

<b>CATEGORY:</b>	<b>BOARD/GOVERNANCE</b>	<b>NUMBER:</b>	<b>BG-145</b>
<b>SUBJECT:</b>	<b>Governance Application of Freedom of Information and Protection of Privacy Act</b>		<b>ISSUED:</b> April 2013
		<b>REVISED:</b>	
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	<b>Chair, Board of Trustees</b>		

## **PREAMBLE**

Hospital governance is based on the Board of Trustee adherence to principles of transparency and accountability in their activities and their decision making. The extension of the Freedom of Information and Protection of Privacy Act 2012 (FIPPA) right of access and protection of privacy to hospitals represents an even higher standard of transparency and accountability to exercise the right to access hospital records.

## **POLICY STATEMENT**

This Policy outlines the roles and responsibilities of the Holland Bloorview Kids Rehabilitation Hospital Board of Trustees in meeting its governance expectations within the Freedom of Information and Protection of Privacy Act 2012.

## **PROCEDURE**

### Assignment of the Role of the "Head"

FIPPA assigns a significant role to the Chair of the Board of a public hospital referred to as the "Head", and allows for the Chair to delegate any or all of these powers to an officer of the Hospital. Further sub-delegation is not permitted.

Immediately on appointment, the Chair of the Board of Trustees may delegate the role of "Head" to the President & CEO with the approval of the Board of Trustees.

### Responsibility of the "Head"

1. Custody and Control of the Hospital Records including those records held by a hospital service provider or agent of the hospital on or after January 1<sup>st</sup>, 2007 ensuring that any legal, contractual or other restriction are taken into account before disclosing the record.
2. Determining where FIPPA allows for the right to access Exclusions or Exemptions.
3. Identifying when access to information that falls outside the scope of a discretionary exemption will be denied. These exemptions most commonly apply to records pertaining to governance and Board Affairs related to protecting the ability of consultants or hospital to provide advice or recommendations to the Board of Trustees and information related to economic or other interests.
4. Determining when compelling public interest warrants the release of information even if an exemption would otherwise apply to prevent disclosure of the information.
5. Ensuring the hospital has proactive disclosure strategies to enhance its transparency and accountability to the public.
6. Ensuring that the hospital meets all its FIPPA reporting requirements.

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### Responsibility of Each Trustee

Board practices with regards to the management of Board of Trustees personal notes compiled to enhance critical thinking or reflection for future decision making can be deemed to constitute hospital records. The Holland Bloorview Kids Rehabilitation Hospital Record Retention Schedule outlines custodial accountabilities for all classification of record types, but *does not reference Trustees' personal documents* created to meet the accountability of their role. Therefore, members of the Board of Trustees must ensure they understand that under FIPPA, they may be required to produce any/all of their personal notes pertaining to the business of the Hospital.

### **REFERENCES**

Broader Public Sector Accountability Act

Freedom of Information and Protection Privacy Act

Ontario Hospital Association Guidance Document #12: FIPPA and Governance and Board Affairs Records

**Reviewed by:**  
Governance Committee

**Date:**  
April 2013