



PROFESSIONAL GUIDELINE

Disclosure of Patient Information to Law Enforcement Authorities

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Related topic(s): [Medical Records Documentation](#); [Medical Records Management](#); [Disclosure of Adverse or Harmful Events](#); [Reporting a Child in Need of Protection](#)

A professional guideline reflects a recommended course of action established based on the

Preamble

This document is a professional guideline of the Board of the College of Physicians and Surgeons of British Columbia. It is intended to assist registrants in responding to requests for disclosure of information received from law enforcement authorities.

College's position

Registrant-patient confidentiality is a fundamental principle recognized by the College, by the Canadian Medical Association's _____ (Patient privacy and the duty of confidentiality, sections 18-21), by the _____ of British Columbia, by the Canadian Medical Protection Association (_____, P1101-3-E, November 2011) and by the courts (_____ [1999] 1 SCR 455).

When a patient consults a registrant in respect to their health care, they will disclose sensitive personal information. The patient has a right to expect that this information will not be disclosed without consent except in exceptional circumstances. Registrants should not assume that personal health information must be disclosed based on a mere request by a law enforcement authority. Instead, a registrant must be satisfied that a recognized exception to registrant-patient confidentiality applies.

There are four circumstances where patient information may be disclosed to law enforcement authorities.

1. Express consent

Disclosure is permitted when the patient has expressly consented to the disclosure.

2. Court order

A court order will generally either be a search warrant or a subpoena. A different response is required depending on what document the law enforcement officials produce.

A search warrant grants the police broad legal authority to search for and seize evidence. Registrants should review the warrant and only release the information specified in it. They should take care not to disclose any other information.

A subpoena is an order to appear in court, often including a direction to bring patient records along. A subpoena generally does not require the registrant to speak to anyone about the contents of the records or any aspect of a patient's health before being ordered to do so by the court. The patient's records should be placed in a sealed envelope and not released to law enforcement officials until ordered to do so by the court.

3. Required by statute

A number of statutes require physicians and surgeons to disclose patient information to third parties (see the College's _____).

For example, in certain circumstances under sections 13 and 14 of the _____, RSBC 1996, c.96, any person who has reason to believe that a child is in need of protection under section 13 must promptly report the matter to a director or person designated by a director (see _____). However, once a report has been made the information actually contained

in the registrant's file is still subject to registrant-patient confidentiality and cannot be released without express consent of the patient, specific court order, or the information **[REDACTED]** for the public safety, **[REDACTED]**

Sections 2 through 5 of the **[REDACTED]**, SBC 2010, c.7, requires a health-care facility or an emergency medical assistant who treats a person for a gunshot or stab wound to disclose cert