

ACCESS TO INFORMATION

– Policy –

1. PURPOSE

- 1.1 This Policy outlines how the New Brunswick Institute for Research, Data and Training (NB-IRDT) responds to requests for access to business records, Personal Information (PI), and Personal Health Information (PHI), as provided under the New Brunswick [Right to Information and Protection of Privacy Act](#), SNB 2009, c R-10.6 (RTIPPA) and the [Personal Health Information Privacy and Access Act](#), SNB 2009, c P-7.05 (PHIPAA).

2. SCOPE

- 2.1 This Policy applies to requests by persons for access to:
- i) Information relating to the public business of NB-IRDT (i.e., business records);
 - ii) An individual's own Personal Information; and,
 - iii) An individual's own Personal Health Information.

3. DEFINITIONS

- 3.1. *Custodian*: As defined in PHIPAA, an individual or organization that collects, maintains, or uses personal health information for the purpose of providing or assisting in the provision of health care and treatment, the planning and management of the health care system, or delivering a government program or service.
- 3.2. *Data Business Owner*: The entity holding legal rights and control over a Data Set(s) and its variables. In the context of a Data Sharing Agreement, this is the entity (e.g., Custodian, Public Body) who has signed the Data Sharing Agreement and who has shared/disclosed a Master Data Set(s) with/to NB-IRDT.
- 3.3. *New Brunswick Institute for Research, Data, and Training (NB-IRDT)*: A Research Data Centre as defined in RTIPPA and PHIPAA. Like other research data centres, NB-IRDT has the authority to compile and link Personal Information and Personal Health Information for the purposes of research, analysis, or evidence-based decision-making. NB-IRDT has three locations, with the hub located in Fredericton, and Satellite Sites located in Saint John and Moncton. These facilities are situated on the University of

New Brunswick (Fredericton) campus (Keirstead Hall, 38 Dineen Drive; Units 316, 317, and 317-A); on the Saint John campus (Hazen Hall, 93-97 Tucker Park Road; Unit 339); and, on the Université de Moncton campus (Bibliothèque Champlain, 415 avenue de l'Université; salle 031).

3.4. *Personal Health Information:* As defined in PHIPAA, means oral or recorded identifying information related to personal health that can be used to identify an individual if the information:

- relates to the individual's physical or mental health, family history or health care history, including genetic information about the individual;
- is the individual's registration information, including the Medicare number of the individual;
- relates to the provision of health care to the individual;
- relates to information about payments or eligibility for health care in respect of the individual, or eligibility for coverage for health care in respect of the individual;
- relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any body part or bodily substance;
- identifies the individual's substitute decision maker; and/or,
- identifies an individual's health care provider.

3.5. *Personal Information:* As defined in RTIPPA, means oral or recorded identifying information related to an individual, including, but not limited to:

- the individual's name;
- the individual's home address, electronic mail address, home telephone or facsimile number;
- information about the individual's age, gender, sexual orientation, marital status, or family status;
- information about the individual's ancestry, race, colour, nationality, or national or ethnic origin;
- information about the individual's religion, religious belief(s), religious association or activity, or creed;
- personal health information about the individual;
- the individual's blood type, fingerprints, or other hereditary characteristics;
- information about the individual's political belief, association, or activity;
- information about the individual's education and employment or occupation or educational, employment or occupational history;
- information about the individual's source of income or financial circumstances, activities, or history;

- information about the individual's criminal history, including regulatory offences;
 - the individual's own personal views or opinions, except if they are about another person;
 - the views or opinions expressed about the individual by another person; and/or,
 - an identifying number, symbol, or other particular assigned to the individual.
- 3.6. *Pseudonymous Data*: Information from which direct identifiers (e.g., name, Medicare numbers, social insurance number) have been eliminated or transformed, but indirect identifiers (e.g., date a service was accessed, medical diagnosis, length of hospital stay, occupation, level of education) remain intact.
- 3.7. *Public Body*: means (i) a department, secretariat, or office of the Province of New Brunswick, including but not limited to those portions of the public service specified in Part I of the First Schedule of the *Public Service Labour Relations Act*, (ii) a government body, board, Crown corporation, or commission listed under Part IV of the First Schedule of the *Public Service Labour Relations Act*, a government body, (iv) the office of a Minister of the Crown, or (v) a local public body; (b) but does not include (i) the office of a member of the Legislative Assembly, (ii) the office of an officer of the Legislative Assembly, or (iii) The Court of Appeal of New Brunswick, The Court of King's Bench of New Brunswick, the Provincial Court of New Brunswick or the Small Claims Court of New Brunswick .
- 3.8. *Research Data Centre (RDC)*: A public body that compiles and links personal information, or personal health information, for the purposes of research, analysis, or evidence-based decision-making.

4. POLICY STATEMENTS

- 4.1 NB-IRDT is part of the University of New Brunswick (UNB), which is a Public Body as defined in RTIPPA. As such, requests for information related to the public business of NB-IRDT are processed under the *UNB Policy for the Provision of Access to Information*. NB-IRDT shall fully cooperate with UNB in responding to such requests in compliance with the Act and UNB Policies.
- 4.2 Requests made by individuals for access to their own Personal Information held by NB-IRDT are also processed under the *UNB Policy for the Provision of Access to Information*. NB-IRDT shall fully cooperate with the University in responding to such requests in compliance with the Act and UNB Policies.

- 4.3 NB-IRDT is identified as a Custodian by PHIPAA and has a legislated requirement to have mechanisms in place to address requests for Personal Information. However, the data transferred to NB-IRDT from Data Business Owners/Custodians, is Pseudonymous Data with any unique identifiers removed, NB-IRDT Employees cannot discern whose Personal Information and/or Personal Health Information is contained in the Data Sets and as a result cannot provide individuals with access to their own information. Requests for information concerning an individual's own Personal Information held by NB-IRDT within its Data Platform are referred to the original Data Business Owner/Custodian of the data from whom it was shared.

5. PROCEDURES

- 5.1 All requests for Access to Information received by NB-IRDT are forwarded to the NB-IRDT Privacy Officer.
- 5.1.1 *Scenario 1* - If the request is for access to NB-IRDT business information under RTIPPA, the NB-IRDT Privacy Officer directs the individual to the UNB's Records Management and Privacy Office's website and provides contact information for the University Secretariat.
- 5.1.2 *Scenario 2* - If the request is for access to an individual's own Personal Information or Personal Health Information, the NB-IRDT Privacy Officer, in keeping with provincial legislation, will redirect the request within 10 business days of receipt to the appropriate representative(s) of the original Data Business Owner/Custodian who entered into a Data Sharing Agreement with NB-IRDT. The process is facilitated by using the *Data Business Owner Redirection Form* (Appendix A). The University Secretariat will be notified of this request, and NB-IRDT will provide the University Secretariat with the necessary contact information for the original Data Business Owner/Custodian.
- 5.1.3 *Scenario 3* - If the request is for access to Personal Information or Personal Health Information that is not an individual's own Personal Information or Personal Health Information held by NB-IRDT in its role as a Research Data Centre as defined in PHIPAA, an Access to Information Request under RTIPPA cannot be invoked.

5.2 Procedures Summary Table (5.1.1 – 5.1.3 above)

Steps	Type of Request
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	Scenario 1 (5.1.1)	Scenario 2 (5.1.2)	Scenario 3 (5.1.3)
	Access to Information Request for NB-IRDT public business under RTIPPA	Access to one's own Personal Information or Personal Health Information Request under RTIPPA or PHIPAA	Access to Information Request for Personal Information or Personal Health Information under RTIPPA or PHIPAA that is not one's own
Step 1	<ul style="list-style-type: none"> Inform NB-IRDT Privacy Officer 	Inform NB-IRDT Privacy Officer	Inform NB-IRDT Privacy Officer
Step 2	<ul style="list-style-type: none"> NB-IRDT Privacy Officer directs request to the University Secretariat 	<ul style="list-style-type: none"> NB-IRDT Privacy Officer informs the University Secretariat of the request Redirects request to the appropriate Data Business Owner/Custodian 	<ul style="list-style-type: none"> RTIPPA cannot be invoked to access Personal Information or Personal Health Information NB-IRDT Privacy Officer directs requestor to the NB-IRDT Data Access Application and process
Step 3	<ul style="list-style-type: none"> NB-IRDT Privacy Officer facilitates the collection of any required NB-IRDT business or operations information 	<ul style="list-style-type: none"> NB-IRDT Privacy Officer redirects to the appropriate Data Business Owner/Custodian – <i>Data Business Owner Redirection Form</i> 	<ul style="list-style-type: none"> NB-IRDT Privacy Officer directs concerns/questions/appeals to the University Secretariat
		<p>NOTE: A request must be redirected to the appropriate business owner within 10 business days of receiving the request under provincial legislation</p>	

6. ADMINISTRATION

6.1 Accountability

- 6.1.1 The NB-IRDT Privacy Officer is responsible for informing the University Secretariat of all Access to Information Requests, and when appropriate, ensuring that all Access to Information Requests are redirected to the University Secretariat for completion.
- 6.1.2 The NB-IRDT Privacy Officer is responsible to provide access to any documents required by the University Secretariat for facilitating the completion of Access to Information Requests under RTIPPA.
- 6.1.3 The NB-IRDT Privacy Officer is responsible to ensure that requests to access one's own Personal Information and/or Personal Health Information that may be held in the custody of NB-IRDT are redirected to the appropriate original Data Business Owner/Custodian within the legislated period of 10 business days.
- 6.1.4 In the case of the NB-IRDT Privacy Officer's absence, the NB-IRDT Director will forward all Access to Information Requests directly to the

University Secretariat for clarification and direction.

6.2 Monitoring, Auditing, and Reporting

- 6.2.1 The NB-IRDT Privacy Officer will report any requests for access to NB-IRDT business records, Personal Information, or Personal Health Information to the NB-IRDT Director upon receipt of the inquiry or request and will keep the Director advised of progress and outcomes.
- 6.2.2 The NB-IRDT Privacy Officer will prepare and submit annual reports on privacy and related activities to the Executive Director of the Office of Research Services at UNB and the University Secretariat. This report includes the number, general nature, and outcome of any received requests for access to business records, Personal Information, or Personal Health Information.
- 6.2.3 The NB-IRDT Privacy Officer will participate, as required, in any audits conducted by OMBUD NB.

7. RELATED DOCUMENTS

- *Data Business Owner Redirection Form*
- *NB-IRDT Glossary of Data Privacy and Security*
- [UNB Policy for the Provision of Access to Information](#)
- [UNB's Records Management and Privacy Office's](#)

8. REFERENCES

- [Right to Information and Protection of Privacy Act, SNB 2009, c R-10.6](#)
- [Personal Health Information Privacy and Access Act, SNB 2009, c P-7.05](#)

9. DOCUMENT VERSION, REVIEW, AND APPROVAL HISTORY

Version	Author	Nature of Change	Date
1.0	NB-IRDT Staff	Document Creation	September 2016
Approved by		Approval Date	Effective Date
Vice President (Research)		November 2016	November 2016
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Version	Author	Nature of Change	Date
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Version	Author	Nature of Change	Date
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Version	Author	Nature of Change	Date
2.2	NB-IRDT Staff	Content review – slight grammatical & spacing change	June 2022
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VP Research UNB			
David MaGee		July 2023	July 2023
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