

Employment and Assistance Appeal Tribunal
Guideline for Members

Confidentiality

December 2008

Confidentiality and Privacy Obligations

1. All appeal information and documentation – hard copy and electronic - must be protected from being viewed by anyone other than the panel members or the parties to the appeal (s. 88 EAR).
2. Panel members must ensure all appeal documents, and information submitted to them respecting the hearing of an appeal, are kept confidential and in a secure location at all times (s. 88 EAR); (s. 30 FOIPPA).
3. Determinations of a panel must not be disclosed by the chair and members of the panel to any person other than the Chair of the Tribunal (s. 88 EAR).
4. Appeal proceedings before a panel are confidential and the hearing is not open to the public (s. 88 EAR).

Maintaining Confidentiality and Privacy in:

Writing and reviewing the Tribunal Decision

The panel chair must sign the Decision Form Confidentiality Agreement prior to receiving an electronic copy of the Tribunal Decision template.

Panel members must ensure their computer has adequate virus protection.

The file where the draft Tribunal Decision template is stored is to be password protected.

Sending the draft Facts and Reasons to panel members for review

Ensure that the Facts and Reasons do not contain any identifying information when being sent to panel members for review.

Submitting the panel decision to the Tribunal Chair

The panel chair must deliver the completed Tribunal Decision form as soon as possible after the completion of the hearing. The decision may be sent by fax to the Tribunal at 1-877-356-9687 or by email to eaat@gov.bc.ca. The first and last pages of the decision are not to be included in the email as they contain personal identifiers.

Once the panel chair receives confirmation that the decision meets the legislative requirements, the original signed decision is to be returned to the Tribunal with the appeal documents and the electronic decision is to be deleted.

Returning the Documents to the Tribunal

All appeal documents, including the appeal record provided by the Tribunal, documents received from the parties at the hearing, and handwritten notes, must be returned to the Tribunal in the envelope provided, via Canada Post within 5 business days after making its determination (s. 86 EAR). Each panel member is responsible for the documents provided to him or her.

The panel chair will collect the appeal documents from panel members after the conclusion of the hearing and return them to the Tribunal in the envelope provided. Exceptions to this may be when members attend by teleconference or when a member requires his or her documents to write a dissent.

All hand written notes are to be placed in the envelope labelled "Transitory Notes" and returned (for confidential destruction) to the Tribunal with the Appeal Record.

Breaches of privacy by panel members will be considered in performance evaluations.