests comply with legislation.

2.4.3. **FOI Office**

The FOI office is responsible for receiving, processing and responding to FOI requests.

2.4.4. **Staff**

VCH Staff will support and cooperate with the FOI office in responding to FOI requests in an open, complete and timely manner.

VCH departments will work with the Legal/Information Privacy Office to identify and publish records that are appropriate for proactive disclosure.

VCH Staff will respond directly to requests for records that may be released routinely, releasing records in an open, complete and timely manner.

### 2.5. Compliance

The Legal/Information Privacy Office will monitor compliance with this policy and the General Legal Counsel & Chief Privacy Officer will report to the Senior Executive Team and the VCH Board on progress made in the achievement of the objectives and standards set out in this policy.
3. References

**Tools, Forms and Guidelines**

- BC Freedom of Information and Protection of Privacy Act
- Office of the Information and Privacy Commissioner for BC – Investigation Report F11-02

**Related Policies**

- Information Privacy and Confidentiality

**Keywords**

FOI, freedom of information, personal health information, PHN, records, release, transparency, information, FIPPA, confidential, accountable, accountability, public access, records

**Definitions**

“FOI office” means Staff assigned by VCH’s Legal/Information Privacy Office to process FOI requests;

“Personal Health Information” means recorded information about an identifiable individual that is related to the individual's health or the provision of health services to the individual;

“Records” means records as defined in FIPPA, but does not include personal health information;

“Routine Release” means release of information upon request, without processing through freedom of information;

“Staff” means all employees (including management and leadership), Medical Staff Members (including physicians, midwives, dentists, and Nurse Practitioners), residents, fellows, and trainees, students, volunteers, contractors, and other service providers engaged by VCH.

**Questions**

Contact: Legal Services / Information Privacy Office

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