


Chapter:	Access and Disclosure of Information	Classification:	Public Document
Subject:	Office of the Ombudsman		
For:	Entire Division	 Authorized by Executive Director	

1. Policy

1.1 Correctional Services will provide information and assistance to the Office of the Ombudsman consistent with the provisions of the *Ombudsman Act*.

2. Authority

2.1 The *Ombudsman Act* provides for the investigation of provincial and municipal government departments and agencies, and their officers, where there is a written complaint from an individual or on behalf of an individual.

2.2 The *Ombudsman Act* does not normally empower the Ombudsman to investigate areas where there is an appeal or review process, whether or not the complainant has availed themselves of that process.

2.3 Correctional Services complaint and appeal processes are included in Policy and Procedures Chapter 5: Investigations, Inspections and Audits.

2.4 The Office of the Ombudsman may decline to investigate where there are grounds as defined in the *Ombudsman Act*.


3. Mail

3.1 No matter whether an offender has exhausted all available review and grievance processes, in accordance with section 12(4) of the *Ombudsman Act* and subject to the provisions of section 61 of the *Correctional Services Regulations*, all correspondence between an offender and a representative of the Office of the Ombudsman is to be forwarded immediately and unopened.

4. Information

4.1 There is a duty for staff to provide information requested in accordance with the section 17 of the *Ombudsman Act*.

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- 4.2 Section 119(1)(k) of the *Youth Criminal Justice Act* (YCJA) grants access to youth records to a person representing the Office of the Ombudsman.
- 4.3 Where the information requested is subject to any other statute that makes the information confidential, the complaint may authorize Correctional Services staff to supply information, produce documents or answer questions about a complaint under investigation by the Office of the Ombudsman in relation to the complainant where the complainant has provided written consent (see from [4.00.00 - A](#)) Request/Release of Information and sections 17(1), (4) and (5) of the *Ombudsman Act*,.
- 4.4 When providing requested information to the Ombudsman, the staff member responsible will provide photocopies only. The originals may be viewed by a representative of the Office of the Ombudsman for clarification or verification.
- 4.5 Correspondence will accompany the documentation provided to the Office of Ombudsman advising
 - 4.5.1 that the information was obtained in a professional relationship where the offender understood that privacy would be preserved to the extent possible under law
 - 4.5.2 that the information is confidential or protected from direct public access
 - 4.5.3 whether the information provided is confidential or normally protected by legislation, e.g., YCJA
 - 4.5.4 cannot be further disclosed unless done according to applicable legislation

5. Young Persons

- 5.1 Correctional Services has contracted with the Office of the Ombudsman to provide additional services, beyond the scope of the *Ombudsman Act* specifically for young persons in youth correctional facilities. Correctional Services has developed separate terms of reference for this role that provides for an independent and impartial registry of complaints to provide comfort and assurance to young persons. The terms of reference may be updated from time to time.

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6. Clarifications

- 6.1 From time to time staff are required to address situations governed by conflicting or seemingly contradictory legislation or policies. Such cases rarely require immediate action or interpretation. In such cases staff should consult with their immediate supervisor, who may, in turn, refer the matter for further clarification before action; see Policy & Procedures 1.10.00: [Legal Clarification and Assistance](#).