

**Alberta WCB
Policies &
Information**

Chapter:

GENERAL POLICIES

Subject:

ACCESS AND PRIVACY

Authorization:

BoD Resolution 2015/02/08

Date:

April 30, 2015

APPLICATION 2: DISCLOSURE OF INFORMATION

1. *When does WCB disclose information?*

The WCA allows WCB to disclose information:

- to persons directly concerned (see Question 2)
- to a government department or agency (see Question 3)
- to another Canadian workers' compensation jurisdiction (see Question 4)
- to an employer other than the accident employer (see Question 5)
- when obtaining, monitoring, or reporting on health-care services
- generally, when a person provides written consent for the release of his or her information
- during a review or appeal of a decision (see Question 6)

WCB may also disclose records when answering a request made under the *FOIP Act*.

2. *When will WCB disclose information to persons directly concerned?*

WCB may disclose information to the persons directly concerned, when it considers it necessary to carry out the purposes of the WCA. This includes:

- When the information is about a worker, "persons directly concerned" are normally considered to be the worker or worker's dependant (in the case of worker death or incapacity) or the representative or agent of any of them. Information is also released to the employer or employer's agent when necessary for the management of the claim.
- When the information is about an employer, "persons directly concerned" are normally considered to be the employer or the employer's agent.

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Disclosing information to persons directly concerned (continued)

In both cases, WCB may also release relevant information to other persons directly concerned (persons involved in carrying out the purposes of the *WCA*). For example, worker information may be released to a physician or service provider; employer information may be released to a principal requesting a clearance.

3. What information may WCB disclose to government departments or agencies?

WCB may disclose information to other departments or agencies of the Government of Alberta, departments or agencies of the government of another Canadian province or territory, or departments or agencies of the Government of Canada:

- a) when WCB considers it necessary for the purposes of the *WCA*;
- b) when necessary for carrying out the purposes of an enactment of Alberta, another province or territory, or Canada, when the enactment authorizes or requires the disclosure; or
- c) when the disclosure is compliant with the *FOIP Act*.

The Provincial Ombudsman of Alberta and the Information and Privacy Commissioner may access all information held by WCB in accordance with their legislation.

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4. *When does WCB-Alberta disclose workers' personal information to other Canadian workers' compensation jurisdictions?*

Relevant information is disclosed to other Canadian workers' compensation jurisdictions in circumstances such as when:

- a worker who still requires benefits and services has moved to another jurisdiction
- a worker has a compensable injury in Alberta that appears to have been aggravated by, or resulted in part from, employment in other Canadian jurisdictions
- a worker's claim is adjudicated under the Interjurisdictional Agreement
- an employer operates in more than one jurisdiction

5. *When will WCB disclose claim information to an employer other than the accident employer?*

When an employer is directly affected by an application to transfer costs under s.95(2) of the WCA (see Policy 07-02, *Experience Records*), the employer may receive claim information relevant to the issue of negligence. This information must be used only for the purpose of the application of s.95(2) of the WCA or any subsequent review or appeal.

Once WCB determines that an employer other than the accident employer is liable for the costs, that employer has the same access as an accident employer. If an employer(s) other than the accident employer is 100% liable, further access is restricted to the liable employer(s), except when the accident employer requires information to facilitate a worker's return to work.

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6. *When will WCB disclose information from an employer account?*

WCB may disclose information from an employer account file in circumstances such as:

- information about an employer account that may affect another employer’s liability under the WCA or is required for financing approval to an appropriate third party
- when WCB has taken legal action, information contained in the legal documents becomes public knowledge and may be released to concerned persons
- when an employer is in bankruptcy, receivership, or liquidation, certain information becomes public knowledge and may be released to concerned persons
- in response to requests for employer clearance certificates

7. *What information does WCB disclose during review or appeal?*

When a matter is, or may be, under review or appeal, the following persons are entitled, on request, to receive copies of relevant information:

- the worker, or in the case of the worker’s death or incapacity, the worker’s personal representative or dependant, or the agent of any of them
- the employer or the employer’s agent
- a person with a direct interest in the claim or matter that is the subject of the review or appeal, or that person’s agent (for example, an insurance company may have a direct interest if there is an issue regarding third party liability and coverage under the WCA)

When disclosing information to a representative (agent) of any of the above persons, WCB requires written authorization in a form acceptable to WCB.

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*Information disclosed
during review or appeal
(continued)*

The disclosed information may not be used for any purpose other than review or appeal. WCB may require a signed statement acknowledging the limitation. Using the information for any other purpose or disclosing this information is an offence under the WCA.

When a decision is appealed to the Appeals Commission, WCB provides the Appeals Commission with the records and information, including personal information, relating to the claim or matter under appeal. This includes information held by either WCB or the Dispute Resolution and Decision Review Body (DRDRB).

8. *Is there any information that WCB does not generally disclose?*

WCB may choose not to release medical or psychological information if WCB believes the release may cause the applicant to harm themselves or another person. In these circumstances, WCB may manage the disclosure through another person (for example, a physician or psychologist) or refer the person to the source (for example, the doctor, psychologist, or other physician who provided the information).

9. *When is this policy application effective?*

This policy application (Application 2 – Disclosure of Information) is effective December 17, 2014, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0102 Part II - August 2015](#)
- [Policy 0102 Part II - June 2015](#)
- [Policy 0102 Part II - June 2004](#)