



Title: Coroner Requests for Information held by the Department of Health and Social Services

Category: Information Management

Effective: June 30, 2023

1.0 Scope

1.1 Application

This policy applies to all Health and Social Services employees.

1.2 Purpose

This policy outlines the process for responding to Coroner requests for information as well as employees attending as a witness at an inquest.

1.3 Definitions

Coroner means the chief coroner, an investigating coroner, or a presiding coroner (*Coroners Act*, s. 1).

Order for Production of Records (“Order”) means a document issued by an investigating coroner requesting information related to a deceased person or to the circumstances of their death that may be relevant to an investigation (*Coroners Act*, s. 26(2)(b) and *Coroners Regulation*, s. 16(8))

Solicitor client privilege means the confidential communications between a client and their legal counsel for the purposes of seeking or receiving legal advice.

Summons means a document issued by an investigating coroner requesting the attendance of a witness at an inquest.

2.0 Policy Statement

1. General

The Coroners Act grants the coroner the authority to request all information they require in order to perform an investigation into the circumstances surrounding the death of an individual and the power to compel witnesses for an inquest.

In accordance with s. 58(o) of *Health Information Privacy and Management Act* and s. 26(2)(b), 26(3), and 26(4) of the *Coroners Act*, responsive records may be provided in full to the Coroners Office. The only exception would be if there is information within the records that is subject to solicitor client privilege, as defined above. If that is the case, the HSS Access and Information Management Office will assist you with redacting the necessary information, as outlined in the steps below.

When served with a summons in accordance with section 64 of the *Coroners Act*, an employee who receives a summons must attend on the date and at the time and place mentioned in the summons. If the summons includes a request for information, the responsive program area must collect the information that is in their custody to bring with them to the inquest. If any of the information contains solicitor-client privilege, the HSS Access and Information Management Office will assist the employee with redacting the necessary information. The attached appendix B identifies the requirements for a summons.

2. Information Requested

Requests for records held by HSS are received in the form of an Order for Production of Records ("Order") submitted directly to the responsive program area(s) that holds the information. If there are multiple responsive program areas, the Order will identify each program area explicitly, and the request sent directly to each program area. If the responsive program area is unknown, the Order will be submitted to the HSS Access and Information Management Office, so that office can assist in identifying the responsive record holders and support the production of records.

Should the Order request information from the Department overall, the program area who receives the Order will provide their own records as well as sending the Order to the HSS Access to Information Office to coordinate the records search across the department.

3.0 Steps for Coroner Request

1. All requests from the Coroner's Office must be submitted via a Coroner's Order for Production of Records for a records search to be initiated. The attached appendix A identifies the requirements for the Order for Production of Records.
2. Program areas will prioritize the search for responsive records to respond by the date on the Order for Production of Records.

3. If the program area cannot meet the deadline stipulated in the Order, the program area must immediately notify the Coroner via the method stipulated in the Order to request an extension.
4. Once the responsive records are identified, program area staff must perform a review for solicitor-client privilege within the records. If solicitor-client privilege is present, route the responsive records through the HSS Access and Information Management Office to redact the information from the records before sending to the coroner.
5. Program areas with responsive records should disclose the records directly to the Coroner via the contact method stipulated in the Order. If stipulated by email, **all records must be submitted via secure file transfer** [Home | Government of Yukon Secure File Transfer](https://sft.gov.yk.ca) (<https://sft.gov.yk.ca>).

VERSION: 1

DATE APPROVED: July 18, 2023

APPROVED BY: Ed van Randen
Deputy Minister (print)


Deputy Minister (signature)

SPONSOR: Chief Information Officer

CONTACT: HSS Privacy Officer

KEYWORDS: HIPMA, Coroner

RELATED REFERENCES: *Health Information Privacy and Management Act, Coroners Act*

DATE TO BE REVIEWED: June 30, 2024

DATE AMENDED:

Appendix A – Order for Production of Records Requirements

Section 16(8) of the Coroners Regulation 2021/114 sets out the following requirements for the Order of Production for Records:

- entitled “Order for Production of Records”
- a statement that the Order is being made by an investigating coroner under s. 26(2)(b) of the Coroners Act
- the name of the person being ordered to produce the records
 - **the specific program area(s) to be searched will be identified here**
 - **If the entirety of the department is required to be searched, the Order will be submitted to the HSS Access and Information Management Office.**
- a list of the records being ordered to produce
- the name of the person to whom and the deadline by which the records are to be sent by
- any conditions placed on the Order
- the signature and printed name of the investigating coroner
- the date the Order is signed
- the location where the Order is signed
- a statement setting out the text of s. 83 and 84 of the Coroners Act (obstruction and general offence sections)

Appendix B – Order for Production of Records Requirements

Section 64 of the Coroners Act sets out the following requirements for a summons:

- any person may be summoned to appear at an inquest;
- to appear on the date and at the time and place mentioned in the summons;
- to give evidence on matters that are relevant to the subject matter of the inquest;
- to bring with them and produce any document or thing that is relevant to the subject matter of the inquest and that is in that person's possession or under their control;
- the summons must be served in the same manner as a summons served under the *Jury Act*;
- a person who is summoned may appear in person, by telephone or by electronic means.