


Chapter:	<b>Access and Disclosure of Information</b>	Classification:	<b>Public Document</b>
Subject:	<b>Requests for File by Individual in Custody or Under Community Supervision</b>		
For:	<b>Entire Division</b>	 Authorized by Executive Director	

**1. Policy**

- 1.1 Correctional Services permits adults and youth in custody or under community supervision access to physical or electronic file information, including audio or video recordings, containing personal information about themselves consistent with the *Freedom of Information and Protection of Privacy Act (FOIPOP)* and the *Youth Criminal Justice Act (YCJA)*.


**2. Request for Access**

- 2.1 Superintendent may establish standard operating procedures (SOPs) or put in place a process to ensure that staff properly explain to an individual in custody the process of requesting access to their files.
- 2.2 Unless the information is of the type the individual may read without prior permission of the superintendent, or senior probation officer, they will authorize an individual's access to review their own file information.
- 2.3 Staff will be present when an individual review their file information.

**3. Types of Information**

- 3.1 Information that the individual may read without requesting the permission of the superintendent, or senior probation officer includes
  - 3.1.1 a copy of their presentence report or any court order naming them
  - 3.1.2 risk needs assessment scoring forms and related reports
  - 3.1.3 personal information that the adult or youth has provided to Correctional Services themselves, e.g., date of birth, address, next of kin

Page 1 of 3	Dated Issued: March 1, 2008 Date of Last Revision: December 19, 2019 Current Revision: December 4, 2020	Subject No. 4.06.00
-------------	---	---------------------

Chapter:	<b>Access and Disclosure of Information</b>	Classification:	<b>Public Document</b>
Subject:	<b>Requests for File by Individual in Custody or Under Community Supervision</b>		
For:	<b>Entire Division</b>	 Authorized by Executive Director	

- 3.2 If an individual wishes to review the entire file, beyond the information listed above, the individual may do so if the superintendent or senior probation officer is satisfied the
  - 3.2.1 additional information does not provide personal or private information regarding a third party
  - 3.2.2 documents that do not provide information that would endanger a third party
  - 3.2.3 the information does not divulge sensitive information about the individual that the individual would not be aware of and that may endanger them emotionally, psychologically, or otherwise
- 3.3 Where the information is on the Justice Enterprise Information Network (JEIN), staff will print the information from JEIN and provide the individual with access only to these printed copies.
- 3.4 Staff will not provide copies of file documentation to an adult or youth unless it is information that individual would normally have, e.g., a copy of a presentence report.

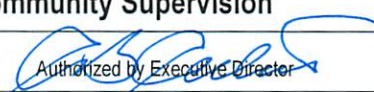
**4. Refusal to Allow Access**

- 4.1 Superintendents and senior probation officers may refuse an individual's request for file access. In such cases, staff may advise the individual that they may submit an application under FOIPOP. See Policy and Procedures, Subject No. 4.01.00, *Access and Disclosure FOIPOP*.

**5. Correction of File Information**

- 5.1 When the individual has reviewed the file and wishes to have information on the file corrected, the superintendent or senior probation officer may
  - 5.1.1 authorize the information to be corrected
  - 5.1.2 require staff to assist the individual in obtaining, and if necessary, completing a request for correction of personal information in accordance with FOIPOP

Page 2 of 3	Dated Issued: March 1, 2008 Date of Last Revision: December 19, 2019 Current Revision: December 4, 2020	Subject No. 4.06.00
-------------	---	---------------------

Chapter:	<b>Access and Disclosure of Information</b>	Classification:	<b>Public Document</b>
Subject:	<b>Requests for File by Individual in Custody or Under Community Supervision</b>		
For:	<b>Entire Division</b>	Authorized by Executive Director 	

**6. Retention of Copies in Correctional Facilities**

6.1 It is the responsibility of designated correctional facility staff to decide if released records can be retained by the individual within the correctional facility. Staff may deny physical possession of copies of file information to the individual when having the information in a living unit or cell where others might gain access, could be detrimental to the individual's well-being e.g., psychological reports. In such cases the copies are to be placed in the individual's personal property.

**7. Clarifications**

7.1 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, Subject No. 1.10.00, *Legal Clarification and Assistance*.