

A Worker's Guide to Privacy Protection at the WCB

WCB's commitment to injured workers



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When you have a workplace injury claim with the Workers' Compensation Board of Nova Scotia (WCB), your personal information is in our care. It is the responsibility of all WCB employees to maintain your privacy and protect your personal information. The WCB's Chief Executive Officer is ultimately accountable for the WCB's compliance with privacy legislation and policy.

This guide is intended to help you understand your privacy rights, and how the WCB collects, uses and protects your personal information. For more detailed information about the WCB's approach to privacy protection, visit wcb.ns.ca or contact our Privacy Coordinator at (902) 491-8078.

Your privacy rights

You have the right to:

- Know what information we have in our records about you.
- Access or obtain a copy of your records.
- Know who has access to your records and for what reasons.
- Request a correction of your records.
- Be informed of our information protection policies and talk to us about them.
- Provide feedback if you feel we are not following our policies or if you have concerns.
- Ask us not to share your personal information with certain individuals. We will not share your information unless we are permitted or required by law to do so.
- Be informed if your personal information is stolen, lost or improperly accessed.

What is "personal information"?

Personal information is recorded information about an identifiable individual. Most of the information in your WCB claim file is considered personal information and includes, but is not limited to, your name, address, telephone number, marital status, medical records, SIN number, income/benefits, and bank account number. Depending on the types of benefits and services you are receiving from the WCB, it may also include education, financial, criminal or employment history.

Collecting, using, and accessing your personal information

The WCB only collects, uses, and accesses the personal information needed to make decisions about your claim for compensation, pay earning loss benefits, support your recovery, and assist you in a safe and timely return to work. To do this, we collect basic personal information about you (e.g. name, address, phone number, social insurance number), as well as medical information (e.g. physician reports, test results, hospital records).

The WCB makes every effort to keep your personal information as accurate, complete, and up-to-date as possible when we first collect it, and as needed on an ongoing basis. If your personal information has changed, please call 1-800-870-3331 to have it updated.

Disclosing your personal information

In some circumstances, the WCB needs to disclose your personal information to someone else in order to make a decision on your claim, or help you return to work in a safe and timely manner. We only disclose your information when required or permitted by law. In circumstances where disclosure is not permitted by law, the WCB must obtain your consent before releasing any information.

Here are some examples of circumstances where the WCB is permitted by law to disclose personal information:

To you, the injured worker

- If you have received a decision on a claim, you have the right to request (in writing) a copy of your WCB claim file.
- If the WCB believes your claim file contains a document with medical information that could be harmful to you without the advice or counsel of your physician, the WCB will release the document to your physician and tell you that we have done this.
- If you provide written consent, the WCB may provide copies of correspondence to your authorized representative (e.g. a lawyer, injured worker representative, or spouse).

To WCB staff and health care/service providers

- WCB employees need to access your personal information to determine eligibility for benefits, manage recovery, and assist your return to work.
- All claim file information is considered confidential and access to an injured worker's information by WCB staff is on a need-to-know basis. All WCB employees receive privacy training and sign a confidentiality agreement.
- WCB service providers (e.g. physicians, physiotherapists, chiropractors) involved in your claim receive information about you so they can provide medical opinions, manage your recovery, and support your return to work. In addition to the professional codes of conduct many health care providers are required to follow, the WCB also uses contractual agreements with them to protect your privacy.

To your employer

- Your employer is entitled to receive a copy of the decision related to your claim for compensation.
- They are also entitled to request, under *Policy 10.3.5 Access by Employers to Information Contained in Clients' Claim Files*, claim file documents relevant to an appealable decision. As well, under Section 193 of the *Workers' Compensation Act*, an employer may also request documents relevant to an appeal where they are participating. As required by the policy, the WCB will review the claim file documents, determine which documents are relevant, and release those documents to your employer.
- Under the *Workers' Compensation Act* and the *Nova Scotia Human Rights Act*, your employer plays an important role in helping you return to work. To support this role, the WCB may disclose claim file information to your employer, including medical information, as part of the return to work process. The WCB will only release necessary and relevant information that is related to your workplace injury. The information released relates to your readiness for a safe and timely return to work as well as the safety of your co-workers.

To government departments or agencies, associations, or research entities

- The WCB, under authority of the *Freedom of Information and Protection of Privacy Act* and the *Workers' Compensation Act*, may enter into information sharing agreements with government departments or agencies, associations, or research entities (a "party"). These agreements may include the sharing of personal information. Examples of government departments the WCB has agreements with are Human Resources and Skills Development Canada and the Nova Scotia Department of Community Services.
- When the WCB enters into one of these agreements, the WCB requires the other party to the agreement to have safeguards in place to protect/disclose an injured worker's personal information.
- Sometimes, the WCB is required by another law to protect/disclose an injured worker's personal information. For example, the *Maintenance Enforcement Act* requires the WCB to release personal information to the Nova Scotia Department of Justice for the purposes of enforcing child support orders.

Keeping your personal information safe and secure

The WCB is committed to protecting your personal information and preventing privacy breaches. A privacy breach is when an injured worker's personal information is disclosed to someone who does not have the legal right to receive the information. The WCB believes even one privacy breach is one too many.

The WCB protects an injured worker's personal information by putting in place safeguards and procedures to prevent unauthorized access, collection, use, disclosure, and disposal. These include administrative, technical and physical safeguards. Examples include:

- Privacy training for all staff
- Limiting access to staff members who are required to have access to carry out their jobs
- Verifying the identity of persons requesting access to personal information
- Building security
- Confidentiality agreements signed by all staff
- Password protection, encryption and firewalls on computers
- Procedures and practice directives related to the transfer of personal information via fax/email and the removal of information from the country.

Contact us for more information

If you have questions about how your information is handled, and protected, while it is in our care, please contact our Privacy Coordinator:

Privacy Coordinator
200-137 Venture Run
Dartmouth, NS B3B 0L9

Phone: 1-800-870-3331
Fax: 902.491.8916

If you have a complaint or concern about the way the WCB handled your information, or you suspect a privacy breach has occurred, please follow our privacy complaint process which is outlined in the privacy section of wcb.ns.ca.

If you are not satisfied with the WCB's handling of your privacy concern, you may file a complaint with the Privacy Review Officer of Nova Scotia. The contact information is:

Mailing Address:
200-137 Venture Run
Dartmouth, NS B3B 0L9

Phone: (902) 424.4684
No Charge-Dial: 1.866.243.1564
Fax: (902) 424.8303

For more information about the WCB's policies and procedures related to privacy, please visit wcb.ns.ca.

Dartmouth Office

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Corporate site:

www.wcb.ns.ca