

Chapter 14: Administration of Income Support

(iv) Managing Client Information/Client Confidentiality

Intent:	To understand policies and procedures relating to how client information is collected, stored and released.
Act: (if applicable)	<p>Release of information</p> <p>7. (1) In the course of administering this Act, the minister may collect information which may include an applicant’s or recipient’s personal information.</p> <p>(2) Information provided by an applicant or a recipient under this Act is confidential.</p> <p>(3) Notwithstanding subsection (2), the minister may exchange information necessary to determine eligibility under this Act with those individuals and entities prescribed in the regulations.</p> <p>(4) Notwithstanding subsection (2), the minister may disclose personal information for a research purpose, including statistical research, only where</p> <p>(a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form;</p> <p>(b) any record linkage is not harmful to the individuals that the information is about, and the benefits to be derived from the record linkage are clearly in the public interest;</p> <p>(c) the minister has approved conditions relating to the following:</p> <p>(i) security and confidentiality,</p> <p>(ii) the removal or destruction of individual identifiers at the earliest reasonable time, and</p> <p>(iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of the minister; and</p> <p>(d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and government policies and procedures relating to the confidentiality of personal information.</p> <p>(5) Notwithstanding subsection (2), an applicant, recipient or a person acting on his or her behalf may view his or her personal information and, where necessary, request correction of his or her personal information.</p>

	<p>(6) For the purpose of this section, information required or provided under this Act includes information that was required or provided under the <i>Social Assistance Act</i>.</p>
<p>Regulations:</p>	<p>Information which may be required to assess or review eligibility</p> <p>5. (1) An applicant or recipient shall, where required for an assessment of his or her eligibility for income support, provide the following:</p> <ul style="list-style-type: none"> (a) proof of his or her personal information which may be required by an officer; (b) information regarding his or her citizenship or residency status, including whether an applicant or recipient is a landed immigrant or a refugee claimant; (c) his or her consent for the release of, obtaining or verifying personal information about him or her; (d) proof of the identity of all adults and dependents residing in the home and their relationship to the applicant or recipient; (e) verification of whether he or she is renting, boarding or has responsibility for a mortgage and the length of time for which he or she has been boarding or renting; and (f) other information that may be required to assess eligibility as determined by an officer and the information required under this section shall be used for the purpose for which it was obtained and for no other purpose. <p>Information exchange</p> <p>49. For the purpose of determining eligibility for income or employment support and under the authority of section 7 of the Act, the minister may exchange information with the entities listed in the Schedule.</p>
<p>Overview: (if applicable)</p>	<p>N/A</p>

Policy: The Income Support Program values a client's right to privacy and is committed to the protection of personal information. The collection, use and disclosure of all client information must be done so under the provisions of the [Access to Information and Protection of Privacy Act \(ATIPPA\)](#).

Collecting Information

- An integral part of the Income Support application includes the client providing personal information and their consent for the Department to verify information contained in the application. This information is essential to ensure eligibility for benefits and the appropriate delivery/referral of programs and services. Please see the policy on the [Application Process, Reporting Requirements and Supporting Documentation](#) for further information.
 - The Rights, Responsibilities and Client Consent form, in line with the Access to Information and Protection of Privacy Act (ATIPPA), outlines:
 - Why the Department collects information – to assess the household's eligibility for Income Support benefits; to determine the amount of assistance; to identify employment, medical and other service needs; and to prevent and detect fraud.
 - That the authority is valid for two taxation years prior to the year of the signature, the current taxation year, and each subsequent taxation year for which assistance is required.
 - Who Department staff can contact to seek information – departments, agencies or persons having information about clients pertaining to their individual needs, income, assets, employment (including Record of Employment documents), marital status or any entitlement to benefits under other programs. Examples include, but are not limited to, Employment and Social Development Canada /Service Canada; provincial departments of Education, Justice and Public Safety, Health and Community Services and Finance; and financial institutions such as banks.
 - Applicants/recipients (including spouses/partners) are required to sign the Rights, Responsibilities and Client Consent form as a condition of applying for and receiving Income Support benefits. The form is also completed when there is a break in assistance.
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Once returned to the Department, these forms must be placed in TRIM.

- When applications are completed by telephone, staff must explain the purpose of the Rights, Responsibilities and Client Consent form to all applicants/recipients to ensure their understanding and consent.
 - The signed Rights, Responsibilities and Client Consent form must be signed and returned by the client after the telephone application is completed.
 - Clients can be directed to the online facts sheet regarding personal information for further clarification in these cases.
 - If a client's consent is needed to obtain information prior to the Rights, Responsibilities and Client Consent form being dated, signed, and returned; verbal consent can be obtained. It is crucial that the verbal consent be documented in CAPS.
 - A case note must be made in CAPS to confirm that the Rights, Responsibilities and Client Consent form has been reviewed and that verbal consent has been provided.
 - When clients refuse to consent and will not sign the Rights, Responsibilities and Client Consent form, they should be advised that their application/review cannot be processed and any benefits that they are receiving will be suspended. Their refusal must also be documented in CAPS.
 - Clients have the ability to withdraw their consent at any time by contacting or writing their local office of the Department. While inquiries concerning information after the date of the consent withdrawal will cease, the Department retains the right to verify eligibility for benefits during the time period that the client was receiving Income Support.
 - When an applicant/recipient is unable to manage their own affairs due to a documented physical, social, psychiatric or developmental limitation; a trustee must be appointed. A trustee must provide all relevant information and consent on behalf of the applicant/client, and be provided with information regarding the client as required. Please refer to the policy on [trustees](#) for further information.
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Verifying Client Information

- As the Income Support Program is means tested and provides financial benefits, it is essential that all client information be verified appropriately and in line with the Department's eligibility assurance policies.
- With the client's consent and provision of identifiers such as MCP and Social Insurance Numbers (SINs), the Department is able to interface with other provincial/federal government departments to obtain the financial information necessary to assess the client's eligibility in relation to specified income sources.

Release of Client Information

- Information provided to outside agencies or third parties including family, friends or advocates can only be provided with a client's written or verbal consent **except** in the following circumstances as permitted under ATIPPA, 2015:
 - Section 68.(1)(e): With a warrant, court order, or subpoena for that information;
 - Section 68.(1)(f): When a person's health or safety is at risk. i.e. a Regional Health Board is conducting an assessment/investigation under the Adult Protection Act, or when a client threatens the safety of another individual (including staff persons or the Minister) and the police must be contacted;
 - Section 68.(1)(q): To notify a next of kin of injury or illness.
 - Sections 68-71 of the Access to Information and Protection of Privacy Act, 2015 outline when personal information should be disclosed.
 - It is still advisable when possible to get written documentation to place in the client's file (i.e. a copy of a warrant, a letter from the necessary department).
 - When a Member of the House of Assembly (MHA) acting on behalf of their constituent contacts a staff person to assist in resolving a problem:
 - Request that the MHA forward the client's [written consent](#) to disclose the information. If the MHA does
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not have written consent, they should submit an [Annotation of Verbal Consent](#) prior to the disclosure of any information.

- It is appropriate to question the MHA regarding the purpose of their enquiry to ascertain the information requiring release. This is important as some clients may have multiple issues, but are only involving their MHA is resolving one particular concern.
 - Provide the information required to address the issue; and be factual, complete and free of opinion.
 - Consult with the Client Services Manager in relation to any concerns or questions and advise them of the enquiry.
 - Record the information released (including the date, MHA involved, consent form, client name and particulars of the information released) and forward it (including the consent or Annotation of Verbal Consent) to TRIM.
- When a client requests that a contact be added to their file it may be for several reasons:
 - To discuss a particular issue such as rent
 - To discuss any information on the file, or
 - As a way to get in touch with the client as they may not have a telephone of their own
 - In these circumstances, the Consent to Add Contact form should be completed by the client and the information added to CAPS, ensuring that the client determines when the contact would be removed from the file.
 - This form is not meant to address the occasional situations that arise when a client calls to discuss something and requests that staff speak to someone else on their behalf as they are having trouble understanding. Those instances can continue with the worker making a notation on the file; however the Contact form should be completed if this a regular occurrence
 - If a staff person is uncertain about releasing client information to a third party, they should discuss the case directly with a Client Services Manager. The Department's ATIPP Coordinator can be contacted for direction.
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Releasing Cheques to Clients/Third Parties:

- There are occasions when clients will have to pick up a cheque at a district office. As direct deposit is mandatory, this should occur infrequently and in emergency situations only. In these instances, the following procedures should be followed:
- **Client Picking Up Cheque:**
 - They should provide valid photo identification (e.g. driver's license, student identification) **or** two alternative pieces of identification with at least one piece containing a signature.
 - When a client has the same first and last name/ mailing address as another client (e.g. John Smith), they will need to provide additional information to confirm their identity.
 - If the client does not have identification, they should answer a number of identifying questions (e.g. date of birth, SIN, address) and have the information verified in CAPS/LAMPS.
 - The client must sign to have the cheque released. Staff should compare signatures before releasing the cheque.
- **Third Party Picking up Cheque on Client's Behalf:**
 - A proxy, friend, neighbor or relative of the client may pick up a cheque on the client's behalf. On these occasions:
 - A signed letter from the client or confirmation of proxy should be provided.
 - Except in cases when a proxy is picking up the cheque, staff should telephone the client using the contact number in CAPS/LaMPSS to seek confirmation that the individual is authorized to pick the cheque up.
 - The person picking up the cheque will need to provide valid photo identification (e.g. driver's license, student identification) or two alternative pieces of identification with at least one piece containing a signature.
 - The person picking up the cheque must sign for it. Staff will need to compare and validate signatures when possible.

Privacy Breach

- A privacy breach is an incident that puts a record of personal information at risk of harm. Breaches usually involve unauthorized disclosure of personal information, either intentionally or by mistake.
- A privacy breach can occur if information is lost, stolen or misdirected.
- If private information has mistakenly been disclosed to an unauthorized source (i.e. e-mail sent to wrong person, fax sent to wrong number, client information provided to a third party without client consent) the situation requires immediate action. In these instances, staff should:
 - Notify their supervisor who should then contact the ATIPP coordinator. The staff person, their supervisor and the ATIPP coordinator should then determine:
 - If personal information is involved in the disclosure
 - If it's an unauthorized disclosure and,
 - If there is risk involved with the disclosure (physical, financial, security).
 - Record details of the possible breach;
 - Retrieve the disclosed information right away;
 - Follow the ATIPP coordinators instructions regarding the notification of the affected client which usually includes a telephone and follow up in writing from the Client Services Manager; and
 - Evaluate the situation to determine how the error was made and how to prevent it from re-occurring.

Releasing Information

There are two types of requests for release of information:

Formal Requests

- These types of requests come mostly from media or the official opposition and are usually not in relation to individual client information.
 - Those who make formal requests for information must complete an Access to Information Request application
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<http://www.atipp.gov.nl.ca/forms/pdf/Form1-Access-to-Information-Request.pdf>

- When these types of requests are made or received at the district office, the individual and/or their application should be directed to the ATIPP coordinator who will deal with their inquiry.

Informal Requests

- These types of requests come from clients who wish to access information in their own files.
 - Clients have a right to view the information that we have collected about them and have received from them. The following guidelines must be followed when a client requests access to information contained in their Income Support file:
 - As the spirit of ATIPPA is to encourage the regular release of information, clients can request information from their own files verbally, and do not have to make a written request or pay a fee.
 - When clients make requests, they should be encouraged to specify documents that they are seeking, or provide time frames relating to the information that they require if possible. This is important as some client files are sizable and the process of reviewing/printing all of the information would be very time consuming.
 - Requests for complete Income Support files shall follow the formal ATIPP Request process as it is possible that the personal information of other individuals could be contained within the file.
 - Routine requests for specific documents can be provided **ONLY AFTER** it has been verified that they do not contain another individual's personal information.
 - When there is confusion about the release of client information, either formally or informally, the program manager should consult with the ATIPP coordinator.
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Procedure:	N/A
Authority Level:	Client Services Officer Client Services Manager - review of complete files prior to release to client - consultation with ATTIP coordinator re any breaches
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