



POLICY

Section	Administration	Date Board Approved	February 2024
Policy #	A-12	Revision/Review Date	
Subject	Legal Requirements		
Department	Facility		
Related Regulations & Policies	Freedom of Information and Protection of Privacy Act, P-7 Confidentiality Policy A-17 Privacy Policy Freedom of Information and Protection of Privacy Act Accreditation		

1. Purpose

This policy provides information and guidance to staff in responding to subpoenas, search warrants, summons, lawful investigations, and other legal processes that are directly related to Cypress View Foundation (CVF) operations. It applies to all CVF staff.

2. Policy Statement

CVF staff comply with the requirements of properly served legal documents, such as warrants, search warrants, summons and subpoenas; and with lawful investigations, including orders or requests for records; that are related to CVF operations. CVF staff inform and seek the advice of the CVF CAO. Within the bounds of such legally required compliance, CVF staff protect the privacy and confidentiality rights of individuals, as defined elsewhere in CVF policy.

3. Definitions

- a) **Lawful Investigations:** Inquiries conducted by legislatively authorized bodies such as police, ombudsperson, or coroner's service.
- b) **Legal Services Branch:** A section of the Ministry of Justice that provides legal advice and representation to government and government bodies. The people who provide this service are lawyers and are generally referred to as legal counsel.
- c) **Ombudsperson:** An independent officer of the provincial legislature who is appointed under the Ombudsperson Act. They investigate complaints about the conduct of government authorities, including CVF, and makes recommendations regarding administrative fairness.



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They have the same powers as a court to require that records be produced.

3. Legal Documents

- a) **Search Warrant:** A written court order entitling law enforcement officer(s) to search a defined area and seize certain property.
- b) **Subpoena:** A document requiring a person to attend court to be a witness and give oral evidence under oath regarding a matter of which they have personal knowledge.
- c) **Summons:** An official order requiring a person to appear before a court, either to answer a charge or to give evidence.
- d) **Warrant:** A written order issued by a Justice authorizing law enforcement officer(s) to make an arrest, seize property, make a search, or carry a judgment into execution.

4. Procedures

When presented with an event or situation covered by this policy, the following procedures apply, except as others required by law.

- a) **Staff:**
 - i. Advise the CAO or his/her designate immediately.
 - ii. Arrange to have legal documents served on legal counsel or the CAO.



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- iii. rather than on a CVF staff person wherever possible (other than subpoenas and warrants covered in the section when served with a warrant or subpoena).
- iv. Ensure that legal counsel has been consulted before releasing any documents related to events covered by this policy to a potentially affected individual or service provider.
- v. Subpoenas and warrants are in a class of their own, as they are required to be served on the individual that is named in the warrant or subpoena. This is different from all other types of legal documents, as both subpoenas and warrants compel an individual (not the organization) to take a particular action. Staff, who are served with a subpoena or warrant, bring this to the attention of their manager, or CAO, and CVF’s legal counsel, directly after they are served.
- vi. When served with a subpoena, staff discuss the matter with CVF legal counsel prior to attending court or providing any records. Staff do not discuss the matter with or provide records to a lawyer for any other party. When an Individual, family member or service provider brings legal counsel to a meeting Staff follow appropriate consultation prior to the meeting if they have advance notice.
- vii. Where an individual, family member or service provider unexpectedly comes to a meeting with legal counsel, staff advise them that they must consult with their CVF Manager. Where possible, the CVF Manager, or staff person if so directed by a CVF Manager, consults with legal counsel and the Manager, before continuing with the meeting. When in receipt of an Order to Produce Records, staff do not produce records until legal counsel has seen the order. This is because legal counsel may wish to seek a return to court to include terms to protect the privacy of informants and/or third parties.
- viii. Once approved by legal counsel, staff print any required records rather than providing access to Comvida or Yardi to a law enforcement officer. When in receipt of a letter or a call from a Lawyer representing another party unless otherwise advised by the Manager, Quality Assurance, staff refer the letter or call to legal counsel.



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5. Practice

- i. Complying with legal requirements while honoring individuals' confidentiality rights may require judgment. While the legal requirements take precedence, staff are encouraged to balance them as much as possible with the right to confidentiality and the best interests of individuals. CVF managers, CAO, and Board of Directors.
- ii. The legal framework governing privacy and information sharing is found in The Freedom of Information and Protection of Privacy Act and summarized for staff in the Confidentiality Policy and Privacy Policy.

6. Role of the CAO

- i. Provides advice and support to CVF managers and staff.
- ii. Acts as the key liaison with legal counsel on CVF's behalf.
- iii. Advises legal counsel immediately of events covered by this policy and provides relevant documentation to legal counsel. Notifies alternate legal counsel identified by Legal services branch if the CVF assigned legal counsel is not available, and immediate action is required.
- iv. Consults with legal counsel about the appropriate response to specific situations. Identifies potential improvements within the organization indicated as a result of legal actions or involvements.
- v. Tracks all events covered by this policy.
- vi. Informs the Board of Directors of events covered by this policy.



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7. Documentation

- i. Copies of any documents pertaining to an event covered by this policy are provided to the CAO immediately.
- ii. Staff document all events covered by this policy, and their actions in response to them, in HR file.
- iii. HR Staff scan any legally served documents related to an individual and file HR Office.

Board Chair Signature

Date