

POLICY NUMBER: POL-04

**Chapter:
GENERAL**

**Subject:
ACCESS TO INFORMATION – WORKER CLAIM FILES**

**Effective Date:
November 18, 1993**

**Last Update:
April 4, 2016**

PURPOSE STATEMENT:

The purpose of this policy is to provide appropriate access to worker claim file information.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section 83.
Freedom of Information and Protection of Privacy Act R.S.P.E.I 1988, Cap. F-15.01, Sections 1, 15, 37.

DEFINITION:

In this policy:

“Authorized representative” means an individual with written authority from a worker or employer to act on behalf of them, including accessing information held by the Workers Compensation Board.

“Bona Fides” means authentic, genuine or real.

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POLICY:

Verification of Identity

1. In the course of managing claims, Workers Compensation Board staff may be required to share claim information with workers, employers, authorized representatives or health care providers over the telephone, in person or in writing. Workers Compensation Board staff will confirm the identity of the individual and the individual's authorization to access claim information prior to any disclosure.

Worker's Access to Claim File

2. The Workers Compensation Board will provide a worker with one copy of his/her claim file, free of charge, upon receipt of the **Worker's Request for Release of File-Form A** (CL-03).
3. The Workers Compensation Board may also provide the worker's authorized representative with one copy of the claim file, free of charge, if requested by the worker on the **Worker's Request for Release of File - Form A** (CL-03).

Where a worker appoints a new or additional representative, using a new **Worker's Request for Release of File - Form A** (CL-03), that representative may be provided a copy of the claim file at a per page fee.

4. The worker or the worker's authorized representative may request a copy of new information received on the worker's claim file since the last release of information. In response, the Workers Compensation Board will release, free of charge, a copy of the information. The information may be released under the authority of the existing **Worker's Request for Release of File - Form A** (CL-03).
5. Where a worker or worker's authorized representative makes a request for an individual document from the claim file, the Workers Compensation Board will deny the request and advise the person to make a request for the claim file in its entirety.
6. A worker may authorize the Workers Compensation Board to discuss his/her claim with an authorized representative by providing a **Worker's Authorization for Release of Information- Form B** (CL-05).

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7. The authorizations will remain in effect until the Workers Compensation Board is notified otherwise.

Access in the Case of a Deceased Worker

8. Where the request for information is from a person who may be entitled to benefits under the *Workers Compensation Act*, related to a deceased worker's claim, the request must include a statement of the *bona fides* issue in dispute. The Workers Compensation Board will only release information it determines to be relevant to the *bona fides* issue in dispute.

Employer's Access to Claim File

9. A worker's employer may request access to information in the worker's claim file where there is a *bona fides* issue in dispute with respect to compensation of a worker.

The Workers Compensation Board will provide the employer with one copy of the information it determines to be relevant to the *bona fides* issue in dispute, free of charge, provided the employer has submitted an **Employer's Request for Release of File-Form D** (CL-04) which clearly identifies the *bona fides* issue in dispute.

The Workers Compensation Board may also provide the employer's authorized representative with one copy of the information relevant to the *bona fides* issue in dispute, free of charge, if requested on the **Employer's Request for Release of File-Form D** (CL-04).

Where an employer appoints a new or additional representative, using a new **Employer's Request for Release of File-Form D** (CL-04), that representative may be provided a copy of the information relevant to the *bona fides* issue in dispute at a per page fee.

10. The employer or employer's authorized representative may request a copy of new information received on the worker's claim file since the last release of information. In response, the Workers Compensation Board will release a copy of the information that it determines to be relevant to the *bona fides* issue in dispute. The information will be released free of charge and may be released under the authority of the existing **Employer's Request for Release of File - Form D** (CL-04).

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11. The worker will be advised in writing when a release of information is being provided to the employer or employer's authorized representative. **Sharing Information with the Employer and Health Care Providers**
12. The Workers Compensation Board may share information with the worker's employer that is related to the cause of the workplace injury, the disposition of the claim, or the safe and timely return to work of the worker, including vocational rehabilitation.
13. The Workers Compensation Board may share medical information about treatments, diagnoses, and investigations with health care providers. The information shared will be limited to what is reasonably required to assist the health care provider with the provision of timely and effective care of the worker.

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14. The Workers Compensation Board may accept a request for information in letter form provided the letter includes details that are equivalent to those found on the applicable form.
15. Subsequent copies of the worker's claim file will be provided at a per page fee.
16. Files will be delivered to the recipient by Canada Post Priority Mail or if requested by the recipient, the file may be picked up at the Workers Compensation Board office. If picked up, the recipient will be required to show one piece of picture identification prior to the release of information.

HISTORY:

April 4, 2016 - Amended to include a requirement to confirm the identity of the recipient prior to release of information and clarification of fees for copies to additional representatives.

May 22, 2014 - Amended to remove the requirement for the worker's employer to be an applicant or participant in a reconsideration or appeal in order to make a request for access to information in the worker's claim file. Also, the consent requirement from the worker for the release of relevant information to the worker's employer was removed.

October 24, 2013 - Amended to provide clarity with respect to releasing information on a worker's claim file to the employer and employer representative.

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December 16, 2010 - Amended to provide clarity for releasing a file to an authorized representative, removed the section on audio taping, and clarified that information can be shared for purposes of the Interjurisdictional Agreement.

September 27, 2007 - Amended to clarify that documents in the worker's file will not be released individually. Also, files will only be delivered by way of courier unless collected at the Workers Compensation Board and signed for.

October 26, 2006 - Amended the policy to clarify how the Workers Compensation Board will handle requests for audio recordings that are part of the worker's file.

October 20, 2003 - Amended to clarify that workers are entitled to a copy of their file even in the absence of a *bona fides* issue in dispute. In addition, one copy of an audio or video recording associated with a file will be provided free of charge as part of the file release process. Removed the term "Worker" from the definition section of this policy.

March 27, 2003 - Amended to ensure the definition of "employer" is consistent with the definition provided in the *Workers Compensation Act*.

November 27, 2002 - Amended to add CL-05, Release of Information (Form "B").

July 25, 2002 - Amended to: (1) replace Policy and Practice "Agreement to Exchange Information and Assign Disability Benefits Between the Board and Federal & Provincial Government Departments, Agencies and Crown Corporations" dated March 9, 1998; (2) replace Policy and Practice "Information Reports/Complaints" dated November 15, 1994; (3) replace Policy and Practice "Provision of Medical Information to Physicians / Chiropractors" dated November 15, 1994; (4) replace Policy and Practice "Family Physician Notification" dated November 15, 1994; (5) replace Policy and Practice "Functional Assessments - Release Policy" dated June 17, 1993; (6) incorporates a reference to previous "Form "A" - Worker's Authorization for Release of Information which has been formatted, numbered and indexed as an official form; and (7) incorporate a reference to previous "Form "D" - Employer's Request for Information on a Worker which has been formatted, numbered and indexed as an official form.

October 19, 2000 - Replaces Policy and Practice (1) Files - Copying for Claimants dated November 18, 1993 and (2) Files - Release of Documents, Information, and Medical Reports date November 18, 1993.

Board of Directors Approval Date: November 18, 1993