

# Current Issues with Managing Access to Records

Prairie Health Information Privacy  
Day

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# Topics for Discussion:

- Access vs Disclosure
- Access/Disclosure: Too much or too little
- Clarification of access requests
- Records Locations (reasonable search)
- Electronic Records: how to grant access and when to compile

# Topics for Discussion (cont)

- Responses re refused access
- Calculation of Fees
- Access to privileged records
- Small vs Large Organizations

# Disclosure vs Access to Information

- **Disclosure:** something disclosed; to make known or public.
- **Access:** freedom or ability to obtain or make use of something.

# Access/Disclosure: Too Much or Too Little

- Understanding of legislation
- Legislation used as an excuse to refuse access/disclosure
- Staff education

# Clarification of Request

- Request not specific
- Clarification of request
  - Organization reluctant to speak to requestor
  - Requestor reluctant to speak to organization
- Contact and explain challenges
- Always document any clarification in letter to applicant
- If no clarification, interpret request reasonably and document in letter.

# Records Locations & Condition

- Off site storage
- Records at multiple sites
- Records in varying formats/state
- ?? Existence of records

# Records Locations & Condition (reasonable search)

- Ask applicant for information that may help search.
- How to prove reasonable search?
  - Scope of search conducted
  - Sites, areas, databases, individuals, etc.
  - Identify all possible repositories of records
  - Why belief that record does not exist
- Inform applicant of this in cover letter.

# Electronic Records/Creating Records

- How to provide access to electronic records?
  - Printing records "screen shots" are best.
  - Discourage direct access to systems.
- Is it a record or need to create a record/report.
- If relevant information, try to compile into record.
  - Unreasonable burden to do so?
  - Use best judgment.

# Responses re Refused Access

- Non response infers refusal
- Quote clause of legislation
- Further explanation of reason for refusal

# Calculation of Fees

- Information gathering from areas unfamiliar with process of calculating fees according to legislation.
- Requestors unfamiliar with costs associated

# Access to Privileged Records

- Legislative protections
- Identifying privileged records

# Small vs Large Organizations

## ➤ Small Organizations

### ❖ Challenges

- Resources to respond to requests
- Role of Access & Privacy Officer added to an existing position
- Meeting required time frames
- Requestor known to organization

# Small vs Large Organizations

## ➤ Small Organizations

### ❖ Challenges (con't)

- Increasing number of requests
- Education of staff
- Staffing Shortages/Turnover
- Anonymity

# Small vs Large Organizations (con't)

## ➤ Small Organizations

### ❖ Positives

- Knowledge of records and locations
- Network of support
- Education of staff
- Knowledge of requestor

# Small vs Large Organizations (con't)

- Large Organizations
  - ❖ Challenges
    - Searching for records
    - Who to contact.
    - Meeting required time frames.
    - Volume.
    - Staff education
    - Staffing/budget.
    - Negative perception of large organization.
    - Higher standards to meet. Level of "reasonableness" is higher.

# Small vs Large Organizations (con't)

## ➤ Large Organizations

### ❖ Positives

- Resources
- Internal Colleagues
- Internal expertise (legal, security, etc.)

*Questions?*

# *Thank You*

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