 Department of Health Government of Nunavut		NURSING POLICY, PROCEDURE AND PROTOCOLS	
		Community Health Nursing	
TITLE:		SECTION:	POLICY NUMBER:
RCMP Investigations		Communications	06-005-00
EFFECTIVE DATE:	REVIEW DUE:	REPLACES NUMBER:	NUMBER OF PAGES:
February 10, 2018	February 2021		3
APPLIES TO:			
Community Health Nurses			

POLICY:

Department of Health and Social Services` (HSS) staff shall not disclose client information to the police without the consent of the client, unless required by law to do so by a *search warrant, subpoena, or order for production* requesting specific client information.

POLICY:

Upon presentation of a *search warrant, subpoena, or order for production*, HSS staff must consult the HSS ATIPP Coordinator before releasing any information or taking any other action.

PRINCIPLES:

Department of Health and Social Services` staff must maintain client confidentiality under existing legislation, policies and pursuant to the Registered Nurses Association of Northwest Territories and Nunavut regulations.

Inappropriate disclosure of client health information may expose HSS and its staff to civil liability for breach of confidentiality, and may result in charges of professional misconduct for the health care professional.

Cooperating and assisting RCMP officers in their investigations must be balanced against the clients` right to privacy and the right to confidentiality of their health information.

DEFINITIONS:

A **Subpoena or Summons to Witness** is a legal document that compels a named individual to attend a court of law to give evidence in a civil or criminal proceeding.

A **Search Warrant** is a legal document that provides authorization for an RCMP officer to obtain evidence, such as clients` health records, belongings and specimen samples, as part of an investigation.

RELATED POLICIES, GUIDELINES AND LEGISLATION:

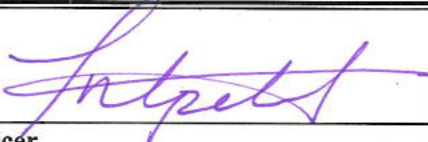

Policy 06-001-00	Confidentiality
Guidelines 06-001-01	Confidentiality
Policy 06-003-00	Release of Information
Guidelines 06-003-01	Guidelines for the Release of Information
Guidelines 06-005-01	Guidelines for RCMP Investigations
Template 06-005-02	Law Enforcement Disclosure Form
Template 06-005-03	Letter to RCMP to Disclose Client Information



GUIDELINE 06-005-01

RCMP INVESTIGATIONS

1. The HSS ATIPP Coordinator must be contacted in all situations that involve client health information and the RCMP.
2. Health centre staff approached by an RCMP officer to disclose client information should advise and consult with their supervisor and the HSS ATIPP Coordinator regarding the request. All requests for release of a client's health record must be directed to the Territorial HSS ATIPP Coordinator for processing.
3. Health centre staff must do whatever is necessary to respond to a search warrant, subpoena, summons to witness, or other court process. Staff must ask to see the warrant, or other legal documents to verify the legal request and confirm the scope of information and/or objects being requested. Most subpoenas and warrants have a time limit in which the department must respond. This allows for consultation with the HSS ATIPP Coordinator.
4. If the health centre is not given a search warrant, subpoena, court order, or summons to witness; the nurse should not release any client information or health records to the RCMP officer unless the client consents to the release of information.
5. Health centre staff must not interfere with or obstruct an RCMP officer in the exercise of his/her duties. This obligation is especially important if a client has been arrested. Health centre staff must assist the officer if they request assistance in effecting an arrest or to keep the peace. However, if the RCMP officer's activities interfere with the safety of clients or the efficient operation of the health centre, the SHP may insist that the RCMP officer activities be reasonably modified.
6. If a client is under arrest, the property or belongings that are in their possession, including any foreign bodies removed, may be taken by the RCMP without the client's consent. Staff should obtain written confirmation of the arrest from the RCMP, including the officer's name and badge number. Client information, including the client's health record and any test results, remain confidential despite a client being under arrest.
7. Health centre staff should never undertake medical tests or treatments solely at the request of an RCMP officer unless the client's consent has been obtained. The process of handling and labelling of client specimens, from the moment they are drawn/obtained from the client until the results are posted to the health record, is very important and must be clearly documented in the health record.
8. Documentation should be made of all interactions with the RCMP officer. Notes in the health record should include what property has been released and the authority (e.g., search warrant) by which it was released. In such a situation, documentation indicating the officer's name and badge number must be entered on the client's health record.

Approved by:		Effective Date:
Chief Nursing Officer	11 FEB 2011 Date	April 1, 2011
	February 11, 2011 Date	
Deputy Minister of Health and Social Services		

