

Procedure: 70.00

Subject: Access to File Information

70.00 Introduction

Worker and employer information is collected by WorkplaceNL to administer the Workplace Health, Safety and Compensation Act, 2022. Policy GP-01, Information Protection, Access and Disclosure, establishes criteria for access to personal and other confidential (non-public) information. The following procedure outlines the process involved in accessing file information and the associated fees for worker, employer and third-party access.

70.01 General

The Request for File Information form must accompany all requests for file information. WorkplaceNL will accept a request for file information in letter format provided the letter includes details that are equivalent to those found on the applicable Request for File Information form.

70.02 Access to File Information

WorkplaceNL will provide at no charge:

- a copy of claim file information to a worker and their authorized representative;
- a copy of firm file information to an employer and their authorized representative; and
- a copy of new information to a worker, employer and their authorized representative placed on file since the last request.

Where a worker or employer appoints a new or additional authorized representative, a copy of the applicable file information will be provided to that representative upon receipt of a new Request for File Information form.

Any requests for information previously released to a worker, employer and their authorized representative will be provided as per the fee schedule below.

70.03 Employer Access to Claim File information

Scope of the Review of a Decision

An employer or their authorized representative may request access to a worker's claim file information where a Request to Review a Decision has been registered with Internal Review.

WorkplaceNL reviews the file to identify information relevant to the review of the decision in question, and provides a copy of the relevant information in the claim file, at no charge.

Where an employer appoints a new or additional representative, a copy of the information relevant to the review of the decision will be provided to that representative at no charge. The worker will be notified when information is provided to the employer or their authorized representative.

Release under General Disclosure

WorkplaceNL will provide a copy of the claim file information to the employer or their authorized representative at no charge. Relevant information for release is guided by Policy GP-01, Information Protection, Access and Disclosure, under Section 2.1 General Disclosure.

70.04 Third Party Access to Claim File Information

WorkplaceNL will provide a copy of the requested claim file information to a third party, as per the fee schedule below. Relevant information for release is guided by Policy GP-01, Information, Protection, Access and Disclosure, Part II, Section 5 Disclosure to Third Parties. All requests for file information must be submitted using WorkplaceNL's Request for File Information form.

Fee Schedule

An administrative fee of \$25.00 + \$0.25 per page will be applied where indicated above.

Merits and Justice

Where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22 Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent setting.

Reference: Access to Information and Protection of Privacy Act, 2015
Personal Health Information Act
Workplace Health, Safety and Compensation Act, 2022
Policy GP-01, Information Protection, Access and Disclosure
Policy EN-22, Merits and Justice

Amendment History

Original Effective Date 2018 04 25

Revised 2022 07 05

Next Review Date 2027 07 05