



## Privacy Fact Sheet

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# Disclosing Personal Information for Health and Safety Reasons

### Introduction

1. The purpose of this Privacy Fact Sheet is to explain when it is appropriate to disclose personal information for health or safety reasons.
2. This Fact Sheet is intended to assist UBC staff and faculty members to understand their obligations under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. It is not a substitute for legal advice. If you have questions about the FIPPA, contact the Legal Counsel, Information and Privacy in the Office of the University Counsel.

### General Principles

3. In normal circumstances, personal information may be disclosed as follows:

**Internal disclosure:** This is disclosure of personal information to other UBC employees, volunteers or service providers. As a rule, internal disclosure is permitted by law on a “need-to-know” basis.<sup>1</sup>

**External disclosure:** This is disclosure of personal information to somebody outside UBC. External disclosure is tightly restricted by law and generally requires the written consent of the individual who the information is about.

4. However, the above rules do not apply if it is necessary to disclose personal information to protect health or safety. **Health and safety trumps privacy. Staff and faculty members may have an obligation to disclose personal information to the extent necessary to avert harm to the health, safety or welfare of people, property or infrastructure.**
5. UBC is authorized to disclose personal information in the following circumstances:
  - a. the information is necessary for the protection of the health or safety of an employee<sup>2</sup>;
  - b. UBC’s University Counsel determines that compelling circumstances exist that affect anyone else’s health or safety<sup>3</sup>; and/or
  - c. so that the next of kin or a friend of an injured, ill or deceased individual may be contacted.<sup>4</sup>

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<sup>1</sup> Section 33.1(e) of the FIPPA

<sup>2</sup> Section 33.2(c) of the FIPPA

<sup>3</sup> Sections 33.1(1)(m) of the FIPPA

<sup>4</sup> Section 33.1(1)(n) of the FIPPA

6. UBC is also legally required to disclose personal information, without delay, in the following circumstances:
- a. there is a risk of significant harm to the environment or to the health or safety of the public or a group of people;<sup>5</sup> and/or
  - b. there is reason to believe that a minor (anyone under the age of 19) has been or is likely to be abused or neglected.<sup>6</sup>

**Example of Legal Requirement for Disclosure:**

If there are reasonable grounds for believing that a student is going to harm himself, UBC Counselling Services would be required to disclose information to health professionals and/or the student's family or friends if this was considered necessary to avert this harm.

## Disclosure Protocol

### Disclosure of At-Risk Behaviour

7. Staff and faculty members who encounter At-Risk Behaviour, which includes behaviour that threatens personal safety or property, or disrupts lawful or legitimate activities, must follow the Procedures associated with the At-Risk Behaviour Policy (SC13).

### Disclosure of Other Health and Safety Concerns

8. Staff and faculty members who have health or safety concerns that do not constitute At-Risk Behaviour as defined in the At-Risk Behaviour Policy must disclose those concerns as appropriate. The following principles guide the decision about whether to disclose personal information for health or safety reasons:
- a. there must be reasonable grounds to believe that there is a risk of harm to health or safety;
  - b. releasing personal information must be the only reasonable way to avert this harm; and
  - c. the benefit of disclosing the information must outweigh the harm to the privacy of the individual in question.

### When to Seek Consent to Disclose Information

9. You do not need to seek consent to disclose personal information to other UBC staff or faculty for health and safety reasons (internal disclosure). Where possible, however, UBC should not disclose personal information outside UBC (external disclosure) without the consent of the individual the information is about. However, if it is impossible or impracticable to get consent, information may still be released if necessary for health or safety reasons.

<sup>5</sup> Section 25 of the FIPPA

<sup>6</sup> Section 14 of the Child, Family and Community Service Act