

# Guidance Sheet for Service Providers

## Notifying parents, legal guardians and supported children about information sharing

The Protecting and Supporting Children (Information Sharing) Act and its regulation allow service providers to collect, use and share personal information about supported children and their parents or legal guardians without their consent (permission). Timely sharing of information among service providers can play a crucial role in protecting the safety of at-risk children and promoting their well-being.

### Notification

Although, under this act, consent is not required before sharing personal information, it is a best practice for service providers to tell parents, legal guardians and children over 12 years of age of their legal authority to share personal information with other service providers. If possible, this should happen before service providers collect personal information (e.g., during an intake session), and if the service provider believes providing notification is in the supported child's best interests. Most of the time, being open about how a client's personal information can be shared, even when consent is not required, can help build trust.

Notification can be provided in different ways, including:

- printed on an intake form
- contained on a separate sheet or in a brochure that accompanies a form
- presented in a pop-up window linked to an online form
- provided verbally – e.g., during a phone call

### How to explain the ability to share personal information

Using plain language is important to ensure clients understand service providers' ability to share personal information. The following is an example of language that service providers may wish to use when discussing information sharing with the parents of a supported child. The language can also be adapted and communicated with legal guardians.

"The personal information that you share with me is being collected to provide services to you or your child. It is important for you to know that, according to The Protecting and Supporting Children (Information Sharing) Act, I have the legal ability to share this information with other service providers without your consent or permission. However, under this act (law), the only way I can share personal information about you, or your child, with other service providers, is if I reasonably believe sharing the information is:

- in your child's best interests and
- necessary to plan or provide services or benefits to your child

Also, if I share personal information about you, or your child, with another service provider, I must:

- share only the minimum (least) amount of information necessary to achieve the purpose for which it is shared
- include relevant information that I know about your strengths and that of your child
- take reasonable steps to ensure that the information is accurate and not misleading
- ensure that sharing the information is not prohibited by another act (law), such as The Child and Family Services Act and The Youth Criminal Justice Act."

As a service provider, I will carefully follow these rules about information sharing, and always keep in mind that the only way I can share personal information under this act is if I reasonably believe that it is in your child's best interests to do so. Please note that other laws may allow me to share personal information, according to different rules."

### Notifying supported children

If a service provider believes it is in the supported child's best interests, it is also a good practice for them to let supported children over 12 years of age know of their ability to share personal information. When discussing this with the supported child, it should be done in a manner that is appropriate for the supported child's age and understanding.

**NOTE:** This sheet is not intended to provide legal advice and is not to be used as a substitute for legal advice. If you are subject to another act, you may be able to share personal information without consent, under that act. If you have questions about how (and with whom) personal information can be shared, please refer to the act and its regulation, or approach colleagues (management) from your agency or organization for guidance. You may also wish to visit [manitoba.ca/informationsharingact](http://manitoba.ca/informationsharingact) to learn more about the legislation. If appropriate, advice from legal counsel should be sought.