

Alberta Alcohol and Drug Abuse Commission

POLICY ON THE CONFIDENTIALITY AND DISCLOSURE PROVISIONS OF THE ALBERTA ALCOHOL AND DRUG ABUSE ACT June 2006

POLICY STATEMENT

The Alberta Alcohol and Drug Abuse Commission believes confidentiality is the foundation of the client-counsellor relationship and that the interests and rights of the client are of key importance when considering the disclosure of personal information. The Commission also believes that the client has the *fundamental* right to decide the extent to which his/her personal information may be provided to others with the limited exceptions of other enactments including the *Public Health Act*, *Child, Youth and Family Enhancement Act*, the *Fatality Inquiries Act*, and the *Protection for Persons in Care Act* or an action of the Court. The Commission recognizes, however, that compelling circumstances may arise where the release of confidential information in the absence of the client's prior knowledge or consent may be necessary to ensure the health and safety of the client or of others. AADAC staff members have the discretion to make such decisions, but only if the decisions are consistent with the *Alcohol and Drug Abuse Act*, this Policy and the accompanying Guidelines.

CONTEXT

AADAC is an agency of the Government of Alberta mandated to address alcohol, other drug and gambling problems. AADAC staff engage clients in discussion about many aspects of their lives to facilitate recovery from alcohol, other drug and gambling problems. Information from these discussions could, if released indiscriminately, harm or embarrass a client. It could also affect AADAC's credibility and thus the Commission's ability to fulfill its mandate. The *Alberta Alcohol and Drug Abuse Act* contains provisions that protect client confidentiality. The Policy on the Confidentiality and Disclosure Provisions of the *Alberta Alcohol and Drug Abuse Act* and its accompanying Guidelines provide direction to AADAC staff regarding interpretation and application of these provisions.

Section 9 of the *Alberta Alcohol and Drug Abuse Act* is more restrictive than, and supersedes the provisions of the *Health Information Act* and the *Freedom of Information and Protection of Privacy Act* as applied to the disclosure of client information. However, AADAC applies the *Freedom of Information and Protection of Privacy Act* to govern the collection, use, correction, disposition and security of AADAC records and files. It also guides how AADAC handles the disclosure of information that is not specific to individual clients.

At times, it is appropriate to share client information with other service providers for case management purposes. In these situations it is necessary to obtain client consent. AADAC uses a release of personal information form to document a client's consent.

In limited circumstances client information can be disclosed without client consent. The following statutes supersede the *Alberta Alcohol and Drug Abuse Act* in some situations:

- *Child, Youth and Family Enhancement Act*
- *Public Health Act*
- *Fatality Inquiries Act*
- *Protection for Persons in Care Act*

As well, client information may be obtained through an Order in Council or may be subject to subpoena in Court proceedings.

PRINCIPLES FOR ACTION

1. Confidentiality is the foundation of the client-counsellor relationship and must be protected to the greatest extent possible.
2. The client, subject to limited exceptions, has the fundamental right to decide the extent to which his/her personal information may be provided to others.
3. AADAC will obtain consent prior to sharing client information with other helping agencies or individuals unless overriding legislation applies.
4. AADAC acknowledges that specific compelling circumstances may arise where the limited disclosure of a client's otherwise confidential information is necessary to protect an individual's health or safety (e.g. suicide or threatening to harm someone else). In such circumstances, notice of the disclosure is mailed to the last known address of the client.
5. Services will be provided to clients with the understanding that AADAC may be required to disclose personal information as a result of other statutes including the *Child, Youth and Family Enhancement Act*, the *Public Health Act*, the *Fatality Inquiries Act* and the *Protection for Persons in Care Act* and that AADAC records may be subject to review at Court proceedings.

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