



PERSONAL INFORMATION & PRIVACY LEGISLATION

Various authorities authorize personal information, meaning any individually identifying information, including health information, to be collected and disclosed for the College of Licensed Practical Nurses of Alberta's (the CLPNA) complaints matters. The CLPNA is dedicated to protecting the privacy interests of all individuals involved in its complaint process while ensuring personal information needed flows effectively, specifically with respect to investigations of unprofessional conduct.

THE CLPNA'S AUTHORITY TO COLLECT PERSONAL INFORMATION

The CLPNA is authorized to collect personal information from any person involved in an investigation, in accordance with section 63 of the *Health Professions Act* ("HPA"):

(1) An investigator

(a) may, at any reasonable time,

(i) **require any person to answer any relevant questions** and direct the person to answer the questions under oath, and

(ii) **require any person to give to the investigator any document, substance or thing relevant to the investigation** that the person possesses or that is under the control of the person,

In accordance with s. 63(3) the Complaints Director can obtain a Court of Kings Bench order to compel anything captured in s. 63(1).

AN EMPLOYER'S AUTHORITY TO DISCLOSE PERSONAL INFORMATION

An employer's ability to disclose personal information to the CLPNA is covered in the *Freedom of Information and Protection of Privacy Act* ("FOIPPA"), the *Personal Information Protection Act* ("PIPA"), and/or the *Health Information Act* ("HIA").

Legislation	FOIPPA	PIPA	HIA
Application	Applies if the information is not 'health information' under HIA and the employer is a 'public body' under FOIPPA.	Applies if the information is not 'health information' under HIA and the employer is not a 'public body' under FOIPPA (i.e. private sector).	Applies if the employer is the custodian of information that diagnostic, treatment, and care information and or registration information.
Relevant Sections	40(1)(f) and (q)	20(b) and (m)	35(1)(p), 35(4), 36(a)



When disclosure is authorized	<ul style="list-style-type: none">• for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure → s. 63 HPA• to a public body or a law enforcement agency in Canada to assist in an investigation<ul style="list-style-type: none">(i) undertaken with a view to a law enforcement proceeding, or(ii) from which a law enforcement proceeding is likely to result	<ul style="list-style-type: none">• pursuant to a statute or regulation of Alberta or Canada that authorizes or requires the disclosure → s. 63 HPA• reasonable for the purposes of an investigation or a legal proceeding	<ul style="list-style-type: none">• if authorized or required by an enactment of Alberta or Canada → s. 63 HPA• to a health professional body for the purpose of an investigation or a discipline proceeding
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WITNESSES AUTHORITY TO DISCLOSE PERSONAL INFORMATION

No privacy legislation governs or restricts a witness' disclosure of personal information.