



Disclosure of Personal Health Information to WCB-Alberta

The Workers' Compensation Act (WCA), the Alberta Freedom of Information and Protection of Privacy Act ("FOIP") connect with the Health Information Act (HIA) to govern the collection, use and disclosure of personal health information. This notice is to clarify WCB's authority to collect personal health information, without the consent of the individual.

The HIA does not require consent to provide health information to WCB. Section 35(1) of the HIA sets out certain circumstances that allow custodians to disclose diagnostic, treatment and care information without consent of the individual which include:

- S. 35(1)(b) of the HIA - disclosure to a person who is responsible for providing continuing treatment and care to an individual. Under section 80 of the WCA, WCB is required to determine all questions as to the necessity, character and sufficiency of, and the amount payable, in respect of any medical aid provided to a worker who suffers an accident. WCB is responsible for providing continuing treatment and care in the event of a work related injury and requires health information to fulfill that responsibility
- S.35(1)(p) of the HIA - disclosure if authorized or required by an enactment of Alberta or Canada. Sections 17, 18, 20 and 34 of the WCA empower WCB to require disclosure. Section 34(3) of the WCA states: "where an injured worker is attended to in a hospital or other treating agency, the Board may request the hospital or treating agency to furnish it with a report and, on receiving such a request, the administrator or person in charge of the hospital or treating agency shall ensure the request is forthwith complied with." Physicians are similarly compelled to provide information under S. 34(1) of the WCA. (S.35(1)(p) of the HIA)

Section 34 of FOIP permits public bodies to collect personal information about an individual from third parties and hence without the individual's consent. If a public body is subject to FOIP, and not HIA, S.40(1)(e) of the FOIP Act permits the public body to disclose personal information where disclosure is authorized or required by an enactment of Alberta or Canada. Accordingly, FOIP permits disclosure if authorized or required by the WCA.

For the above reasons it is not necessary for WCB to obtain consent to collect health information. WCB's authority to collect health information without consent was supported by the Information and Privacy Commissioner in Investigation Report 98-IR-001 issued in June of 1998. That report is available at:

<http://www.oipc.ab.ca/ims/client/upload/98-IR-001.pdf>

If you require further information about WCB's authority to collect personal health information please call WCB's FOIP Office at 780-498-3876.