

## **EMPLOYEE MEDICAL INFORMATION PRIVACY AND CONFIDENTIALITY**

### **Background**

The District is committed to the effective administration of medical leave, return to work and workplace accommodation programs. To safely consider and implement these programs, it is necessary for the District to collect employee medical and other personal information.

The District has ethical and legal obligations to protect personal information about its staff. The purpose of this Administrative Procedure is to establish the guiding principles and framework by which the District will comply with these obligations, demonstrate accountability for managing personal and confidential information, and maintain its trust-based relationship with staff.

This Administrative Procedure applies to all staff and all personal information and confidential information in the custody or control of the District regardless of format.

This Administrative Procedure applies while in the course of working and conducting business for, or on behalf of the District, including when off-duty, and extends beyond the completion of the employment or business relationship.

These procedures establish practices in regard to the private and confidential information collected as part of the Disability Management and/or Attendance Management programs.

### **Procedures**

1. Collection, Use and Disclosure of medical Information
  - 1.1. For the purposes outlined above, medical information can include:
    - 1.1.1. Personal health and medical information/documentation,
    - 1.1.2. Information collected in accordance with the Freedom of Information and Protection of Privacy Act of BC ("FOIPPA").
  - 1.2. The District will collect, use, and disclose medical information for purposes directly related to the administration of the Disability Management and Attendance Management programs, and limit the collection to what is needed to fulfill the purposes identified, and at all times in accordance with FOIPPA.
  - 1.3. The District may request the consent of an employee to use his or her personal and confidential information, or as permitted by FOIPPA.
  - 1.4. The District may request the consent of an employee to disclose his or her personal and confidential information, or may otherwise disclose it without consent as permitted by FOIPPA.

- 1.5. Disclosure in any case is limited to those with a “reasonable need to know” as part of their ongoing employment responsibilities or to support the safety of the employees, students and public.
  - 1.6. Written consent and authorization will be sought from employees by the District as appropriate and/or required by FOIPPA.
2. Storage and Destruction of medical Information
    - 2.1. All employee medical information is stored in the employee medical file separate from any personnel and/or employment records or files.
    - 2.2. All employee medical files are stored in a locked file cabinet in the Human Resources department.
    - 2.3. In addition to the physical storage of employee medical information files, the District may store medical information electronically. Electronic medical information is protected by appropriate security measures including User IDs, passwords, and firewalls to restrict access. If electronic medical information is sent or received, any information that identifies the origin and destination and the date and time when it was sent or received is also retained.
    - 2.4. Access to employee medical files, or any documents contained within, is limited to those person(s) who require it on a need to know basis, including but not limited to the person(s) assigned to use the information in the administration of the Disability and Attendance Management and/or Health and Safety programs.
    - ~~2.5.~~ Following termination of employment or death, the contents of the employee medical file are placed in a sealed envelope and stored in the employee’s archived personnel file at the District Office.
3. Responsibility
    - 3.1. Principal/Manager
      - 3.1.1. Ensure any employee personal and confidential information is transferred to Human Resources personnel for appropriate storage as defined above.
      - 3.1.2. Ensure any employee personal and confidential information which has been disclosed to them is not accessed or shared with any person who does not have a “reasonable need to know”.
    - 3.2. Human Resources Personnel
      - 3.2.1. Handle all employee personal and confidential information in accordance with FOIPPA.
      - 3.2.2. Obtain written employee consent to disclose specific health/medical information limited to those with a “reasonable need to know” to support the safety of the employees, students and the public.
      - 3.2.3. Provide consultation to Principal/Manager personnel, as requested, regarding the application of this Administrative Procedure.
      - 3.2.4. Advise Principal/Manager regarding interpretation of FOIPPA relevant to their employee’s disability management, attendance management, or medical and

safety issues, in keeping with collective agreement requirements, performance of duty and their need-to-know necessary employee personal and confidential information requested to carry out that duty.

Reference: Sections 22, 65, 85 School Act  
Employment Standards Act  
Freedom of Information and Protection of Privacy Act  
Personal Information Protection Act  
Collective Agreements

Adopted: June 25, 2019  
Revised: