

AIAC PRIVACY POLICY REGARDING APPELLANTS' PERSONAL AND PERSONAL HEALTH INFORMATION

PURPOSE:

The Automobile Injury Appeal Commission is committed to safeguarding the personal information entrusted to us by people who appeal decisions made by Saskatchewan Government Insurance. We manage your personal information in accordance with Saskatchewan legislation, in particular, *The Freedom of Information and Protection of Privacy Act (FOIP)* and *The Health Information Protection Act (HIPA)*.

This policy outlines the principles and practices we follow in protecting your personal information.

This policy applies to the Automobile Injury Appeal Commission and its employees and commission members. This policy also applies to any person providing services on our behalf.

A copy of this policy is posted on our website and copies can be obtained free of charge upon request to the Commission office.

We inform appellants before or at the time of collecting personal information of the purpose for which we are collecting the information. The only time we don't provide this notification is when the appellant volunteers information for obvious purposes.

DEFINITION OF PERSONAL INFORMATION:

Personal Information is defined in legislation and for purposes of this policy as personal and personal health information about an identifiable individual. In our office, this may include information such as the following:

- An individual's address, telephone number, or date of birth;
- Occupation and employment records, family or marital status or race;
- Medical or health records
- Employment records, assets, liabilities, income, credit rating, credit and payment records;
- Information about other insurance claims, past and present; and
- Records of rehabilitation and opinions as to work and other physical restrictions.

We normally collect appellant information directly from you, as well as from Saskatchewan Government Insurance. We may also collect personal and personal health information about you from other people on your instructions, with your consent, or as authorized by law.

What Personal Information do we collect from you in administering and hearing your appeal?

Personal Information required for administrative purposes:

This is the basic information that you provide to the Commission such as your name, address and contact numbers. It also includes records created by administrative staff of telephone or personal contact you or others on your behalf may make regarding the ongoing status of your appeal.

This administrative information is kept separate from your appeal documents and is stored in a secure location after the appeal has been decided according to our record retention and disposition schedule.

If you make an application for a Certificate of Substantial Hardship to waive the appeal fee, you may be required to provide quite detailed financial information. The information is needed so that we can decide whether to waive the fee. This information is also kept separate from information relevant to your appeal.

Personal Information required in the appeal process:

As part of the appeal process, both the applicant and SGI file relevant information which is then compiled into an Appeal Book. This book is provided to the appellant, SGI and each member of the panel who has been assigned to hear the appeal. A copy is also kept by the Commission as part of the official record of the appeal.

When the appeal has concluded and the decision has been issued, the members of the Appeal panel who sat on the appeal return their copies of the Appeal Book along with personal notes of the hearing for confidential shredding.

The Commission's copy of the Appeal Book is kept in a secure place in a secure location and will eventually be destroyed according to our record retention and disposition schedule.

CONSENT:

We ask for consent to collect, use or disclose appellant personal information, except in specific circumstances where collection, use, or disclosure without consent is authorized or required by law.

How and when are we going to obtain consent?

We may collect, use, disclose appellant personal information without consent only as authorized by law.

For example, we may not request consent when the collection, use or disclosure is reasonable for an investigation or legal proceedings, in an emergency that threatens life, health, or safety, or when the personal information is from a public telephone directory.

How do we use and disclose personal information?

We use and disclose appellant personal information only for the purposes, for which the information was collected, except as authorized by law. For example, we will use your financial information to decide if the appeal fee will be waived. We will use your medical information from the appeal book when deciding your case.

We make every reasonable effort to ensure that your personal information is accurate and complete. We rely on you to notify us if there is a change in your personal information which may affect your relationship with the Commission. If you are aware of an error in our information about you, please let us know and, if appropriate, we will correct our records. Otherwise, we will place a note on the record indicating that you dispute the information.

In some cases, we may ask for a written request for correction. We do not charge a fee to make a correction.

Personal Information filed by the parties as part of the appeal process is compiled by Commission staff and provided to the parties and the panel hearing the appeal. The relevance and accuracy of this information will be decided at the appeal hearing and cannot be altered or corrected by Commission staff.

How do we safeguard personal information?

In the course of our work, we will collect, use and disclose the least amount of personal information necessary for the purpose of our work. Also, we will ensure that only those persons in the AIAC who have a legitimate need-to-know will have access to and use of your personal information.

We protect appellant personal information in a manner appropriate for the sensitivity of the information. We make every reasonable effort to prevent any loss, misuse, disclosure or modification of personal information, as well as any unauthorized access to personal information.

We use appropriate security measures when destroying appellant personal information including shredding paper records and permanently deleting electronic records.

However, correspondence and information filed, as well as information compiled into the Appeal Book, are distributed to the parties and the panelists by mail, e-mail, fax and courier. While we are very careful to ensure that these are not misdirected, we cannot guarantee the actions of third party carriers.

Access to records containing personal information:

You may make a request for access to your personal information by writing to Nadine Johnson, Manager of Operations, Automobile Injury Appeal Commission, 100-2101 Scarth Street, Regina, SK, S4P 2H9. In the event that the information you seek is personal information under *The Freedom of Information and Protection of Privacy Act (FOIP)*, you will need to complete the Request for Access form that is available from our office or that can be downloaded from www.oipc.sk.ca.

We will respond to your request within 30 calendar days, unless an extension is granted.

If we refuse a request in whole or in part, we will provide reasons for the refusal. In some cases where exemptions to access apply, we may withhold that information and provide you with the remainder of the record.

We will advise you of any fees that may apply before beginning to process your request.

Commission Policy on Written Decisions published on the Commission's website:

A Commission decision is a review of the relevant evidence heard and details as to the factors that led the panel to its final decision. All Commission decisions are written.

The Commission is committed to making its decisions available to the public but it also has a strong interest in protecting the privacy of parties to its proceedings.

Appeals will be filed, processed and heard without masking personal identities. The decisions issued to the parties and available from the Commission office will not be masked. However, appellant identities will be masked for the purposes only of posting to the Commission's website at www.autoinjuryappeal.sk.ca.

Questions and Complaints:

If you have a questions or concerns about any collection, use, retention or disclosure of personal information by AIAC or if you wish to request access to your personal information, please contact; Nadine Johnson, Manager of Operations, Automobile Injury Appeal Commission, 100-2101 Scarth Street, Regina, SK, S4P 2H9
Telephone: (306) 798-5542, toll free 1-866-798-5544, fax (306) 798-5540

If you are not satisfied with the response you receive, you may contact; The Information and Privacy Commissioner, 503 – 1801 Hamilton Street, Regina, SK, S4P 4B4
Telephone: (306) 787-8350, toll free 1-877-748-2298, fax (306) 787-1603