

Sharing of Client Information Between: Employment & Labour Market Services Division (ELMSD) & Regional Services Division (RSD)

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Purpose:

To outline what client information can and cannot be shared between RSD and ELMSD

The *Freedom of Information and Protection of Privacy Act (FoIPPA)* allows disclosure of personal information when:

- The **use** of the information is **consistent with the purpose** for which the information was originally collected;
- **With the consent of the person** whose information is being shared;
- **When authorized by legislation, OR**
- **When required by a public body for performance of its duties.**

Client information can **only** be shared in the following situations:

1. ELMSD can share information with RSD on a client's **EI reachback status**. The EAW must document the disclosure in writing on MIS.

- The EAW must document on MIS that the client was present, that the EAW contacted ELMSD staff to verify the client's status, and the result (eligible / not eligible). For example, "This is to confirm that with client present EAW contacted ELMSD staff to verify client's EI reachback eligibility. Confirmed with ELMSD that client was [eligible / not eligible]."

This information **can** be shared, because:

- RSD is using the information to determine where to send clients for programming, consistent with the purpose of the original information collection;
- The *Employment and Assistance Act* authorizes the ministry to assess clients' employability and skills for the purposes of an employment plan; the client's signature on the application form authorizes the ministry to collect this information; and
- RSD could obtain this information through WebAOBLink, however, obtaining through ELMSD is intended as a more detailed and efficient option.

2. ELMSD may also share information with RSD *with the client's consent*.

Consent must be documented either:

- In writing and signed by the client
- Verbally by the client and documented (ELMSD/RSD must document the verbal consent, i.e., date, time, request specifics, etc. in MIS)

3. RSD may ask *clients* to provide information, which the *client* may obtain from ELMSD.

- Under Section 10 of the *Employment and Assistance Act*, clients are required to provide or verify information to determine their initial and ongoing eligibility, to assess their employability and skills for purposes of an employment plan, and to assess compliance with an employment plan. If they fail to provide or verify information when requested to do so by the ministry, the client may be declared ineligible (or, in the case of a dependent youth failing to provide or verify requested information, the family's assistance may be reduced).

ELMSD / service providers **cannot** share with RSD lists of clients who obtain employment through participation in programs:

- This information would be used to determine eligibility, which is **not** consistent with the purpose of the original information collection. Also, there are no provisions in the Labour Market Development Agreement (LMDA) for sharing this information.

Other:

Any program area requesting personal information from ELMSD or service providers for purposes not provided for in the LMDA will need to verify the authority for the disclosure under the FoIPPA.

- For more information, please see "**Disclosure of Personal Information**" at: <http://icw.hsd.gov.bc.ca/imb/foipp.aspx>

Internal to Ministry Agreement

- Once the ministry has its own system and is no longer reliant on Service Canada, an **Internal to Ministry Agreement** may be a viable option to enable information sharing. Also, new contracts with service providers could address collection and use of client information. These options will be reviewed as contracts are negotiated and after the Ministry's ICM system is in place.