

INFORMATION SHARING CODE OF PRACTICE

Information sharing is an important function of an effective public service. At the same time, there are inherent risks to sharing information that must be carefully considered to serve the public good. This code of practice is issued under 69(9) of the Freedom of Information and Protection of Privacy Act (FOIPPA) and provides recommendations respecting how personal information is to be collected, used and disclosed.

The following key principles are designed to encourage responsible information sharing, ensure information sharing complies with FOIPPA and support the protection of personal information that is collected, used and disclosed.

Information sharing must comply with legal requirements



- FOIPPA outlines authorities for the collection, use and disclosure of personal information. Information must only be shared when there is a legal authority in place. The choice to exercise these authorities is usually at the discretion of the public body, unless explicitly stated (e.g. by a warrant or when mandated in another act). In other words, once you know if you can share personal information, you need to determine if you should.
- To share information lawfully, public bodies must ensure that the collection, use and disclosure of personal information occurs in compliance with the relevant legal authority
 - All collection, use and disclosure of personal information must comply with Part 3 of FOIPPA and, if relevant, any program-specific legislation.

Public bodies are empowered to share personal information



- FOIPPA reflects the public benefit that arises from information sharing. FOIPPA includes authorities that enable the collection, use and disclosure of personal information.
- For this reason, protecting personal information is not at odds with sharing personal information, when the information sharing is authorized.
- Once you have established that you have the authority to share personal information, you need to exercise your discretion (i.e. determine if you should).
- To support your decision to share personal information you may consider the importance of both the protection of privacy and the benefits that may result from the information sharing.

Health and safety prevail over privacy



- While an important right, privacy should not be a barrier to sharing information where compelling circumstances related to the health and safety of an individual or a group of people are concerned.
- Injury or loss of life should never occur because information was not shared during an emergency.
- For this reason, Part 3 of FOIPPA authorizes information sharing in emergencies.

If you are unsure about a proposed collection, use or disclosure of personal information, there are resources to support your decision-making:

- Public body resources: your public body's privacy and data experts; your [ministry](#) or public body's privacy officer; privacy policy or procedures; advice or decision making from your executive; advice or decision making from the head of the public body.
- [Corporate Information and Records Management Office](#) or the [Privacy and Access Helpline](#).
- [Office of the Information and Privacy Commissioner \(OIPC\)](#) or [contact the OIPC](#).
- You may wish to seek support from a privacy professional to confirm if you have the required legal authority.

INFORMATION SHARING WORKSHEET

The following worksheet will assist you in determining whether a proposed information sharing activity is responsible and in compliance with FOIPPA. Consider how the principles in this document inform your specific role as an employee collecting, using and/or disclosing personal information. The steps outlined below are illustrative, not exhaustive.

In some instances, it may be necessary to think about how these considerations relate to specific elements of personal information in your record(s) – in other instances, it would be onerous to apply these questions to every element of personal information, which may not add value.

As you proceed, ask yourself if what you are doing supports privacy protection, as well as responsible information sharing. You do not need to consider these items in order, but each consideration will help you in assessing your proposed information sharing.

If you are unable to answer any of the questions below, don't hesitate to seek support from the resources provided on page 1 of this code. Note: This worksheet is for internal consideration and does not need to be submitted.

Confirm that the collection, use or disclosure is authorized by Part 3 of FOIPPA (and if relevant any program-specific legislation).

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Determine whether there is a need to share information

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- a. Consider the purpose of the information sharing. ☐
- b. Consider what personal information would support the purpose. ☐
 - Think about whether all or only components of the personal information meet the purpose. ☐
 - Weigh whether a reduction in the amount of personal information could protect privacy or instead weaken the intended purpose. ☐
 - Is the personal information collected, used or disclosed proportionate to the purpose? ☐
 - Could information that has been de-identified serve the purpose? ☐
 - Are the security protections reasonable given the sensitivity of the personal information? ☐
- c. Consider whether the information sharing contributes to the public good. ☐
- d. Consider whether declining to share information may prevent the public body from serving the public good. ☐

Consider whether a [Privacy Impact Assessment](#) has been completed on the current or proposed enactment, system, project, program or activity for which the information sharing is being conducted.

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Consider factors related to the information sharing:

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- a. What person or group of persons require access to personal information? ☐
- b. When should the information be shared? ☐
- c. How should the information be shared? ☐
- d. How will the information be protected? ☐
- e. Are there risks that could result from sharing this information? Have those risks been mitigated? ☐

Consider whether it would be appropriate (or may be required) to document the conditions in an Information Sharing Agreement (ISA). ISAs set conditions to enhance the protection of personal information during a regular and systematic information exchange.

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