

POLICY NUMBER: POL-18

**Chapter:
GENERAL**

**Subject:
ACCESS TO EMPLOYER ASSESSMENT FILE INFORMATION**

**Effective Date:
November 15, 1994**

**Last Update:
February 14, 2024**

PURPOSE STATEMENT:

The purpose of the policy is to provide appropriate access to information in employer assessment files.

REFERENCE:

Freedom of Information and Protection of Privacy Act, R.S.P.E.I 1988, Cap. F-15.01, Sections 2, 14, 15.

Workers Compensation Act, R.S.P.E.I. 1988, Cap. W-7.1 Section 30.

DEFINITION:

In this policy:

“Authorized representative” means an individual with written authority from a worker or employer to act on behalf of them, including accessing information held by the Workers Compensation Board.

POLICY:

1. When an employer registers for workers compensation coverage, the Workers
-

Compensation Board (WCB) is entrusted with information that is required to manage an employer's account.

2. As the administrator of Prince Edward Island's workplace safety and compensation system, the WCB is entrusted with sensitive and personal information. The WCB makes every reasonable effort to ensure the security, confidentiality, privacy, and accuracy of this information.
3. The WCB ensures that any disclosure of employer assessment information is done in compliance with the *Workers Compensation Act* and the *Freedom of Information and Protection of Privacy (FOIPP) Act*, if applicable.

Employer Access to Assessment File

4. The WCB will provide an employer with a copy of their employer assessment file and any file updates, free of charge, on request.
5. On request from the employer, the WCB may provide specific documents from the employer assessment file. The request must specify the type and date of the requested information.
6. In the course of conducting regular business, the WCB may receive enquiries from employers related to the employer's assessment file.
7. Before releasing any information, the WCB will ensure that employer assessment information is disclosed only to authorized individuals once their identify has been verified.

Authorized Individuals

8. An employer may authorize a representative to act on their behalf for account communications and access to assessment file documents. The employer must provide their authorization in writing on a Request For Release Of Employer Assessment File (CL-56) or other form acceptable to the WCB. The employer may provide verbal permission to discuss assessment matters in the presence of another individual.
9. The authorizations will remain in effect until the WCB is notified otherwise.

Third Party Requests for Employer Assessment Information

10. Information of public interest such as confirmation that an employer is registered and in good standing with WCB (e.g. clearance letter) is available publicly through the WCB website or by request.
11. The WCB will respond to written requests for employer registration and assessment information where there is a legal obligation to disclose. Examples of circumstances include, but are not limited to, the following:
 - Information to a receiver, trustee, or executor who has taken over management of the business undergoing bankruptcy or for a deceased employer. The receiver, trustee, or executor must provide confirmation of the person's appointment to manage the business.
 - To assist the WCB in collecting unpaid assessments and securing judgements.
 - To comply with the *FOIPP Act*.
 - To manage interjurisdictional claims with other Workers Compensation jurisdictions.
11. The WCB may have information sharing agreements in place with other compensation boards, government departments or agencies, associations, or research entities. Employer information will be disclosed based on the provisions in the agreements.
12. For all other requests from third parties, the employer's written consent must be received by the WCB before information will be disclosed. The consent must be in a form acceptable to the WCB, specifically naming the third party and clearly stating the information that can be disclosed.

Unauthorized Disclosure

13. The WCB takes all reasonable precautions to protect sensitive information, including employer assessment files. In the event of unauthorized disclosure, , the WCB will take steps to contain and recover the information. Affected individuals are notified as appropriate and the WCB takes measures to prevent similar occurrences in the future.

HISTORY:

February 14, 2024 – Non-substantive changes made for readability.

November 30, 2014 - Amended to provide clarity with respect to the release of information from employer assessment files.

September 22, 2005 - The policy was updated as a result of the 60 month policy review process. Name changed from “Confidentiality And Release Of Information” to “File Release – Employer Services.”

May 18, 2000 - Replaced “Board” with “Workers Compensation Board” and amended format.

February 4, 1999 - Reviewed and reaffirmed with the Board of Directors.

Board of Directors Approval Date: November 15, 1994