



**Department of Justice and Public Safety.
Adult Custody Services**

Policy: **Access to client File C12**
Effective: March 2001
Revised: December 2022

MISSION STATEMENT

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices, incorporate transparent policies and procedures, ensure independent quality assurance processes, and provide program access that allows for educational, cultural, traditional, and faith-based services as well as mental wellness and community re-entry assistance.

PURPOSE

To establish procedural standards for administration of access to a client file.

LEGISLATIVE AUTHORITY

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

SCOPE

This policy applies to all employees of the Adult Custody Services division of the Department of Justice and Public Safety.

POLICY GUIDELINES

The Department of Justice and Public Safety recognizes the right of an individual to privacy, in relation to information contained in files maintained by the Department and to the protection of information contained therein, which serves to personally identify them, either written or electronic. The right of access to their personal information is also recognized.

The Department has the property right of the record, which is maintained for the benefit of the:

- Individual upon whom the record is compiled
- Employees who are involved in delivering service to the individual
- Department of Public Safety
- Courts

It is the responsibility of the Department to safeguard the information against:

- Loss
- Tampering
- Unwarranted access
- Use by unauthorized persons



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Information released to authorized persons should not be made available to any other party without further authorization.

Information may be released from the record of the individual to any person, including the individual, upon whom the record is compiled, upon a written authorization signed by the individual. Requests from solicitors must be original notarized authorizations.

The original record may not be removed from the Department, except upon an order of a court of competent jurisdiction or for removal for storage to Central Records or Archives, a part of the Provincial Archives, Department of Supply and Services.

PROCEDURE

Access Restrictions

Direct Service

To safeguard personal information against loss, tampering and unwarranted access by unauthorized persons the following conditions apply.

Information shall be accessed or released by request to a Superintendent or their designate of a New Brunswick provincial correctional institution

- By a Physician or other care provider responsible for the direct care of the individual
- By request of a medical practitioner, other practicing professional or employee when required for the care, diagnosis, or treatment of the individual
- By a member of The College of Physicians and Surgeons, for investigation of patient complaint, for matters pertaining to the medical treatment of the individual
- A school official, for information pertaining only to pedagogical matters
- Authorized by the individual upon whom the record was created
- A legally authorized representative

Client Use

Client may request access to file information by request to the Superintendent for matters pertaining to the client's individual safe care and custody

Signature

The client will be requested to sign the attached notice. The signature should be witnessed, confirming the identity of the individual who signed the document and that the person's mental state at the time appeared to allow for an understanding of what was signed.

View All Files

All files must be viewed before disclosure:

- To determine if it might be detrimental to the mental or physical health of the applicant.
- To ensure compliance with provisions of the Province of New Brunswick [Right to Information Act](#)

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Security of Institution / Personal Information

In the case of a client file, attention should be taken regarding the following matters, to determine if it contains:

- Any information which could affect the security of the institution
- Any personal information about other individuals
- Information that could identify a minor child and or Victim

Remove Information Excluded by the Right to Information Act

Information contained in the file which falls within these parameters will be removed from the copy of file information provided to the applicant.

Having considered the foregoing principles, examined the file as indicated above, and taken the necessary actions, copies of information, eligible for release, may be provided:

With Authorization of Individual

- To any person, including the individual upon whom the record was compiled, upon the written request of that individual (See section E-17)

Death – Next of Kin

- In the event of death or incapacity of the person upon whom the record was compiled, upon a written request signed by the next of kin, or legal representative of that individual

Properly Authorized

- As requested by properly authorized persons or agencies

Secondary Use

A copy of specifically necessary information contained in the record will be released for:

Scientific Research

- Scientific research that has been approved by the Minister of the Public Safety, and

Review of Professional Work

- The review of professional work in an office or institution operated by the Department of Public Safety

Workplace Health and Safety

Upon the Direction of the Minister of Public Safety:

- Upon the written request of a representative of the Workplace Health and Safety and Compensation Commission, with respect to cases for which the Commission is responsible.

National Defence

- Upon the written request of the Department of National Defense or the Department of Veterans Affairs with respect to a client who is a member of the Armed Forces of Canada or who is otherwise eligible to receive services from either department.

Third-party Agency



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- Upon the written request and the original client authorization, from any third-party agency.

Notarized Authorization

- Lawyers - a written request which includes an original notarized client authorization is sufficient. Procedures as noted in 3.2 above will be followed.

Inter-Departmental – Direct Client Care

- Interdepartmental, intergovernmental requests - requests for client information will result in release to direct care users only, unless written client authorization is available.

Legal Use

As required by law: (No documents are deleted from the file before release)

- **Search warrants** - a search warrant signed by a judge of the Provincial Court of New Brunswick provides access to the person indicated for the purposes and to the extent as defined by the Court.
- **Coroner** - a Coroner has the authority, provided by the Coroners Act to request, and receive information with respect to a case under investigation.
- **Police (other than medical)** - information other than medical information will routinely be provided to police conducting a criminal investigation. In the event of the individual's death, a search warrant, or an order of the coroner is required.
- **Court/Subpoena** - a Subpoena Duces Tecum signed by a judge of the Provincial Court of New Brunswick requires the production of the noted documents, as per instructions in the order.
- **Ombud** – has the same authority to subpoena documents as a provincial court judge.
- **Inquiry Commissioner**, as authorized under the Inquiries Act of New Brunswick – has the same authority to subpoena documents as a provincial court judge

Medical Information

Information gathered in relation to client's medical care by a medical service provider falls under the Jurisdiction of Horizon and Vitalite health networks. All health-related information is protected by Protection of [Personal Information act](#) and Health authority Policy. The Department of Justice and Public Safety **does not** collect and or record any information related to a clients individual Health care. All Health care request must be made by client and or their authorized representee according to Horizon and Vitalite Policy.



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RELATED POLICY

[Right to Information Act](#)

[Right to Information Act Regulation.](#)

[Section C-4 Right to Information Act – Responses to Citizens \(Policy, Planning & Public Affairs Operations Manual\)](#)

[Protection of Personal Information Act](#)

Section E17 Client Access to Own File Information
Adult Institutional Policy Manual NB