

SECTION 13

EMPLOYEE PRIVACY

13.01 DISCLOSURE OF EMPLOYEE PERSONAL INFORMATION

AUTHORITY: FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY ACT

ADMINISTRATION: PEI PUBLIC SERVICE COMMISSION
GOVERNMENT DEPARTMENTS / AGENCIES

Sub-section 13.01 Disclosure of Employee Personal Information	Date: 26 July 2022	Page 1 of 3
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1. PURPOSE

1.01 The purpose of this policy is to outline the process to be followed to disclose employee personal information in compliance with the Freedom of Information and Protection of Privacy (FOIPP) Act (the Act).

Pursuant to the Act, all public bodies are obliged to adopt a policy of accountability, openness and transparency, and to provide a right of access to information, with limited exceptions. They are also obliged to ensure the protection of an individual's personal privacy.

2. APPLICATION

2.01 This applies to all departments and agencies within the Civil Service who are requested to disclose personal information.

3. DEFINITION OF TERMS

personal information	Please see FOIPP Act, section 1(i)
record	Please see FOIPP Act, section 1(l)
third party	Please see FOIPP Act, section 1(m)

4. POLICY/PROCEDURE

If the employee is known to you then you may provide the information requested directly. If the employee is not known, the identity of an employee requesting their personal information will be confirmed by presenting three forms of identification (i.e. employee number, date of birth, social service number). If the request is made in person then a photo id should be requested. Once you have confirmed the required proof of identity, you may proceed to disclose the information that has been requested within their personnel record.

- If requested to mail information, the record(s) will be sent to the employee's interoffice work site or home address, to be confirmed by the employee making the request at the time of the request.
- All records will be placed in a sealed, properly addressed envelope and marked APersonal and Confidential.
- If employees pick up the documents, they will need to provide proof of identity (i.e. a driver's license), unless the HR Manager is able to confirm the employee's identity.
- Records will **not** be faxed or emailed for security reasons.

Sub-section 13.01 Disclosure of Employee Personal Information	Date: 26 July 2022	Page 2 of 3
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Disclosure of personal information to third parties (i.e., partners, family members, banks re confirmation of employment etc.)

- Must have written consent to authorize the disclosure of personal information to a third party including the specific information to be disclosed. (Attached Consent Form may be used - Attachment 6.01)
- The consent form document must be maintained in the Employee's personnel file.
- Consent forms are valid for one year and must be renewed after that period and may be revoked by the employee at any time.
- If a person other than the employee is to pick up the employee's information, the employee must complete a consent form and identify the person representing them. That person will be required to provide proof of identity (i.e. a driver's license).
- If an employee requests that information be mailed to a third party, the employee must provide their consent and the appropriate mailing address or specific forms if a financial institution, as appropriate.

For organizations wishing to confirm employment of an employee, the employee will be contacted regarding verbal consent to disclose this information.

5. ROUTINE DISCLOSURE

Routine disclosure is defined as the routine or automatic release, in full or in part, of certain types of administrative or operational records as a matter of course in response to a request without the need for a formal application for records under the *FOIPP Act*. This can include the employee personnel file, letters of offer, changes in pay levels, discipline or grievance procedures etc. Human Resource Managers are encouraged to develop policies around information that can be disclosed to employees through routine disclosure. See Attachment 6.02 as a sample only and may not in all instances contain personal information but records held within the Human Resource departments.

Under *Section 37* of the *FOIPP Act*, the Employer may be required to provide employee personal information without employee consent. All disclosure of information of a sensitive nature not formally indicated on a routine disclosure list must be approved by the Departmental HR Manager. The Access and Privacy Services Office may be contacted for assistance as needed.

Sub-section 13.01 Disclosure of Employee Personal Information	Date: 26 July 2022	Page 3 of 3
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6. ATTACHMENTS

- 6.01 Consent Form
- 6.02 Samples of Routine Disclosure Records

ATTACHMENT 6.01

**DISCLOSURE OF EMPLOYEE INFORMATION
CONSENT FORM**

Employee Name: _____ Department: _____

Employee Number: _____

Information to be Disclosed: **(please detail specific information to be disclosed)**

I hereby disclose the _____ from all legal
(name of department)

responsibility or liability that may arise from the act I have authorized.

Information may be provided to*

Name:

Address:

Phone:

Organization: _____ (if applicable)

Consent valid until: _____ (max. one year)

****Third party must present picture identification (valid driver's license, passport) to HR Manager or designate before information is disclosed.***

Employee Signature

Date

Witness

Date

All personal information is collected under the authority of Section 31(c) of the Prince Edward Island Freedom of Information and Protection of Privacy Act for the purpose of collection. If you have any questions about this collection of personal information, you may contact the Director of Human Resource Management and Labour Relations at the Public Service Commission, P.O. Box 2000, Charlottetown, PE C1A 7N8, (902) 368-4080.

ATTACHMENT 6.02

SAMPLES ONLY OF ROUTINE DISCLOSURE RECORDS

Information/Record	Availability	Access Method	Comments
Employee personnel files	Employees	Upon request	
HR Policies	Employees Public	Website	
Internal Job Postings	Employees	Website	
External Job Postings	Public	Website	
Examination paper (from job competition)	Employees	Upon request	Feedback is verbal. Employees may view their own written exam papers.
Employee info including employee number, contact info, seniority date, service info, salary and increment history	Employees	Upon request	Employee's personal info provided to employee on request
Human Rights Annual Reports	Employees Public	Website	
Employee history paper files	Employees	Upon request	Employees may view this paper file and/or request copies
Requests for job rating sheets, factors and their descriptions	Employees	Upon request	Info reviewed with employees (no copies provided)
Individual employee training records	Employees	Upon request	List of attendance in courses as recorded.
Third party request	Third party Employee	Upon request	Only released as per consent policy. <i>Employee Privacy - Section 11.01 - Disclosure of Personal Employee Information</i> located in Human Resources Manual