

Workplace Safety and Insurance Board

Corporate Access & Privacy Policy

The Workplace Safety and Insurance Board is committed to the protection of the personal information entrusted to the organization. Personal information is collected under authority of the Freedom of Information and Protection of Privacy Act to administer and enforce the *Workplace Safety and Insurance Act, 1997*. *The Freedom of Information and Protection of Privacy Act* provides for:

- A right of public access to general records relating to the activities of government
- Privacy protection of personal information held by government institutions and a right of individuals to access their own personal information.
- The WSIB Access and Privacy Policy is based on the *Freedom of Information and Protection of Privacy Act*, the *Workplace Safety and Insurance Act*, and internationally accepted fair information principles codified by the Canadian Standards Association.

1. Accountability:

Protecting the confidentiality of personal information is a shared responsibility. Through the *Freedom of Information and Protection of Privacy Act*, the WSIB Chair, as head of the agency, is accountable for the personal information in the WSIB's custody or control and by virtue of their relationship with the WSIB, so are all WSIB employees and contracted service providers. The WSIB Code of Business Ethics reinforces the responsibility for protecting the confidentiality of personal information. Organizational accountability and privacy management is supported through policies, and procedures, employee education and awareness programs, and ongoing privacy reviews. To further assist WSIB's commitment to privacy protection, WSIB has established a Privacy Office that is responsible for advice, guidance and oversight of the organization's access and privacy requirements.

2. Purpose of Collection:

WSIB collects personal information to fulfill the purpose of the *Workplace Safety and Insurance Act*. The purpose of this Act is to accomplish the following in a financially responsible and accountable manner:

- To promote health and safety in the workplaces and to prevent and reduce the occurrence of workplace injuries and occupational diseases
- To facilitate the return to work and recovery of workers who sustain personal injury arising out of and in the course of employment or who suffer from an occupational disease
- To facilitate the re-entry into the labour market of workers and spouses and same sex partners of deceased workers
- To provide compensation and other benefits to workers and to survivors of deceased workers.

The Freedom of Information and Protection of Privacy Act provides a consistent purpose exemption which allows the WSIB to use and disclose personal information obtained indirectly, from someone other than to whom the information relates, in a manner which is consistent with the principle purposes of the *Workplace Safety and Insurance Act*. In cases where the information is obtained directly from the person to whom the information relates, there is an additional legislative requirement that such persons would reasonably have expected such a use or disclosure.

3. Limiting Collection:

WSIB limits the collection of personal information to that which is required to fulfill the authorized purposes of the *Workplace Safety and Insurance Act*, and states these purposes when it is collecting the information. WSIB does not collect personal information indiscriminately.

4. Notice and Consent:

Notice:

The Freedom of Information and Protection of Privacy Act permits the collection, use and disclosure of personal information necessary to achieve the purposes and proper administration of the Workplace Safety and Insurance Act. A notice of collection is provided at the time of collection, to the individual to whom the information relates, of the:

- legal authority for the collection
- principal purpose (s) for which the personal information is intended to be used
- title, business address, and business telephone number of an individual who can answer the individual's questions about the collection.

The Workers Report of Injury or Illness (Form 6) provides the notice of collection to workers claiming benefits under the *Workplace Safety and Insurance Act*. A more detailed notice is provided in the WSIB Privacy Statement for Workers.

Where personal information is collected through an electronic channel, an electronic notice of collection is provided to the subscriber of the electronic service.

Consent:

Under the Workplace Safety and Insurance Act, consent allowing health care practitioners to disclose functional abilities information directly to an employer must be provided when making a claim for benefits. Prior to conducting individual surveys, WSIB or a contracted third party researcher will contact the individual to obtain their permission to participate in the survey.

The Workplace Safety and Insurance Act authorizes WSIB to request medical information from health care providers, hospitals, or health care facilities providing health care to a worker claiming benefits under the insurance plan without consent.

There may be limited case specific situations where consent is required for the collection, use and disclosure of personal information.

5. Limiting Use, Disclosure & Retention:

WSIB uses and discloses personal information only for the purposes for which it was collected, or purposes consistent with these purposes, except with the informed consent of the individual, or as required or permitted by law. WSIB retains personal information only as long as necessary for the fulfillment of those purposes, and to comply with legislative or business requirements. Claim file information is retained for 99 years in the event personal information is required for claim adjudication or benefit payment.

6. Accuracy:

WSIB makes every reasonable effort to keep personal information as accurate, complete, and up-to-date as possible at the time of collection, and as is necessary for the purposes for which it is to be used. WSIB will amend records where appropriate to ensure the accuracy of personal information.

7. Safeguards:

WSIB strives to ensure that our security measures protect against loss, theft, unauthorized access, disclosure, use, or modifications of information. Such measures vary depending on the sensitivity of the information, amount, format, nature and storage of the information. All claim file information is considered sensitive confidential information. WSIB employs physical, organizational, technical and contractual measures to safeguard the information entrusted to it. Guidelines are in place to provide direction on authenticating the identity of those individuals requesting confidential information.

8. Openness:

WSIB makes readily available to individuals specific information about its policies and practices relating to the management of personal information.

- WSIB publishes its Operational Policy Manual and posts it on the WSIB web site at www.wsib.on.ca. Specific policies on confidentiality are included in the manual
- A detailed Privacy Statement for Workers is available on the WSIB web site at www.wsib.on.ca under the privacy link on the bottom of any page, or a copy may be obtained by calling 1-800-387-5540
- The WSIB Internet Privacy Policy is available on the WSIB web site at www.wsib.on.ca under the privacy link on the bottom of any page
- The WSIB Code of Business Ethics is available at www.wsib.on.ca under the policy tab at the top of the page
- Additional resources and information are provided on the WSIB web site
- WSIB makes available hard copy resources and general information for external stakeholders
- A Directory of Records listing all personal information under the control of WSIB, and the address of the WSIB Freedom of Information Coordinator, is available on the Ontario Government Access and Privacy web site at <http://www.cfipo.gov.on.ca>.

9. Individual Access:

Individuals have the right to request access to government information including general records and records containing their personal information unless the information falls within the *Freedom of Information and Protection of Privacy Act* exemptions to disclosure. An individual will be able to challenge the accuracy and completeness of their information and have it amended as appropriate.

The WSIB Freedom of Information Coordinator makes decisions on formal Freedom of Information and Protection of Privacy Act access to information requests. Formal *Freedom of Information and Protection of Privacy Act* access requests will be responded to within 30 calendar days from date of receipt, or where there is an extension of time limit, within that extended time limit.

If a formal *Freedom of Information and Protection of Privacy Act* request for access to WSIB records is denied, an appeal may be made to the Information and Privacy Commissioner of Ontario.

Individuals may obtain a copy of their own claim file by writing to their adjudicator. Individuals may update their personal information, or request to have information corrected by writing to their adjudicator.

10. Challenging Compliance:

WSIB investigates all challenges regarding the collection, use or disclosure of personal information. An individual may address a challenge concerning compliance with the above principles directly to a Privacy Officer or the Freedom of Information Coordinator in the WSIB Privacy Office.

Address: Workplace Safety and Insurance Board
Privacy Office, 20th Floor
200 Front Street, West,
Toronto, Ontario, M5V 3J1

Telephone: Toll free: 1-800-387-5540
Ontario toll free: 1-800-387-0750
Privacy Office 1-416-344-5323

If WSIB is unable to resolve your concerns about how your personal information has been handled, an individual may contact the Information and Privacy Commissioner of Ontario.